



CITY COUNCIL AGENDA February 22, 2022

J. Lloyd Snook, III, Mayor
Juandiego Wade, Vice Mayor
Sena Magill, Councilor
Michael K. Payne, Councilor
Brian R. Pinkston, Councilor
Kyna Thomas, Clerk

Register at www.charlottesville.gov/zoom. This meeting is being held electronically in accordance with a local ordinance amended and re-enacted October 4, 2021, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

4:00 PM AFTERNOON MEETING

Call to Order / Roll Call

Agenda Approval

Reports

1. Report: Charlottesville Area Alliance Overview and Preview of the 2021 Annual Report
2. Report: "State of the Forest" - Tree Commission Annual Report
3. Discussion: Virginia Institute of Government introduction

5:30 PM CLOSED MEETING as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (legal consultation)

6:30 PM EVENING MEETING

Moment of Silence

Announcements

Recognitions/Proclamations

Consent Agenda*

4. Minutes: January 5 meeting, January 18 meeting
5. Ordinance: Amending and reordaining Section 15-99 of Chapter 15 (Motor Vehicles and Traffic) of the Code of the City of Charlottesville, 1990, as amended, to reduce the speed limit on 5th Street S.W. (2nd reading)
6. Resolution: Appropriating funds for the Runaway Emergency Shelter Program Grant - \$209,444 (2nd reading)
7. Resolution: Approving a Minor Action Plan Amendment to the FY2021-2022 Community Development Block Grant Action Plan to authorize the Community Investment Collaborative to implement a contingency plan for expenditure of CDBG funding on or before June 30, 2022 (1 reading)
8. Report: Historic Resources Committee status report on memorialization

City Manager Report

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

Action Items

9. Action Item: 605 Preston Place - Appeal of BAR (Board of Architectural Review) approval of a Certificate of Appropriateness
10. Resolution*: Collective Bargaining
 - a. By Motion: Action regarding proposed Collective Bargaining Ordinance received by City Council on October 29, 2021
 - b. Resolution*: Affirming City Council's intention to explore implementation of Collective Bargaining for the City of Charlottesville employees (1 reading)
11. Resolution: City Council procedures and calendar
 - a. Resolution*: Adopting Council's Rules of Procedure with amendments discussed at the January 26, 2022 Council work session (1 reading)
 - b. Resolution*: Amending the City Council regular meeting schedule for 2022 to reflect meeting time changes (1 reading)

General Business

12. Presentation: Presentation from the Commissioner of the Revenue on Rising Vehicle Valuations

Other Business

Matters by the Public

*Action Needed

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



Agenda Date:	January 18, 2022
Action Required:	Report
Presenter:	Marta Keane, CEO, JABA Chair, Charlottesville Area Alliance
Staff Contacts:	Misty Graves, Interim Director of Human Services
Title:	Charlottesville Area Alliance Overview and Preview of the 2021 Annual Report

Background:

The Charlottesville Area Alliance is a regional organization whose primary purpose is to provide leadership and development for an age-friendly community through education, advocacy, engagement, planning and evaluations. Partnering member organizations create an age-friendly community by developing a common understanding of the needs and issues, developing policy recommendations, and joining together to encourage the implementation by government, nonprofit organizations, the general public and businesses.

City Council signed a resolution supporting the Charlottesville Area Alliance and its goals of an age friendly community on March 16, 2017 as well as the city's registration with the A.A.R.P. Livable Community Initiative. The World Health Organization and A.A.R.P. identify eight primary domains constituting a livable, age friendly community including: buildings and outdoor spaces, transportation, housing, social, respect and social inclusion, civic participation and employment, communication and information, and community support and health services. City staff, including Sue Moffett from the Department of Social Services, and Misty Graves from the Department of Human Services, participate in Alliance activities and committees.

Discussion:

In April 2021, the Charlottesville Area Alliance presented an overview of the 2020 Annual Report and the 2021-2026 A.A.R.P. Age Friendly Action Plan. For new Council members, the Alliance will provide an overview and updates on progress that will be reflected in the upcoming 2021 Annual Report. The Action plan is the result of a thorough review of the M.A.P.P.2Health Community Health Assessment and Health Improvement Plan data, a survey of constituents in the region, and a series of focus groups. Based on this analysis, the Alliance reports that community members over the

age of 50 generally have sufficient food, are socially engaged, and enjoy their quality of life. Survey results also point to a lack of affordable housing for seniors in this region and that people over 50 years old do not feel socially included in community. The Alliance has identified steps to take to improve this region's livability in the attached action plan. Recently Charlottesville (and Albemarle) were selected as the Key City for Virginia for the National AARP Livable Community project.

Alignment with City Council's Vision and Strategic Plan:

The goals of the Charlottesville Area Alliance are aligned with City Council Strategic Plan Goal #2: A healthy and safe city.

Community Engagement:

The Charlottesville Area Alliance is working to create a diverse and representative coalition representing the broad needs of the community and identify ways to engage community members in data collection and feedback. This action report was created after engaging community members over 50 through survey administration and focus groups. The Charlottesville Area Alliance has bi-monthly Partnership meetings that include 44 partner organizations and representatives.

Budgetary Impact:

This item has no budgetary impact.

Recommendation:

N/A

Alternatives:

N/A

Attachments:

Charlottesville Area Alliance 2020 Annual Report and 2021-2026 A.A.R.P. Livable Community Action Plan
World Health Organization Age Friendly Checklist

Charlottesville Area Alliance

AGE-FRIENDLY ACTION PLAN 2021-2026 / 2020 ANNUAL REPORT



Chair's Welcome

MARTA M. KEANE, JABA CEO

Welcome to the Charlottesville Area Alliance's (CAA) first AARP Age Friendly Action Plan for 2021-2026 and Annual Report of 2020 CAA Activities. This first plan follows age-friendly elements to create a livable regional community. It has been nearly six years of volunteer effort: first organizing our community partners, identifying initial work activities, then developing, distributing, collecting, and analyzing regional aging needs. The effort has culminated in an action plan to guide our work over the next five years toward a more age-friendly community.

Many agencies and individuals contributed to this work, and a special thank you goes to the original Gang of 5 who had the foresight to initiate the discussion and establish a vision to invite the necessary partners together to begin this effort, not just for one organization or for one community, but for the entire region. Residents of all ages will see the benefits of what we have begun.

“Winning communities in the future will be the ones that invest in creating great places to live, work, learn, and play at every age. The Charlottesville Area Alliance is the right idea at the right time.” - Matt Thornhill, Founder & President, Boomer Project & Generations Matter

The CAA Steering Committee decided to incorporate the Annual CAA Report for 2020 into the 2021-2026 Age Friendly Action Plan to provide the full breadth of the past, present and future work of the CAA. Having to continue the momentum through 2020 during the COVID-19 pandemic proved very challenging as Partners continued working on CAA initiatives while their own agency's workload increased to meet the challenges of the pandemic. Many activities were limited due to this and due to the inability to fully interact with area seniors.

We already have so many community assets working for us, and with your commitment and prioritization, we can grow these assets and overcome the challenges to improve the quality of life for residents and visitors of all ages.

I look forward to working with you on this journey.

Marta M. Keane
CAA Chair

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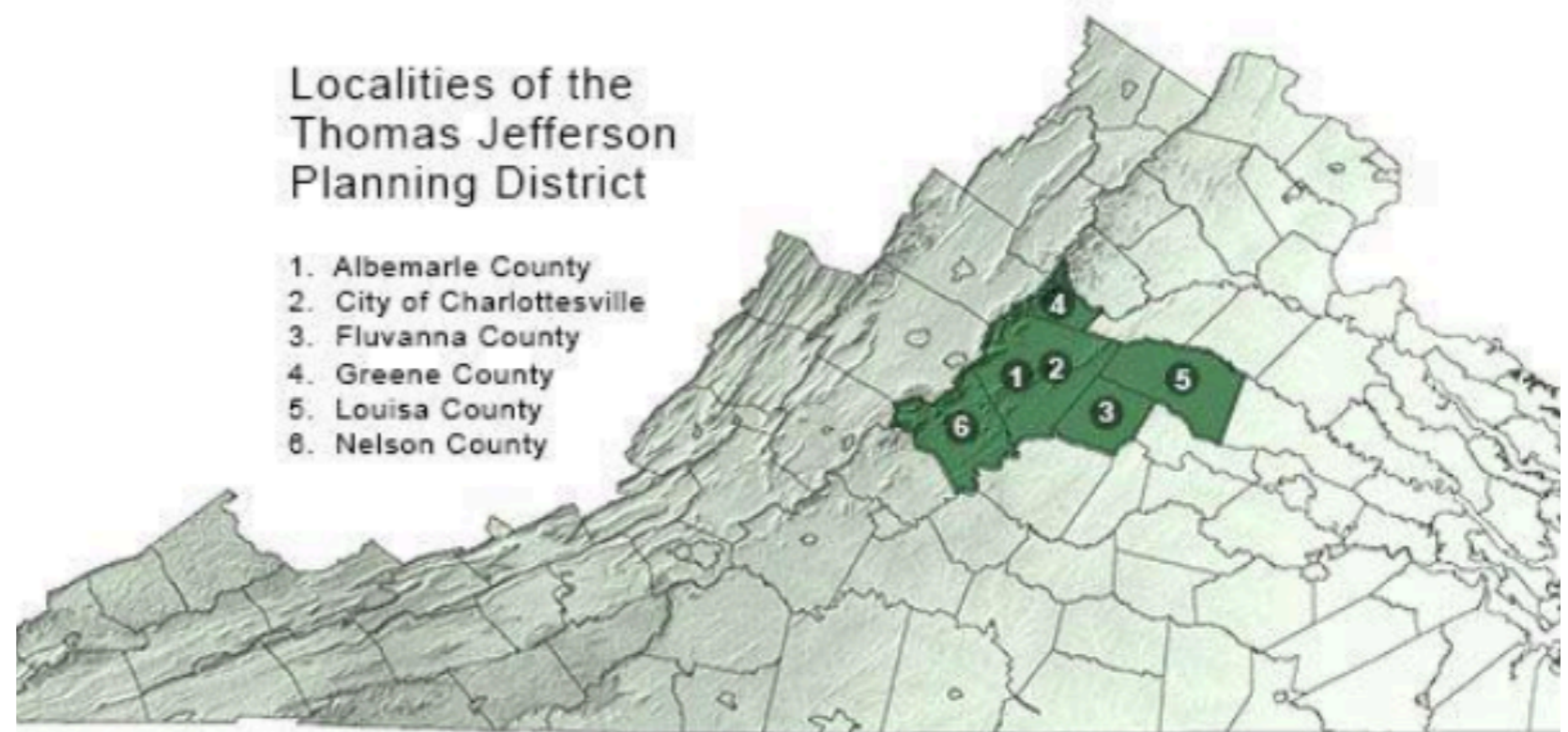
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The Charlottesville Area Alliance serves the localities in (Virginia) Planning District 10, which include the City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson. The region is defined as the Charlottesville Metropolitan Statistical Area (MSA) for statistical purposes (the MSA does not include Louisa County). The region's economy and population continue to flourish and grow. According to updated estimates of the 2010 U.S. Census, the area has a population of 249,000. The diverse economy of the region provides a variety of employment opportunities in education, biomedical/health services, business and financial services, arts and hospitality, information technology and telecommunications. With a 2019 civilian labor force of about 122,912, the Charlottesville MSA provides companies with a large labor pool and over 36,000 students enter the workforce each year. The unemployment rate has remained lower than the state average and was at 3.2% in November, 2020. In 2019 the



Planning District 10, which include the City of Charlottesville and the Counties of Albemarle,

per capita personal income was \$42,734 and the median family income was \$75,907. The cost-of-living is 4.5% above the national average.

The median age for the MSA is 38.9 years old with University of Virginia students contributing to that low median. Thirty-eight percent of the population is 50 years old or older. Seventy-two percent of the population

drive alone to work and only 3% travel by public transit. Of the 100,000 housing units, the median value of owner-occupied housing units is \$317,700, 30% higher than the US median (US 2019 - 1-year Census data). By 2030, it is expected that 25% of the population will be 60 and older. People choose to age in place here, and retirees find this a comfortable community to move to. Of those 60

and over, 20% live alone, and 11% live at 100% poverty level (\$11,000 /year/ single person).

All of the region's public schools are accredited under Virginia state standards with low student-teacher ratios among more than 50 elementary and secondary schools. The larger area also has a variety of higher education institutions such as the University of Virginia, Piedmont Virginia Community College and a number of other institutions of higher education providing a diverse range of degree programs and continuing education opportunities for the area's citizens.

The Charlottesville MSA offers a variety of retail shopping options, as well as a rich assortment of cultural and entertainment activities. Many civic and social organizations help foster the area's reputation for sophistication in the arts. The Charlottesville MSA's location on the eastern edge of the panoramic Blue Ridge Mountains encourages residents to take advantage of outdoor recreational pursuits such as camping, picnicking, and hiking. Fishing is also a popular activity as many of the mountain streams and lakes are well stocked with trout. Numerous local recreational facilities are available throughout the region. Golf courses, swimming, tennis, horseback riding, hiking, cycling, and canoeing provide opportunities for recreation for the entire family. In addition, the region has many historic attractions. Festivals and special events are held year-round across the region.



The idea of the CAA began in 2014 after a group of leaders identified the growing population within our region of persons 65 years and older from 24,488 in 2000 to over 32,000 in 2010 and projected growth rates to 57,000 by the year 2030. Currently, 9% of the population in Charlottesville and 16% of the population in Albemarle County are over the age of 60. With the large number of baby boomers reaching 60, there will be a marked shift in this population, as people continue to age in place and to retire here. The increasing the number of seniors brings benefits and challenges to the community:

- People living many more years after retirement, which results in reducing their resources.
- The lack of extended families due to smaller size of families, geographic distance, and /or estrangement, which results in lack of support and caregiving systems.

- Increase in the incidence of dementia in an aging population.
- Opportunities to utilize seniors in educational, recreational, workforce community needs.
- Wisdom and experience brought to the community as a whole and individuals they meet.

In review of these growth rates and projections, a group of eight leaders from Alzheimer's Association, Cville Village, Hospice of the Piedmont, JABA, JAUNT, OLLI, The Center, and Westminster-Canterbury of the Blue Ridge began work on creating an organization to plan for the comprehensive needs and opportunities of an aging population. Charlottesville and Albemarle County have signed the charter with AARP, making the commitment to developing an age-friendly community. Fluvanna County has also made the commitment to CAA. Partners of the CAA work closely with staff and elected officials in planning and implementing measures

to collectively improve the quality of life for residents of all ages in the region.

This group made the decision to use the World Health Organization's 8 Life Indicators for an age-friendly community to measure the performance and impact of the CAA's efforts in the community. Partners in the CAA are asked to **adopt the inclusion of the 8 life indicators** in the decision-making process of their planning and service delivery.



- *Buildings & Outdoor Spaces:* The outside environment and public buildings have a major impact on independence and happiness later in life.
- *Transportation:* Whether using public transportation services or alternative options, transportation is a key issue for older adults.
- *Housing:* Housing and support allow people in later life to age comfortably and safely within their own community and financial means.
- *Social:* Social participation is strongly connected to good physical and mental health and well-being throughout life.
- *Respect & Social Inclusion:* Feeling valued and respected is important for older people from all backgrounds.



8 LIFE ELEMENTS

FOR AN AGE-FRIENDLY COMMUNITY



- *Civic Participation & Employment:* An age friendly community provides options for all people in later life to contribute back to it.
- *Communication & Information:* Staying connected with events and people and getting timely, practical information to manage life and meet personal needs is vital for active living.
- *Community Support & Health Services:* Community support and interaction is strongly connected to good health and wellbeing throughout life, alongside accessible and affordable healthcare services.

Working Groups

The CAA operates through volunteers from Partner agencies as well as community citizens and businesses. Work is completed under the leadership of a Steering Committee, and through a number of Work Groups where all partners participate.

WORK GROUPS to organize the operations of the Alliance:

- Executive Committee and Administration
- Advocacy & Education
- Assessment & Monitoring & Planning
- Engagement

An annual work plan is developed by current work groups with goals and work strategies for the coming calendar year.

Current CAA Officers 2021

Chair: Marta Keane, JABA

Vice Chair: George Worthington, Dementia Friendly Central Virginia

Secretary: Mary Honeycutt, JAUNT

Current CAA Partners 2021

Albemarle County - Alzheimer's Association (Central and Western Virginia Chapter) - Albemarle Housing Improvement Program (AHIP) - The Charlottesville Area Association of REALTORS® (CAAR) - Care is There- the Center (formerly the Senior Center) - City of Charlottesville - Cville Village - Dementia Friendly Central Virginia - EcoVillage Charlottesville - Fluvanna County - Here to Stay Wintergreen - Home Instead - iTHRIVE -Translational Health Research Institute of Virginia - JAUNT - JABA - Legal Aid Justice Center - Lindsay Institute for Innovations in Caregiving - Martha Jefferson House - Meals on Wheels (Charlottesville) - The Osher Lifelong Learning Institute at the University of Virginia (OLLI) - Piedmont Housing Alliance (PHA) - Region Ten - Senior Statesmen of Virginia - Sentara Martha Jefferson Hospital - The Blue Ridge Health District (Virginia Department of Health) - The Thomas Jefferson Planning District Commission (TJPDC) - United Way–Thomas Jefferson Area - University of Virginia Health System -VisitAble - Westminster-Canterbury of the Blue Ridge

AARP Action Plan 2021 - 2026

CHARLOTTEVILLE AREA ALLIANCE 10



An age-friendly community is defined as one that “enables people of all ages to actively participate in community activities and treats everyone with respect, regardless of their age. It is a place that makes it easy for older people to stay connected to people that are important to them” (World Health Organization).

The CAA’s primary purpose is to provide leadership for, and development of, an age-friendly community through educating, advocating, engagement, planning, and evaluation. This is accomplished by developing a common understanding of the needs and issues, developing policy recommendations, and joining together to encourage implementation by government, non-profit organizations, the general public and businesses.

CAA determined early on that a national model would be the best approach to achieve age-friendly goals within our community. The CAA adopted the World Health Organization’s model, with the sponsor in the United States being AARP’s Livable Communities Network of Age Friendly Communities program.



People of all ages benefit from the adoption of policies and programs that make neighborhoods walkable, feature transportation options, enable access to key services, provide opportunities to participate in community activities, and support housing that’s affordable and adaptable. Well-designed, age-friendly communities foster economic growth and make for happier, healthier residents of all ages.

AARP recommends a community assessment and development of an action plan for members of its age-friendly network. An action plan was created based on the results of the community surveys identifying needs within the 8 Domains of Livability that influence the health and quality of life of older adults. The action plan is an "active" rather than static document. Revisions and amendments are a sign of program improvement and progress, not of failure. Depending on what's in the plan, organizers will determine how to track its progress toward meeting its goals and objectives. If it isn't succeeding, the plan is amended.

Background

Beginning in 2018, the partners and stakeholders of CAA worked to develop a common understanding of the needs, issues and opportunities of an aging population in our region. They engaged the community and collected data with the goal of making policy recommendations to local governments and service providers. The CAA used a three-pronged assessment approach of community members ages 50 and over. CAA members collected 322 surveys and conducted four focus groups in the City of Charlottesville and Counties of Albemarle, Fluvanna, Louisa and and Nelson. Demographics of those surveyed are below. A study overview is provided in the appendix.



CAA's review of their focus group interviews and a thorough review of the MAPP2Health Community Health Assessment and Improvement Planning report produced by the Thomas Jefferson Health District resulted in the following two recommendations.

- 1.** Review discrepancies between the Thomas Jefferson Health District (TJHD) Community Health Survey and the Charlottesville Area Alliance's Age-Friendly Community Survey. The former primarily assessed how community members respond to resources, while the latter primarily assessed how seniors perceive access to resources.
- 2.** Present key findings from the MAPP2Health Community Health Assessment in a comprehensive, easily readable report (CAA Action Plan in AARP format) that includes action items for follow up by City and County representatives.



Key Highlights

Key highlights of the results indicate that seniors age 50 and over in our community are:

- Generally food secure
- Socially engaged
- Rate the community as good place to age
- Enjoy their quality of life

Alternatively, findings show that some seniors:

- Do not feel socially included in their community
- Believe that there is not enough affordable housing in the area, leading to higher rates of stress about paying rents, mortgages and living expenses

Key Findings

Key findings were identified by the 8 WHO Life Elements. Upon review and approval by the CAA Steering Committee, three Priority Action Areas were identified:

A. Transportation

B. Housing

C. Combined domains of Social Participation and access to Health Services

Remaining recommended findings would be placed in a secondary priority level to be addressed as resources and time become available for the CAA.

<p>Domain 1: Outdoor Spaces and Buildings <i>Survey respondents most requested...</i></p> <ul style="list-style-type: none"> - Improvements to roads, sidewalks, and lighting - Community centers, space to engage in social activities and entertainment - Handicap parking spots - Parks and walkable areas 	<p>Domain 5: Respect and Social Inclusion <i>Survey respondents most requested...</i></p> <ul style="list-style-type: none"> - Inclusion in conversations that affect seniors (housing, healthcare, safety, etc.)
<p>Domain 2: Transportation <i>Survey respondents most requested transportation that...</i></p> <ul style="list-style-type: none"> - Is more reliable - Is low-cost/affordable - Travels to rural parts of counties - Will make quick, spontaneous trips for local errands - Expands JAUNT service 	<p>Domain 6: Civic Participation and Employment <i>Survey respondents most requested...</i></p> <ul style="list-style-type: none"> - Part-time employment opportunities - Volunteer opportunities
<p>Domain 3: Housing <i>Survey respondents most requested...</i></p> <ul style="list-style-type: none"> - Thorough explanation regarding what affordable housing is - Senior living, handicap living, and age in place communities - More affordable housing stock and adequate low-income housing - Better system for finding housing 	<p>Domain 7: Communication and Information <i>Survey respondents most requested...</i></p> <ul style="list-style-type: none"> - A community support system to check on the fragile and disabled - A central location to access resources
<p>Domain 4: Social Participation <i>Survey respondents most requested...</i></p> <ul style="list-style-type: none"> - More social gatherings, especially geared toward seniors - Community centers 	<p>Domain 8: Community and Health Services <i>Survey respondents most requested...</i></p> <ul style="list-style-type: none"> - Accessible healthcare - Computer training and increased internet and computer access - Seasonal help (snow removal, lawn care, etc.)

Areas of Focus

With a vision of the greater Charlottesville area becoming the most age friendly community in the country, CAA has accepted the mission of leading the advancement of this initiative. The CAA Leadership Team selected three areas to focus their initial efforts on: Transportation, Housing and Social Participation. Social Participation includes health care and social interaction as measures for this area of focus.

CAA will work with the communities to achieve these goals by 2026.



HOUSING ACTION PLAN

GOAL 1

Increase the amount of affordable housing that is energy efficient and easily accessible to amenities

Use land use regulations to increase density, accessory dwelling units, manufactured housing and other approaches to bring costs down

ACTION STEP DESCRIPTIONS	WORK GROUP, AGENCY, PERSON RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Review Regulations	PLANNING WORK GROUP			Partnership volunteers	Document reviewing regulations to support affordable housing	Utilize regional housing plan of 2021 & Charlottesville Housing Plan 2021
Develop policy suggestions	PLANNING WORK GROUP			Partnership volunteers	Approved recommendations from Steering Committee	
Propose regulations to decisionmakers	PLANNING WORK GROUP			CAA Leadership time	Meetings with decisionmakers for future local government adoption	

GOAL 2

Increase the amount of accessible housing

The City of Charlottesville’s Design for Life program could be an example to emulate; it provides reductions in permit fees if accessible features are incorporated; there are two levels with difference discounts: Level 1: Visit-Ability and Level 2 Live-Ability

ACTION STEP DESCRIPTIONS	WORK GROUP, AGENCY, PERSON RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Develop regional standards or guidelines for accessible features	PLANNING WORK GROUP				Document describing regional standards for Steering Committee approval	
Share regional standards with community and decision makers	PLANNING WORK GROUP				Meetings with community and stakeholders	
Educate elected officials about accessible housing in Charlottesville and share	PLANNING WORK GROUP				Presentations to elected officials	
Participate as active stakeholder in Regional Housing Partnership	PLANNING WORK GROUP				Appoint CAA member to attend and participate and report back to CAA	

GOAL 3

Identify potential low-income housing projects

Identify potential redevelopment or development opportunities for housing projects within areas with amenities, such as the Rose Hill Neighborhood or the Town of Scottsville

ACTION STEP DESCRIPTIONS	PARTY / DEPT RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Meet with county and city staff	PLANNING WORK GROUP			RHP Assistance	List of potential housing sites	
Identify site attributes	PLANNING WORK GROUP			RHP Assistance	Potential sites prioritized	

TRANSPORTATION ACTION PLAN

GOAL 1

Create a “One call one click” information nexus for transportation services

Users and potential users of transportation services need a straightforward way to get information on how to get to their destination

ACTION STEP DESCRIPTIONS	PARTY / DEPT RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Meet with Regional Transit Partnership and ask their direction for age friendly actions	PLANNING WORK GROUP	July, 2021		Staff time	Clear path to helping potential transit customers identify rides	
Identify resources and steps to implement suggested solution	PLANNING WORK GROUP	December 1, 2021	February 1, 2022	Staff time	Document listing steps and implementation plan. Pursue funding & work program from partner agencies	Look at www.fams.org , they started with a list of transportation providers to help people find rides and now have a call center and many more mobility programs .
Implement steps	PLANNING WORK GROUP	July 1, 2021	June 30, 2022	Funding and Policy Implementation by Partner agencies	Users have clear path to learning to use transit	
Evaluate the effectiveness of the implementation	PLANNING WORK GROUP	January 1, 2023	6 months and 1 year from implementation		Recommendations for improving the system	

GOAL 2

Bus stop improvement

Removing barriers to transit by improving the location, access, and amenities of bus stops; bus stops may not be located in the right locations, may not be reached by accessible walking routes, and may lack amenities providing seating and shelter from the weather						
ACTION STEP DESCRIPTIONS	PARTY / DEPT RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Inventory bus stop accessibility	PLANNING WORK GROUP City Neighborhood Development Services / CAT	July 1, 2021	January 1, 2022	GIS Map of Existing Bus Stops and Conditions	Inventory of current bus stop locations	The local transit providers, CAT, JAUNT and University Transit Service, will all have lists and maps of their bus stops.
Identify communities/populations in need of transportation	PLANNING WORK GROUP RTP				Beginning of a relationship with underserved communities	
Gather input from identified community leaders on transit needs	PLANNING WORK GROUP RTP				List of bus stop improvements that are desired by transit users and potential transit users	
Prioritize improvements	PLANNING WORK GROUP				Top needs identified	
Gain support for the improvements	ADVOCACY WORK GROUP				Meetings with stakeholders (Regional Transit Partnership)	
Regional Transit Partnership	PLANNING WORK GROUP	October, 2020			Appoint CAA member to participate and report back from RTP	
GOAL 3						
Advocate for Transportation for Rural areas that are of a more regular nature						

Identify potential opportunities for on-demand transportation services for rural residents						
ACTION STEP DESCRIPTIONS	PARTY / DEPT RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Encourage rural residents to become drivers for Uber or Lyft	EDUCATION PR WORK GROUP				More on-demand services in rural areas	
Investigate options to connect rural residents to fixed routes	PLANNING WORK GROUP				Possible feeder routes or community park and ride stations	
Investigate other volunteer driver programs in Virginia to see if they can be replicated in the Thomas Jefferson District and Build a network of volunteer drivers	PLANNING WORK GROUP				Feasibility study for volunteer driver program in rural areas	The Rappahannock-Rapidan Regional Commission has a volunteer driver program that could help answer questions or serve as a model; www.fams.org
Participation in JAUNT Board meetings	PLANNING WORK GROUP	January 1, 2021			CAA recommendations to Jaunt on-demand delivery services and reporting back to CAA of Jaunt initiatives	

SOCIAL PARTICIPATION ACTION PLAN

GOAL 1

Increase social engagement opportunities to ensure people of all ages can fully participate in their community

Identification of at-risk/isolated seniors

ACTION STEP DESCRIPTIONS	WORK GROUP, AGENCY, PERSON RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Connect with TRIAD/Sheriff's Departments to identify at-risk or isolated individuals	ENGAGEMENT WORK GROUP - George and JABA are involved with TRIAD				Identification of 50 at-risk or isolated individuals and identify barriers to their social participation	
Leverage JABA/Albemarle Rescue Squad (HUMAINS) relationship	ENGAGEMENT WORK GROUP Marta				Include social engagement opportunities on HUMAINS materials	
DSS/APS training on dementia and social isolation (e.g., make sure they know where they can refer isolated individuals)	ENGAGEMENT WORK GROUP George				Conduct 1 training session with APS and DSS workers at both Charlottesville and Albemarle DSS as pilot. Assess impact and train others to continue providing at intervals	
A) Develop a cross agency protocol for where to refer isolated individuals at intake	ENGAGEMENT WORK GROUP				Protocol developed and used by three local agencies	

(e.g., Region 10, JABA, DSS etc) B) Encourage other senior-oriented organizations to document “lives alone” and provide referrals					Four organizations include a lives alone/lives with question on their applications	
GOAL 2						
Inclusion of people into social opportunities						
Generate activities and opportunities for older adults to participate in social engagement programs						
ACTION STEP DESCRIPTIONS	WORK GROUP, AGENCY, PERSON RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Buddy/mentor system for new members/enrollees including training for buddies	ENGAGEMENT WORK GROUP Kara / OLLI Peter/ Center Possible?				Train and setup a volunteer buddy program at two organizations	
Support the African American community in developing social engagement programs for at risk seniors (e.g., memory café)	ENGAGEMENT WORK GROUP Collaborate with identified church				Set up one new community social program for at risk African Americans	
Senior fair on social participation opportunities at Carver Rec Center (15 minute presentations over ½ day twice a year)	ENGAGEMENT WORK GROUP City P&R along with Alliance members				Two events delivered	
Survey/research project of what opportunities people	ENGAGEMENT WORK GROUP Alliance with				Survey 200 seniors and collect data on participation and	

actually want—partner with UVA (Batten School?)	UVa Research group				satisfaction with current social activities and desired activities	
GOAL 3A						
Offer education and training in the community to foster awareness and understanding of aging in general and dementia in particular						
Provide dementia awareness trainings to businesses and individuals						
ACTION STEP DESCRIPTIONS	WORK GROUP, PERSON, AGENCY RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES
Dementia Friendly @ Work trainings to area businesses and organizations	ENGAGEMENT WORK GROUP Dementia Friendly Central Virginia				Deliver 4 DF@W trainings per quarter in 2020.	
Dementia Friends information sessions	ENGAGEMENT WORK GROUP Dementia Friendly Central Virginia				Deliver 4 DF sessions per quarter in PD 10 in 2020.	
Community programming for memory unit: work with area schools to a) provide dementia awareness training to students and teachers and b) bring singing groups, arts groups possibly theater into memory units	ENGAGEMENT WORK GROUP Dick Lindsay				Offer at least one community program to a memory community each quarter	

Dementia and aging awareness training for JAUNT/CAT staff					Train at least 50% of JAUNT drivers and 50% of CAT drivers	
Offer emergency preparedness training for individuals, people living with dementia and caregivers . (scams/frauds/ elder abuse plus emergency preparedness)	ENGAGEMENT WORK GROUP Join with TRIAD				Develop and deliver at least three emergency preparedness workshops in community settings	
Encourage age-friendly and dementia friendly health systems	ENGAGEMENT WORK GROUP				1) Provide at least two trainings for emergency room personnel 2) work with hospital administrators/health system administrators to encourage adoption of age- and dementia-friendly practices	
GOAL 3 B						
Offer education and training in the community to foster awareness and understanding of aging in general and dementia in particular						
Specific programs to support individuals in the community						
ACTION STEP DESCRIPTIONS	WORK GROUP, PERSON, AGENCY RESPONSIBLE	DATE TO BEGIN	DATE DUE	RESOURCES REQUIRED (staff, tech, etc.)	DESIRED OUTCOME	NOTES



The Charlottesville Area Alliance would like to thank the community members of the entire planning district for entrusting their health and well-being with us. We would like to thank the CAA steering committee, the partner organizations who dedicated valuable staff time and resources to making this happen, and the community leaders who shared this vision.



Much thanks to Peter Thompson for serving as the founding Chair, and providing the impetus and guidance to get the Alliance off the ground, and to Chip Boyles for serving as the next Chair during the period of assessment and analysis and setting the action plan goals. They have both laid the foundation for the 5 year plan that we have today.



Checklist of Essential Features of Age-friendly Cities

This checklist of essential age-friendly city features is based on the results of the WHO Global Age-Friendly Cities project consultation in 33 cities in 22 countries. The checklist is a tool for a city's self-assessment and a map for charting progress. More detailed checklists of age-friendly city features are to be found in the WHO Global Age-Friendly Cities Guide.

This checklist is intended to be used by individuals and groups interested in making their city more age-friendly. For the checklist to be effective, older people must be involved as full partners. In assessing a city's strengths and deficiencies, older people will describe how the checklist of features matches their own experience of the city's positive characteristics and barriers. They should play a role in suggesting changes and in implementing and monitoring improvements.

Outdoor spaces and buildings

- Public areas are clean and pleasant.
- Green spaces and outdoor seating are sufficient in number, well-maintained and safe.
- Pavements are well-maintained, free of obstructions and reserved for pedestrians.
- Pavements are non-slip, are wide enough for wheelchairs and have dropped curbs to road level.
- Pedestrian crossings are sufficient in number and safe for people with different levels and types of disability, with non-slip markings, visual and audio cues and adequate crossing times.
- Drivers give way to pedestrians at intersections and pedestrian crossings.
- Cycle paths are separate from pavements and other pedestrian walkways.
- Outdoor safety is promoted by good street lighting, police patrols and community education.

- Services are situated together and are accessible.
- Special customer service arrangements are provided, such as separate queues or service counters for older people.
- Buildings are well-signed outside and inside, with sufficient seating and toilets, accessible elevators, ramps, railings and stairs, and non-slip floors.
- Public toilets outdoors and indoors are sufficient in number, clean, well-maintained and accessible.

Transportation

- Public transportation costs are consistent, clearly displayed and affordable.
- Public transportation is reliable and frequent, including at night and on weekends and holidays.
- All city areas and services are accessible by public transport, with good connections and well-marked routes and vehicles.

- Vehicles are clean, well-maintained, accessible, not overcrowded and have priority seating that is respected.
- Specialized transportation is available for disabled people.
- Drivers stop at designated stops and beside the curb to facilitate boarding and wait for passengers to be seated before driving off.
- Transport stops and stations are conveniently located, accessible, safe, clean, well-lit and well-marked, with adequate seating and shelter.
- Complete and accessible information is provided to users about routes, schedules and special needs facilities.
- A voluntary transport service is available where public transportation is too limited.
- Taxis are accessible and affordable, and drivers are courteous and helpful.
- Roads are well-maintained, with covered drains and good lighting.
- Traffic flow is well-regulated.
- Roadways are free of obstructions that block drivers' vision.
- Traffic signs and intersections are visible and well-placed.
- Driver education and refresher courses are promoted for all drivers.
- Parking and drop-off areas are safe, sufficient in number and conveniently located.
- Priority parking and drop-off spots for people with special needs are available and respected.

Housing

- Sufficient, affordable housing is available in areas that are safe and close to services and the rest of the community.
- Sufficient and affordable home maintenance and support services are available.
- Housing is well-constructed and provides safe and comfortable shelter from the weather.
- Interior spaces and level surfaces allow freedom of movement in all rooms and passageways.
- Home modification options and supplies are available and affordable, and providers understand the needs of older people.
- Public and commercial rental housing is clean, well-maintained and safe.
- Sufficient and affordable housing for frail and disabled older people, with appropriate services, is provided locally.

Social participation

- Venues for events and activities are conveniently located, accessible, well-lit and easily reached by public transport.
- Events are held at times convenient for older people.
- Activities and events can be attended alone or with a companion.
- Activities and attractions are affordable, with no hidden or additional participation costs.

- Good information about activities and events is provided, including details about accessibility of facilities and transportation options for older people.
- A wide variety of activities is offered to appeal to a diverse population of older people.
- Gatherings including older people are held in various local community spots, such as recreation centres, schools, libraries, community centres and parks.
- There is consistent outreach to include people at risk of social isolation.

Respect and social inclusion

- Older people are regularly consulted by public, voluntary and commercial services on how to serve them better.
- Services and products to suit varying needs and preferences are provided by public and commercial services.
- Service staff are courteous and helpful.
- Older people are visible in the media, and are depicted positively and without stereotyping.
- Community-wide settings, activities and events attract all generations by accommodating age-specific needs and preferences.
- Older people are specifically included in community activities for “families”.
- Schools provide opportunities to learn about ageing and older people, and involve older people in school activities.

- Older people are recognized by the community for their past as well as their present contributions.
- Older people who are less well-off have good access to public, voluntary and private services.

Civic participation and employment

- A range of flexible options for older volunteers is available, with training, recognition, guidance and compensation for personal costs.
- The qualities of older employees are well-promoted.
- A range of flexible and appropriately paid opportunities for older people to work is promoted.
- Discrimination on the basis of age alone is forbidden in the hiring, retention, promotion and training of employees.
- Workplaces are adapted to meet the needs of disabled people.
- Self-employment options for older people are promoted and supported.
- Training in post-retirement options is provided for older workers.
- Decision-making bodies in public, private and voluntary sectors encourage and facilitate membership of older people.

Communication and information

- A basic, effective communication system reaches community residents of all ages.
- Regular and widespread distribution of information is assured and a coordinated, centralized access is provided.

- Regular information and broadcasts of interest to older people are offered.
- Oral communication accessible to older people is promoted.
- People at risk of social isolation get one-to-one information from trusted individuals.
- Public and commercial services provide friendly, person-to-person service on request.
- Printed information – including official forms, television captions and text on visual displays – has large lettering and the main ideas are shown by clear headings and bold-face type.
- Print and spoken communication uses simple, familiar words in short, straightforward sentences.
- Telephone answering services give instructions slowly and clearly and tell callers how to repeat the message at any time.
- Electronic equipment, such as mobile telephones, radios, televisions, and bank and ticket machines, has large buttons and big lettering.
- There is wide public access to computers and the Internet, at no or minimal charge, in public places such as government offices, community centres and libraries.

Community and health services

- An adequate range of health and community support services is offered for promoting, maintaining and restoring health.
- Home care services include health and personal care and housekeeping.
- Health and social services are conveniently located and accessible by all means of transport.
- Residential care facilities and designated older people's housing are located close to services and the rest of the community.
- Health and community service facilities are safely constructed and fully accessible.
- Clear and accessible information is provided about health and social services for older people.
- Delivery of services is coordinated and administratively simple.
- All staff are respectful, helpful and trained to serve older people.
- Economic barriers impeding access to health and community support services are minimized.
- Voluntary services by people of all ages are encouraged and supported.
- There are sufficient and accessible burial sites.
- Community emergency planning takes into account the vulnerabilities and capacities of older people.

Charlottesville Area Alliance

2021 ANNUAL REPORT



Chair's Welcome

MARTA M. KEANE, JABA CEO

As you each know, 2021 continued to be a challenging year. Dealing with the new variants of the COVID-19 virus has meant no relief for our partner agencies as they navigate new ways to support the community. This has provided an opportunity to re-assess our action plans, holding fast to the three goal areas of Housing, Social Engagement and Transportation. COVID-19 just amplified the impact these three elements have on seniors. All three contribute to isolation, which negatively impacts physical, social and emotional health, for all ages, and especially for seniors. We knew that we had chosen wisely on ways to help the community move forward in an age-friendly manner.

It was an honor to be chosen by AARP Livable Communities national office as a Key Community, allowing the region and particularly the City of Charlottesville and County of Albemarle access to more support and information. Charlottesville and Albemarle signed the AARP Charter several years ago, committing to promoting an age-friendly community. AARP provided a seminar by a national consultant, Transportation for America, on "Transportation for Livability in Albemarle County". The City and County Housing Planners were provided registration for the Virginia Governor's Conference on Housing. We had representatives on the national Rural Lab, where ideas and best practices were shared for addressing the unique needs of rural communities. And we continue to participate in state and national meetings of other AARP age-friendly community leaders to share ideas and challenges.

The Alliance is thankful to AARP Livable Communities for their support. And especially thankful to all the Partners who have contributed their time and energy to moving the Alliance closer to achieving the goals for an age-friendly community, and continuing to support our place in the community.

We are pleased to share our activities for 2021, and look forward to more involvement in 2022.

Sincerely,

Marta M. Keane
Chair

WORK GROUP REPORTS

Advocacy/ Public Relations: Liz Horton, Chair.

This work group created a plan for Older Americans' Month in May to promote the positive impact of seniors on the community, as well as the challenges that need to be addressed. Radio interviews, newspaper articles, and internal communiques carried the message. At the end of the year, Senior Statesman of Virginia invited the Alliance to present a panel on the efforts to its members.

Assessment/ Planning: Kristin Miller, Chair.

This work group is focused on determining how to measure success for each goal that the teams are addressing. What outcomes are we trying to achieve, and what impact will they have on seniors and the community as a whole.

Engagement: Kim Volker, Chair. This work group has developed guidelines for inviting and training Citizen Advocates, to assist the Alliance in responding to requests for feedback in various community comprehensive plans and regional visioning and planning efforts.



HOUSING TEAM

Housing Team: Ginger Dillard, 2021 Chair; Ian Baxter 2022 Chair. Members: Lucinda Shannon, Ian Baxter, Debbie Cash, Ron Lauziere.

The Housing team has been attending webinars and reviewing articles on affordable housing. They are an ad hoc member of the Regional Housing Partnership and participate in their meetings and educational events. Information from the Virginia Governor's Housing Conference was brought back, sharing initiatives and challenges from across the state. This has been a formative year, in preparation for the Charlottesville and Albemarle Comprehensive Plan reviews. The goal is to be a part of the RHP and influence the inclusion of senior issues into an entity that is already addressing affordable housing issues, rather than creating a separate organizational structure.



SOCIAL ENGAGEMENT TEAM

Social Engagement Team: George Worthington, Chair. Members: Genevieve Baer, Annette Clark, Sue Friedman, Joe Jamison, Joanna Jennings, Angela Keating, Emily Kilroy, Richard Lindsay, Sunshine Mathon, Jeanne Snyder, Kim Volker, Gordon Walker.

A survey was developed in the spring, in conjunction with an intern, Ava Purcell, from the University of Virginia Internship Accelerator program, who assisted with development, dissemination, and analysis of the survey. This survey comprised 8 questions so it could be completed quickly, and through several modes (paper, online, phone). It was disseminated through community organizations.

Key Findings:

- **Most people use email notices, print media, or social media to find out about what is happening in the area, but there was a huge range of sources.**
- **Shopping was the most popular leisure activity, followed by eating out and exercising. Education and entertainment were the most desired new activities.**
- **Lack of information was the largest barrier cited to social participation, followed closely by physical disabilities and transportation.**
- **The largest attitudinal barrier to participation was an unwillingness to try new activities on one's own. Ageism and social anxiety were noted by 1 in three.**

Recommendations:

- **Deliver information about community activities through email, newsletter, and social media.**
- **Implement Action Plan recommendations for a Senior Activity Fair, joint educational programs with TRIAD, Dementia Friends, and other community education programs.**
- **Tap into a new audience by scheduling activities in mid-to late-afternoon combined with accessible information, transportation, venues.**
- **Implement a 'buddy program' as recommended in the Action Plan to help people feel more comfortable trying something new.**

TRANSPORTATION TEAM

Transportation Team: Peter Thompson, Chair. Members: Jessica Hersh-Ballering, Michelle Harper, Mary Honeycutt, Kris Miller, Curtis Putnam, Jody Saunders, Lucinda Shannon.

The Transportation Team was invited to have a non-voting member on the Regional Transportation Partnership (RTP), and Peter is representing the Alliance on that working group. This has given the Alliance great visibility and credibility while ensuring age-friendly dimensions are considered in transportation planning.

As part of the RTP visioning, a discussion has re-emerged for developing a Regional Transportation Authority.



A goal on bus stop improvements is linked to Charlottesville Area Transit (CAT) and they are awaiting approval and funding. Once that occurs, the Alliance will be involved in advocating for their vision of improving bus stops with shelters, benches and solar-powered lighting. A goal on improving transportation options for rural areas focused on identifying volunteer driver programs and encouraging people to provide private on-demand services in rural areas. Albemarle is considering pilots on micro-transit and that could help move some of these ideas forward in other areas.

Peter is also representing the Alliance on the Piedmont Mobility Alliance, which focuses on developing a vision for a better-connected community for walking, biking, and other forms of active transportation in Charlottesville and Albemarle County.

CLOSING STATEMENT

This organization continues with the support of volunteers from the agencies listed below. Their commitment above and beyond their regular workday is appreciated. Together we all believe in an age-friendly approach that creates an incredible livable community. This is what we envision for our Charlottesville Area region.

Albemarle County - Alzheimer's Association (Central and Western Virginia Chapter) - Albemarle Housing Improvement Program (AHIP) - The Charlottesville Area Association of REALTORS® (CAAR) - Care is There- City of Charlottesville - Cville Village - EcoVillage Charlottesville - Fluvanna County - Here to Stay Wintergreen - Hospice of the Piedmont - Home Instead - JAUNT - JABA - Legal Aid Justice Center - Meals on Wheels (Charlottesville) - The Osher Lifelong Learning - Institute at the University of Virginia (OLLI) - Piedmont Housing Alliance (PHA) - Region Ten - The Center - Senior Statesmen of Virginia - Sentara Martha Jefferson Hospital - The Thomas Jefferson Health District (Virginia Department of Health) - The Thomas Jefferson Planning District Commission (TJPDC) - United Way-Thomas Jefferson Area - University of Virginia Health System -VisitAble - Westminster-Canterbury of the Blue Ridge- iTHRIVE (Integrated Translational Health Research Institute of Virginia) - The Lindsay Institute



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 22, 2022
Action Required:	Report
Presenter:	Peggy Van Yahres and Brian Menard – Charlottesville Tree Commission
Staff Contacts:	Chris Gensic, Parks and Recreation
Title:	State of the Forest Report

Background

The City of Charlottesville Tree Commission provides an annual report on the “State of the Forest” report to Council showcasing tree plantings, canopy coverage, benefits, and any concerns or issues related to the City’s public trees and forests

Discussion

Report will detail the discussion points.

Community Engagement

The Tree Commission is a public body with meetings open to the public and members of the public comprise the Commission.

Alignment with City Council’s Vision and Strategic Plan

Green City

Budgetary Impact

Report only, no budget impact.

Recommendation

None

Alternatives

None

Attachments

State of the Forest Report

Memorandum to City Council for budgetary and organizational action

STATE OF THE URBAN FOREST

FY2021 Annual Report of the Charlottesville Tree Commission

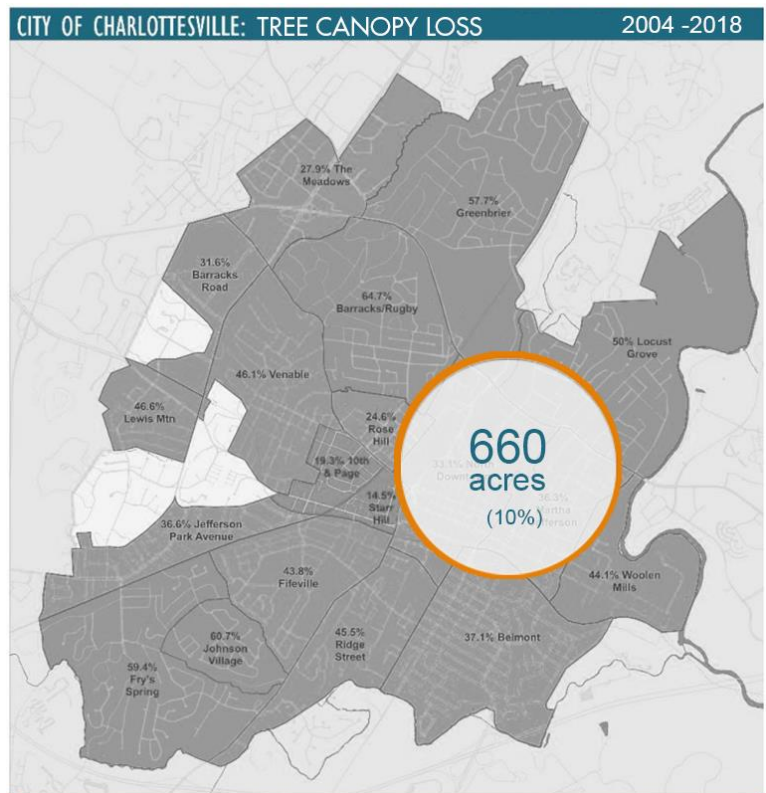
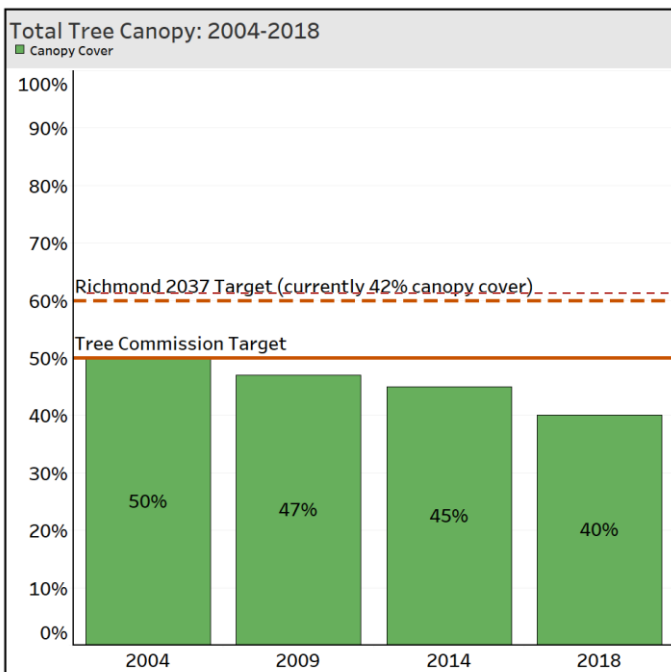
The Tree Commission works with the Parks & Recreation Department to **“protect and improve the urban forest,”** in pursuit of a **“better quality of life for City residents and . . . environmental and aesthetic benefits.”** While aesthetics is important, concern for quality of life is the primary reason to preserve and expand our urban forest and local natural resources. Preservation is critical to **achieving climate sustainability, protecting public health, and ensuring environmental justice and equity.** 2021 was another year of challenges in achieving these aims. It was difficult for the Commission to engage the community directly, and reductions in fiscal and staff resources affected the ability of Parks & Recreation to meet green infrastructure goals. This report reflects these realities while offering some hope for the years ahead.

Critical Importance of the Urban Tree Canopy – A stable and flourishing tree canopy is essential for attaining the critical city goals for public health; energy

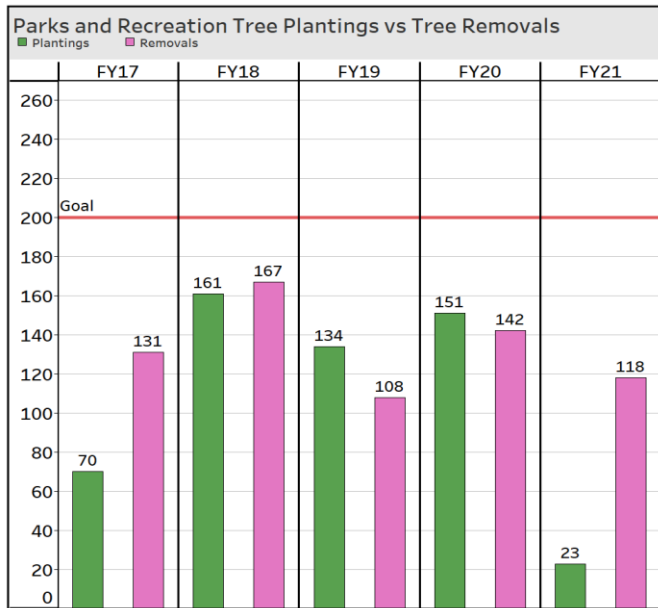
conservation; climate sustainability; stormwater management; water and air quality; and environmental justice and equity. The city’s new Comprehensive Plan sets as an explicit goal “the creation, protection, and expansion of robust urban forests.”

Rather than robust and flourishing, Charlottesville’s overall tree canopy continues to decline at an accelerating rate. This alarming trend relates in part to another: ***For a fifth consecutive year the city was unable to meet its annual tree planting goal.*** While the Commission acknowledges the difficulties posed by the pandemic and reduced city resources, it is imperative that we confront these unsustainable trends and take every action to plant, preserve, and protect trees.

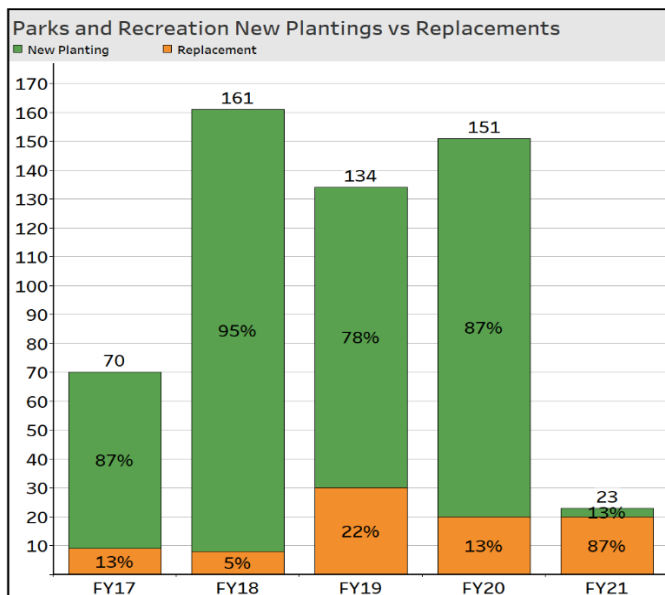
A recent expert analysis of satellite imagery from 2018 shows a **10% reduction in tree canopy between 2004 and 2018, from 50% coverage of the city’s 6,600 acres to 40%, which is a loss of 660 acres of canopy in a period of fourteen years.** What is worse, the rate of loss is increasing over time, and the **actual canopy in 2021 may be closer to 35%, meaning a loss of nearly 990 acres in less than two decades.** The canopy decline across all neighborhoods is most detrimental to those with the lowest coverage, generally low-income neighborhoods.



Critical Need to Plant Trees – “Number of trees planted” is a primary measure for assessing if Charlottesville is realizing its vision of a “green city.” **The city’s goal is to plant 200 trees every year. It has not met this goal in any of the past five fiscal years, especially FY21 in which only 23 trees were planted.**

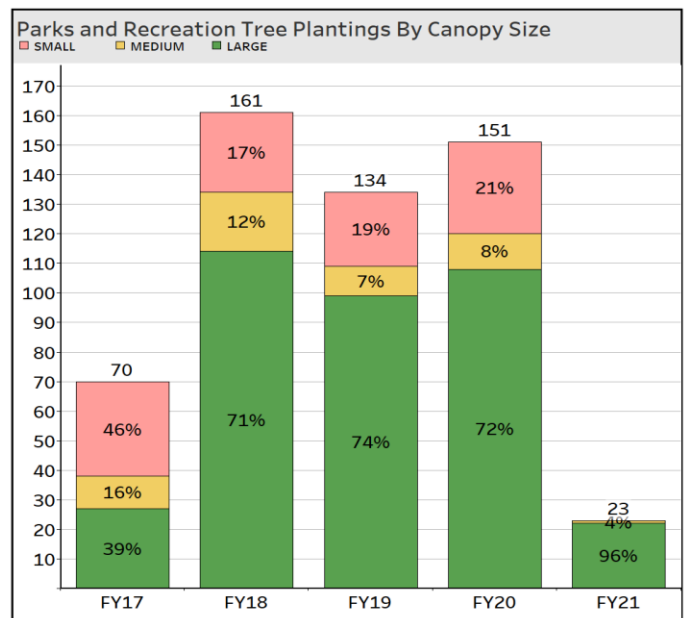


The city has planted an average of 108 trees each of the past five years, 54% of its planting goal. Compounding this shortfall, it has removed more trees because of disease and damage than it has replaced. **With 666 trees removed and 539 trees planted, the city’s tree replacement rate is 81%, which means less than one tree planted for each tree taken down.** Too few trees are being planted to counteract the years-long decline in tree canopy. And a majority of trees planted each year simply replace those that have been removed.



The urban forest is suffering further fragmentation and degradation as a result of the development of private land, a process in which the city’s review and regulation regarding trees is limited and a substantial number of trees (many with large, mature canopies) are cut down or have their lives considerably shortened by construction damage and neglect. This damage extends to public street trees. **The zoning ordinance must be revised to address the ways in which development is appropriating a public good for private gain.**

Planting Large Canopy Trees – Planting trees with a larger canopy size helps to increase the overall cover of the urban forest and complements the quantity of trees planted. As the graph below indicates, **to increase canopy cover over the long-term Parks & Recreation continues to include a high percentage of large canopy trees among those it plants each year.** This accords with the goals of fostering healthier neighborhoods, providing greater shade for pedestrians and cyclists, reducing energy costs, and mitigating pollution.



Location of Trees Planted on Public Property – Although resources did not allow for planting many trees in 2021, the graph below shows that plantings were primarily in the public right-of-way (ROW) and in parks. While these trees contribute to the overall tree canopy, they do not provide sufficient shade in low-canopy neighborhoods to protect residents and pedestrians and to help reduce energy costs and promote health. Thus, in order to improve tree canopy

cover in an equitable manner, the Commission continues to support use of a weighted scale to help prioritize the planting of trees in public ROW within low-canopy and extremely low-canopy neighborhoods where heat island effects are most severe.

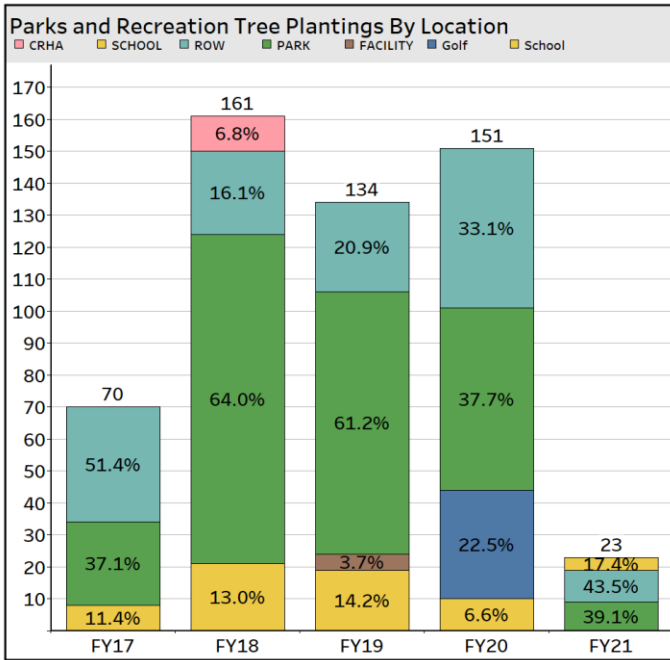
Heat Islands, Public Health, & Justice – Fourteen of the city’s 19 neighborhoods are now “low-canopy” (below 40% canopy cover), and two of these are “extremely low-canopy” (below 20% canopy cover).

Residential zones with tree canopy cover below 40% are effectively unhealthy neighborhoods, accounting for the majority of heat-related illnesses in any community. Neighborhoods with less than 20% canopy face even higher surface temperatures and greater utility costs, and their residents suffer the greatest physical stress.

The map below shows that ***the city’s low-canopy and extremely low-canopy neighborhoods correlate closely with historically and predominantly African-American neighborhoods, and with lower-income neighborhoods designated as CDBG-eligible.***

These neighborhoods retain higher ground heat and have a more extreme urban heat island effect than high-canopy neighborhoods. By these measures, Starr Hill and 10th & Page (below 20% canopy) and Belmont, Rose Hill, and The Meadows (below 30% canopy) fare worst in the city.

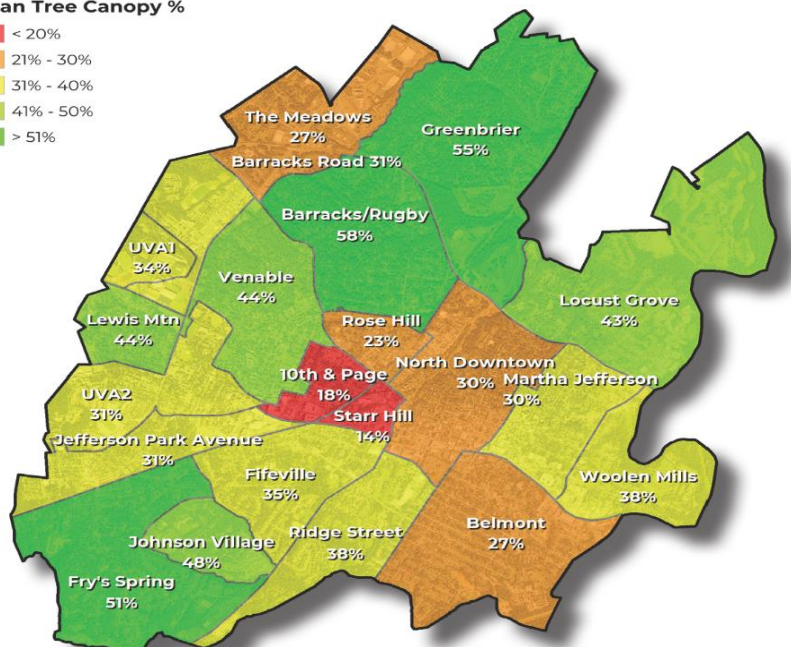
An array of national studies confirms a strong correlation between low-canopy areas and neighborhoods that were



Neighborhood Planning Areas	UTC %	ROW UTC %	UTC % Change
10th & Page	18%	9%	-1%
Barracks Road	31%	20%	-1%
Barracks/Rugby	58%	4%	-7%
Belmont	27%	12%	-10%
Fifeville	35%	10%	-9%
Fry's Spring	51%	15%	-8%
Greenbrier	55%	16%	-3%
Jefferson Park Avenue	31%	12%	-6%
Johnson Village	48%	7%	-12%
Lewis Mtn	44%	8%	-3%
Locust Grove	43%	10%	-8%
Martha Jefferson	30%	8%	-6%
North Downtown	30%	11%	-3%
Ridge Street	38%	9%	-8%
Rose Hill	23%	13%	-1%
Starr Hill	14%	10%	0%
The Meadows	27%	12%	-1%
UVA1	34%	0%	0%
UVA2	31%	5%	-2%
Venable	44%	10%	-2%
Woolen Mills	38%	12%	-7%
City of Charlottesville	40%	12%	-5%

40% URBAN TREE CANOPY **22%** POSSIBLE PLANTING AREA **39%** UNSUITABLE AREAS **-5%** CANOPY CHANGE 2014-2018

Urban Tree Canopy %
 < 20%
 21% - 30%
 31% - 40%
 41% - 50%
 > 51%



Charlottesville’s 2018 urban tree canopy metrics by neighborhood planning areas: UTC %, UTC % by ROW, and UTC % change since 2014 (table, left) and UTC % (map).

historically subjected to racially inequitable “red-lining” zoning and lending practices. ***The city’s goals for increasing the urban tree canopy cover offer significant opportunities for advancing environmental justice and equity in Charlottesville.***

Financial Investment in the Urban Forest – The financial uncertainty of the pandemic led to the elimination of the FY2021 CIP allocation of \$75,000 for tree planting. A \$7,600 surplus in Parks & Recreation’s tree maintenance budget paired with private donations allowed for planting 23 trees, a small victory in a year of very few. The FY2022 allocation of \$75,000 for tree planting is welcome; however, pandemic shortages and inflation have caused the cost of a tree to rise to \$450, ensuring that the city will not be able to meet its goal of planting 200 trees in the current fiscal year. ***It is crucial that Charlottesville plant trees, which requires full funding of future CIP requests.*** Further delay in investing in the urban forest will only exacerbate negative health, environmental, and social consequences and reduce the likelihood of closing a years-long gap in planting.

The inexorable spread of the emerald ash borer is a present dire threat to over 300 ash trees throughout Charlottesville’s urban forest as well as to the safety of persons on the city’s streets and in its parks.

Sufficient funding is essential for dealing with the damage caused by these insects. Parks & Recreation has taken steps over the past several years to protect 30 of the city’s most important and vital ash trees, but approximately 300 others will have to be removed. ***\$525,000 will be needed over a five-year period for this time-sensitive and safety-critical work.*** A request for \$50,000 for removals was not approved in FY22, making it all the more crucial that the city begin to fund this priority soon. Infected ash trees become extremely brittle and break apart more quickly than do other diseased trees, posing a significant danger to people and property.

As for the preservation of trees, the Commission appreciates that Council recognizes this important need and for several years has provided funding in Parks & Recreation’s operating budget. The

department uses these funds to prune, repair, and protect existing large and valuable trees in the community, especially specimen and historic trees protected under city ordinance. However, ***as much as half of the annual budget available for preservation, maintenance, and dealing with storm damage may have to be diverted to battling the emerald ash borer in the absence of CIP funding dedicated to that purpose.*** Such a diversion of resources would degrade the appearance of the city’s streets and parks in ways obvious to all.

FY2021 Activities of the Charlottesville Tree Commission

The Tree Commission met virtually throughout the fiscal year. Despite the constraints this placed on in-person collaborative efforts, members worked individually and in small groups to educate and advocate on behalf of city trees, and to engage in the planning and regulatory activities of city and nonprofit bodies. What follows is a summary of efforts undertaken by committees during another very unusual year.

Education & Advocacy —

- Established ReLeaf Cville, a private/public partnership to raise funds through CACF for planting and preserving trees on private property and for educating residents in low-canopy neighborhoods on the many benefits of trees.
- Collaborated with City of Promise and Charlottesville Area Tree Stewards to begin planting trees in 10th and Page neighborhood in FY22.
- With Parks & Recreation presented to Venable 3rd and 4th graders on the importance of trees and developed outdoor activities on this theme.
- Collaborated with educators in city schools, including the Lugo-McGinness Academy to develop urban tree education programs.
- Began planning for an event at CHS to educate teenagers about jobs in the Green Industries.
- Presented FY20 report to City Council along with FY21 budget request.
- Coordinated with Urban Forester to address neighborhood associations' concerns for trees on private property.

Arbor —

- Held Arbor Day Celebration at Walker Upper Elementary School and joined with the Charlottesville Tree Stewards in dedicating 150-year-old post oak at Maplewood Cemetery as a Heritage Tree.
- Nominated six trees approved by City Council under Conservation Ordinance. These include the specimen post oak at Maplewood and white ash at the Albemarle Charlottesville Historical Society.

- Prepared nominations for more than 20 mature trees on Garrett St. and 2nd St. NE now further imperiled by continued development.
- Updated criteria for urban tree canopy assessment in fall 2021, allowing City Arborist to submit request for funding from Va. Dept. of Forestry.
- Worked with Urban Forester to prepare RFQ for urban tree canopy assessment.
- Worked with Urban Forester to develop a five-year plan for removing 300 ash trees diseased or at risk for infection by the emerald ash borer.
- Updated the Charlottesville Tree Packet, including the Master Tree List, for use by city staff and developers.

Codes & Ordinances —

- Continued to participate in virtual meetings of the C'ville Plans Together Steering Committee.
- Prepared for a thorough review of city zoning code and comments on proposed changes affecting trees.
- Continued to participate in steering committees for Fontaine Avenue and Barracks Road & Emmet Street Smart Scale projects.
- Prepared comments on the city's draft Strategic Plan.
- Submitted comments on proposed development at 240 Stribling Avenue.

General —

- Held virtual public meeting each month (except November).
- Worked with City Clerk's office and City Council to appoint four new members, bringing Commission to full membership.
- Revised original (2011) Commission bylaws.
- Submitted comments to Council concerning budget for planting trees and removing those affected by emerald ash borer.
- Worked with Parks & Recreation to address concerns about public activity in Maplewood Cemetery.
- Responded to numerous inquiries from residents and business owners concerning condition of trees on city streets and the Downtown Mall as well as in parks.

MEMORANDUM

To: City Council
From: Tree Commission
Date: February 11, 2022
Re: FY23 Budgetary and Organizational Action Required

City Council should take budgetary and organizational action to support the city's tree canopy goal set forth in the new Comprehensive Plan as "*the creation, protection, and expansion of robust urban forests.*" Such forests are neither a luxury nor an amenity the city can choose to invest in or not; they are a critical element of the municipal infrastructure and essential to the well-being and safety of all. Public health, environmental sustainability, energy usage and cost, stormwater management, and environmental and social justice are all inextricably linked to the planting, preservation, and protection of City trees.

Plant and Maintain Trees

Planting Trees: \$100,000

Purpose: Expand urban forest canopy and move the city closer to the longstanding goal of planting 200 trees annually. This 25% increase over the current fiscal year reflects a substantial rise in the cost of trees in the pandemic economy. The cost of \$450/tree is likely to increase beyond this fiscal year. It is crucial that Charlottesville plant trees. Further delay in investing in the urban forest will only exacerbate negative health, environmental, and social consequences and risk the opportunity to close a years-long gap in planting.

Combatting the Emerald Ash Borer: \$105,000

Purpose: Confront growing threat to 330 City trees by the emerald ash borer. This is the most serious natural threat to our urban forest, to safety on the City's streets and in its parks, and to public and private property. This will fund the first year of a five-year effort to remove 300 ash trees while continuing to treat 30 of the most vital and well-situated trees. This is an increasingly urgent need as infected ash trees become extremely brittle and break apart more quickly than do other diseased trees. Although Parks and Recreation's operating budget includes tree maintenance, relying on this to remove ash trees would reduce by half the funds available for storm damage, routine maintenance, and preservation of important trees. This would degrade the appearance of the City's streets and parks in ways obvious to all.

Preserve and Protect Trees

Create a zoning ordinance that treats trees as a vital city asset

- Increase minimum setbacks and revise other requirements that reduce or eliminate opportunities to plant street trees.
- Strengthen requirements, enforcement, and add penalties for tree protection during construction.
- Increase number of trees required in new development, stressing medium to large canopy trees.
- Provide incentives to save trees in development, whether private or public trees.
- Require meaningful compensation from developers for damages or removal of public trees, compensation based on diameter of tree.
- Encourage large developments to be located on vacant land, parking lots and other areas that do not destroy public trees, forests, streams, and critical slopes.

Improve organization to better manage urban forest and all natural resources

- Encourage greater coordination and integration between Parks & Recreation, NDS, and Public Works.
- Support creation of Natural Resources Manager position within Parks & Recreation.
- Support creation of position in NDS tasked with preservation and protection of trees.

Enhance charge of Tree Commission to better advocate for urban forest and all natural resources

- Support Commission's review of particular site plans, particularly for large-scale development, development that will have negative impact on trees and other natural systems, and development requiring a large number of new trees.
- To encourage departments to work together on common goals, task a member of Public Works to attend Tree Commission meetings along with Parks & Recreation and NDS representative.
- Explore expansion of Commission's charge to include enhancement and protection of all natural resources as other municipalities have done.

CHARLOTTESVILLE CITY COUNCIL MEETING

January 5, 2022

Virtual/electronic meeting via ZOOM

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Wednesday, January 5, 2022, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. At the direction of City Council this meeting was rescheduled and continued from the January 3, 2022 regular meeting date due to inclement weather and the many effects of widespread power outages and other damage. The continuance of the meeting was publicized with a press release, updates to the City calendar and website, and notices sent to Zoom webinar registrants.

The meeting was called to order at 5:34 p.m. by Deputy City Manager Ashley Marshall as presiding officer and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Sena Magill, Michael Payne, Brian Pinkston, Lloyd Snook and Juandiego Wade.

On motion by Councilor Magill, seconded by Councilor Snook, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(7) and (A)(8), for consultation with legal counsel regarding implementation of the awarded contract with the Robert Bobb Group for city manager services, and for consultation with legal counsel regarding the pending litigation filed in Charlottesville Circuit Court, Case No. CL21-617 and in U.S. District Court, Western District of Virginia, Case No. 3:21-cv-00045, because such consultation would adversely affect the negotiating or litigating posture of the City.

On motion by Councilor Magill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The closed meeting adjourned at 6:35 p.m. and the Organizational Meeting commenced with Ms. Marshall calling the meeting to order.

After confirming quorum with all councilors present, Council observed a moment of silence.

ORGANIZATIONAL MEETING

Ms. Marshall reviewed the procedures for Council selection of Mayor and Vice Mayor and opened up the floor for nominations.

Selection of Mayor

By motion Councilor Wade nominated Councilor Snook for mayor. Councilor Pinkston seconded the nomination. Councilor Wade made remarks in support of the nomination. Councilor Snook accepted the nomination and made remarks.

By motion Councilor Magill nominated Councilor Payne for mayor. Councilor Payne seconded the nomination. Councilor Magill made remarks in support of the nomination. Councilor Payne accepted the nomination and made remarks.

Clerk Thomas called for a roll call vote, with each councilor stating the name of their selection for mayor.

Magill – PAYNE
Payne – PAYNE
Pinkston – SNOOK
Snook – SNOOK
Pinkston - SNOOK

By a vote of 3-2, Lloyd Snook was selected as mayor with a term ending December 31, 2023.

Selection of Vice Mayor

By motion Councilor Pinkston nominated Councilor Wade for vice mayor. Councilor Snook seconded the nomination. Councilor Pinkston made remarks in support of the nomination. Councilor Wade accepted the nomination and made remarks.

Clerk Thomas called for a roll call vote, with each councilor stating the name of their selection for vice mayor.

Magill – WADE
Payne – WADE
Pinkston – WADE
Snook – WADE
Pinkston – WADE

By a vote of 5-0, Juandiego Wade was selected as vice mayor with a term ending December 31, 2023.

Council took a brief recess at 6:56 p.m. and reconvened at 7:10 p.m.

Mayor Snook called the meeting back to order.

On motion by Pinkston, seconded by Payne, Council voted 5-0 to approve the meeting agenda, with the suggested amendment from Snook to move the Council Boards and Commissions discussion to the end of the meeting.

ANNOUNCEMENTS

Councilor Magill announced the 9th Annual Martin Luther King, Jr. community event presented by Alex-Zan.

Dr. Denise Bonds, Blue Ridge Health District Director, shared information about Winter storm safety and provided an update on Coronavirus. She advised that multiple variants are present in the district and the Omicron variant is becoming more prevalent. She encouraged vaccination to keep hospitalizations and deaths down, advising that hospital admissions have been on the rise.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

- 1. MINUTES: November 15 closed and regular meetings, December 6 work session, closed meeting and regular meeting**
- 2. RESOLUTION: Appropriating funds for COVID Homelessness Emergency Response Program (C.H.E.R.P.) Community Development Block Grant - \$680,263 (2nd reading)**

RESOLUTION APPROPRIATING funds for COVID Homelessness Emergency Response Program (C.H.E.R.P.) Community Development Block Grant - \$680,263

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the C.H.E.R.P. Grant from the Virginia Department of Housing and Community Development in the amount of **\$680,263**.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$680,263** is hereby appropriated in the following manner:

Revenues

\$680,263

Fund: 209

IO: 1900448

G/L: 430120 Federal Pass Thru

Expenditures

\$680,263 Fund: 209 IO: 1900448 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of **\$680,263** in funds from the Virginia Department of Housing and Community Development.

Mayor Snook opened the floor for comments on the consent agenda. No speakers came forward.

On motion by Magill, seconded by Payne, Council by the following vote APPROVED the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

Deputy City Manager Sam Sanders provided an update on the following items:

1. Regarding the January 3 winter weather event he provided a breakdown of department operations and noted some staffing issues related to Coronavirus. He advised that staff was monitoring progress regarding power restoration and that the County had opened warming centers. He stated that staff is preparing for the upcoming snow event on January 6.
2. Regarding delayed declaration of the end of the snow event, he explained why the decision was made and offered that volunteer service would continue to be activated to help with clearing sidewalks.
3. Regarding a recent fatal traffic accident on 5th Street, he stated that the city was pursuing a speed limit reduction; a flashing signal was ordered weeks ago; intersection warning signs would be enlarged; and he described additional mitigation efforts. He advised that breaking up the street will be the most effective but most expensive solution and will take some time.
4. The City of Charlottesville and Albemarle County agreed to waive fees for disposal of vegetative debris through January 17 at Ivy Material Utilization Center, 4576 Dick Woods Road, with requirements. Additional equipment will need to be procured.
5. City management decided to hold off on bringing staffing back to full operations due to the increase in Covid infections locally.

Mayor Snook encouraged people to review the Nov. 16, 2020 Council meeting for the traffic discussion and review a report from Traffic Engineer Brennen Duncan.

Councilor Pinkston expressed thanks to Deputy City Managers Sanders and Marshall and city staff.

Councilor Magill provided information on warming shelters for citizens who may be in need.

COMMUNITY MATTERS

1. Paul Mack, County resident, requested that Council install a slave block replica sign at Court Square.
2. Mark Kavit, city resident, recommended meeting with councilors at the 0 Nassau Street property to review areas of concern.
3. Louis Myers voiced displeasure with Council's disposition of the Lee statue and the Lewis, Clark and Sacajawea statue.
4. Brian Day, representing the congregation of the Park Street Christian Church (PSCC), recommended approval of the rezoning request for the PSCC property for low-cost senior housing.
5. Colleen Swingle-Titus, pastor of Park Street Christian Church, shared information about the Park Street property and recommended approval of the parcel rezoning request.
6. Kimber Hawkey, city resident, requested that Council wait to vote on the Monticello Area Community Action Agency (MACAA) development resolution until a traffic study is completed and additional clarity is provided in writing.
7. Tanesha Hudson spoke about the state of the City and leadership. She requested that the 5th Street traffic study include all of Ridge Street through 5th Street Station.
8. John Hossack, city resident, requested that Council reject or postpone the vote on the MACAA project, and he noted issues with the traffic analysis.
9. Josh Carp, city resident, thanked Deputy City Manager Sanders and the Traffic Engineer for taking changes to 5th Street seriously.
10. Nancy Carpenter, city resident, spoke about warming centers and the need for additional aid related to winter weather events and coronavirus.
11. Andrew Shelton, city resident, stated that he was grateful for how statues in the city were disposed. He spoke in support of the Swords into Plowshares project.
12. Matthew Gillikin, city resident, spoke in support of the MACAA and Park Street Planned Unit Developments. Regarding 5th Street, he spoke in support of efforts mentioned by Mr. Sanders and requested more significant changes to the design of the road.
13. Harold Folley, city resident, spoke about Covid outbreaks in the jail. He asked that the Police Civilian Review Board (PCRB) be reconstituted and that there be a new way to appoint the board, given information found in emails and text messages that were received from a Freedom of Information request.
14. Katrina Turner, city resident, spoke about a comment made by Councilor Snook at the December 20, 2021 City Council meeting regarding direction from NACOLE to not appoint activists to the PCRB. She requested that Council disband the PCRB.
15. Elizabeth Stark, city resident, spoke in agreement with Mr. Folley and Ms. Turner and asked that the PCRB be reconstituted. She asked that information be brought to light about Coronavirus numbers in the jail.
16. Ang Conn expressed concern with the PCRB and requested that it be reconstituted, advising of a lack of trust in the current board. She asked for follow-up on the Coronavirus situation in the jail. She also spoke about aid needed during the recent winter weather event.

Mayor Snook responded to comments about Coronavirus in the jail, Freedom of Information responses, and his prior comment regarding a NACOLE recommendation.

The meeting recessed at 8:45 p.m. and reconvened at 8:50 p.m.

ACTION ITEMS

ORDINANCE: Consideration of the Park Street Christian Church Planned Unit Development requests (carried)

- a. ORDINANCE: Rezoning of approximately seven (7) acres of land, including one lot identified within City tax records as 1200 Park Street, Tax Map and Parcel 470002120 from R-1 to PUD (Planned Unit Development) (carried)**
- b. RESOLUTION: Park Street Christian Church PUD Critical slopes waiver**

Dannan O'Connell, Planner with the Department of Neighborhood Development, introduced the request. He provided a summary of recommendations from the Planning Commission as a follow-up to the public hearing held on December 14, 2021.

Kurt Keesecker, Principal Planner with BRW Architects, made the presentation on behalf of the applicant.

Jonathan Showalter of the Timmons Group gave an overview of environmental resources, stormwater management, results of a traffic study, connectivity and improvements made to the plan in response to community feedback.

Mr. Keesecker addressed concerns about disturbance of tree canopy.

The following consultants along with staff addressed clarifying questions from Councilors regarding affordability, project funding and site plan: Thomas Ruff (traffic engineer), Sunshine Mathon, Kurt Keesecker, and Jonathan Showalter.

Mr. O'Connell advised that for the critical slope waiver request the applicant will need to provide a site plan.

City Attorney Robertson provided context of information provided in PUD plans and complexities that can exist with proffer enforcement. Council agreed to move the item to the January 18 Consent Agenda.

ORDINANCE: Consideration of a rezoning request for approximately 9 acres of land, including multiple lots identified within City tax records as Tax Map and Parcel 470007100, 470011000 and 470008000 for a Planned Unit Development, also referred to as the MACAA PUD (carried)

Dannan O'Connell, Planner with Neighborhood Development Services, introduced the rezoning request. He provided a summary of recommendation 4-0 from the Planning Commission as a follow-up to the public hearing held at the December 14, 2021 meeting.

Kurt Keesecker, Principal Planner with BRW Architects, made the presentation on behalf of the applicant and introduced all partners in the meeting. Jonathan Showalter of the Timmons Group gave an overview of environmental components. Mr. Keesecker addressed connectivity and concerns about disturbance of tree canopy.

The following consultants along with staff addressed clarifying questions from Councilors about walkability, affordability, tree canopy and traffic: Thomas Ruff (traffic engineer), Sunshine Mathon, Kurt Keesecker, and Jonathan Showalter.

Council agreed to move the item forward to the January 18 meeting for discussion as an Action Item, requesting information from the City Traffic Engineer.

RESOLUTION*: FY21 Year-end Budget Appropriation (2nd reading)

Chris Cullinan, Director of Finance, summarized the results of the auditor report and the resolution from FY21 year-end adjustments. City Council held a public hearing on this item on December 20, 2021.

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

FY 2020 Year End Appropriation Resolution

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2021. The memo to Council dated December 20, 2021 is hereby made part of this appropriation.

I. General Fund (105).

- (a) Departmental Appropriations.

The following amounts shall be permitted to be carried over and expended in the General Fund’s respective cost centers or internal orders in the following fiscal year and shall remain as continuing appropriations unless further altered by Council:

1901001000	City Treasurer’s Office.	\$6,393.
Total Section I (a).		<u>\$6,393.</u>
(b) Additional Transfers and Appropriations.		
2213001000.	Transfer to Employee Benefits.	\$5,503,327.
9803030000.	Transfer to Capital Projects Contingency Fund.	\$6,674,971.
Total Section I (b).		<u>\$12,178,298.</u>

II. Facilities Repair Fund (107).

- Courthouse Maintenance (P-00099) - \$6,130 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.
- Courthouse Construction (P-00783) - \$8,014 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

Total Section II.	<u>\$14,144.</u>
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III. Grants Fund (209).

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$1,384 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

Total Section III.	<u>\$1,384.</u>
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IV. Schools Gainsharing.

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City. For the year ending June 30, 2021, the Schools had an operating surplus of \$387,250. According to the formula, \$100,000 will be contributed to the City’s School Lump Sum Project Fund and \$193,625 will be retained by the City Schools.

RESOLUTION: Adopting the City Council regular meeting schedule for 2022

City Attorney Lisa Robertson summarized the requirement for Council to establish its annual calendar, advising that the publication of the approved Resolution on the City website serves as the public notice.

On motion by Pinkston, seconded by Magill, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION
ESTABLISHING THE DAYS, TIMES AND PLACES OF REGULAR MEETINGS OF
THE CHARLOTTESVILLE CITY COUNCIL DURING CALENDAR YEAR 2022**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
CHARLOTTESVILLE, VIRGINIA THAT**, pursuant to Virginia Code Sec. 15.2-1416, the regular meetings of the Charlottesville City Council shall be conducted on the following days, times, and places during calendar year 2022:

Date	Time	Location
Wednesday, January 5, 2022 (Annual organizational meeting)	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	Electronic meeting, due to continuing state of emergency
Tuesday, January 18, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	Electronic meeting, due to continuing state of emergency
Monday, February 7, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	Electronic meeting, due to continuing state of emergency
Tuesday, February 22, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	Electronic meeting, due to continuing state of emergency

Monday, March 7, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	Electronic meeting, due to continuing state of emergency
Monday, March 21, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*Or: electronic meeting, if local state of emergency is continuing)
Monday, April 4, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, April 18, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, May 2, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, May 16, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)

Monday, June 6, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Tuesday, June 21, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, July 18, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, August 1, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, August 15, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)

Tuesday, September 6, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, September 19, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, October 3, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, October 17, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, November 7, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)

Monday, November 21, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, December 5, 2022	Begins at 5:30 p.m. with closed meeting agenda (if any); regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, December 19, 2022	Begins at 4:00 p.m. with Reports; closed meeting agenda (if any) begins at 5:30; regular agenda begins at 6:30 p.m., or upon conclusion of the closed meeting agenda	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)

BE IT FURTHER RESOLVED THAT any regular meeting may be adjourned from day to day, or from time to time, or from place to place, not beyond the day and time fixed by this resolution for the next regular meeting, until the business before this City Council is completed. Notice of any regular meeting continued in this manner shall be reasonable under the circumstances and shall be given as provided in subsection D of Virginia Code Section 2.2-3707.

BE IT FURTHER RESOLVED THAT, in the event that the Mayor, or the Vice-Mayor if the Mayor is unavailable or otherwise unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regular meeting, that regular meeting shall be continued to the next business day on which the said hazardous conditions no longer exist. Such finding and declaration shall be communicated to all city councilors and to the press as promptly as possible, along with the date and time on which the continued meeting will commence. All public hearings and other agenda matters previously advertised shall be conducted at the continued meeting with no further advertisement.

RESOLUTION*: Consideration of a Critical Slope waiver request for 1223 Harris Street

Brian Haluska, Principal Planner, summarized the critical slope waiver request. The Planning Commission unanimously approved the item at their December 2021 meeting.

On motion by Magill, seconded by Payne, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION APPROVING THE REQUEST TO WAIVE
THE CRITICAL SLOPE REQUIREMENTS OF CITY CODE SECTION 34-1120(b)
FOR THE DEVELOPMENT TO BE BUILT AT
1221, 1223 AND 1225 HARRIS STREET
(CITY TAX MAP PARCELS 340090B00, 340090C00, AND 34009100)**

WHEREAS C-Ville Business Park, LLC, (the “Landowner”) is the owner of record of the property of certain land identified by City tax map parcels 340090B00, 340090C00, and 34009100 currently addressed as 1221, 1223, and 1225 Harris Street, respectively (together, the “Property”) and the Landowner requested a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with the construction of a mixed-use development to include 120 residential units located on the Property and referred to as City’s Edge;

WHEREAS existing Critical Slopes constitute 0.29 acres, or 26% of the project site; and

WHEREAS the Planning Commission considered and unanimously approved this application at their December 14, 2021 meeting, subject to the conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the 1221, 1223, and 1225 Harris Street also referred to as City’s Edge to include the following conditions;

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of Erosion and Sediment (“E&S”) controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed 1223 Harris Street Critical Slope traps shall be established with rigorous independent E&S controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.
- 2) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 3) At no time shall concentrated water be directed toward the critical slopes.

RESOLUTION*: Designating the MACAA Apartments site as a Revitalization Area

Alex Ikefuna, Interim Director of Community Solutions, summarized the request. Staff recommended approval of the request from Piedmont Housing Alliance.

On motion by Magill, seconded by Payne, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

**Revitalization Area Certification for MACAA Apartments site/1025 Park Street
Parcel Numbers: 470007100, 470011000 & 470080000**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the MACAA Apartments site is located within a Revitalization Area, defined by Virginia Housing (formerly Virginia Housing Development Authority) as any area that 1) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; AND 2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

BOARDS AND COMMISSIONS (Council Seats)

On motion by Magill, seconded by Pinkston, Council by the following vote APPROVED the following Council seats to boards and commissions: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

Charlottesville Redevelopment & Housing Authority - PAYNE

Housing Advisory Committee - PAYNE

Legislative Committee* - SNOOK, MAGILL

Measurements & Solutions Group - MAGILL

Minority Business Commission - WADE

Retirement Commission - PINKSTON

School Capital Projects - PINKSTON, WADE

Social Services Advisory - WADE

Albemarle Charlottesville Regional Jail Authority Board - MAGILL

Charlottesville Albemarle Convention and Visitors Bureau - WADE

Charlottesville Community Scholarship Program - SNOOK

Darden Towe Park* - SNOOK, PINKSTON

Jefferson Area Board for Aging Board of Directors* (JABA) - WADE

Jefferson Area Community Criminal Justice Board - MAGILL
Local Energy Alliance Program Governance Board (LEAP) - PAYNE
Metropolitan Planning Organization - PINKSTON (SNOOK alt)
Piedmont Housing Alliance - PAYNE if voted on by PHA board
Regional Housing Partnership* - PAYNE (SNOOK alt)
Regional Transportation Partnership - SNOOK, PINKSTON
Rivanna Corridor Planning Steering Committee - PAYNE, SNOOK
Rivanna River Basin - PAYNE, SNOOK
Rivanna Solid Waste Authority - PINKSTON
Rivanna Water and Sewer Authority - PINKSTON
Thomas Jefferson Planning District Committee - PAYNE
Virginia Career Works-Piedmont - MAGILL
Virginia First Cities* - MAGILL (SNOOK alt)

GENERAL BUSINESS

There were no items of general business.

OTHER BUSINESS

There were no other business items.

MATTERS BY THE PUBLIC

- Don Gathers, city resident, spoke about City Council conduct of city and Council business. He expressed concern about some comments regarding traffic accidents on the 5th Street corridor. He asked for consideration of people in adverse situations dealing with winter weather. He asked for reconstitution of the PCRB.
- Tanesha Hudson spoke about PCRB emails. She also spoke about the decision not to bring employees back into full city office operations.
- Robin Hoffman spoke about her observations from the winter storm and the coronavirus pandemic. She expressed a need for trees to be pruned so as not to damage power lines.
- Constance Johnson encouraged Council to get more information about the MACAA Planned Unit Development project by visiting the area.

Mayor Snook adjourned the meeting at 11:50 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING

January 18, 2022

Virtual/electronic meeting via ZOOM

4:00 PM WORK SESSION

The Charlottesville City Council met in an electronic meeting on Tuesday, January 18, 2022, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order at 4:01 p.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

On motion by Magill, seconded by Wade, Council voted 5-0 to ADOPT the meeting agenda (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. REPORT: Transit presentation and work session

Transit Director Garland Williams made a presentation on the Charlottesville Area Transit (CAT) 2022 State of Transit. The presentation included information about existing staffing, ridership and demographics, infrastructure, routes and costs, as well as recommendations for achieving goals in the focus areas of reliability, ridership, frequency, and quality of service.

Mr. Williams noted the Guiding Principles that influence operations:

- **Equity:** Historically disadvantaged communities must gain access to resources and opportunities to thrive.
- **Economic Development:** A highly functioning transit system can encourage economic development.
- **Accessibility and Mobility:** Provide greater transportation access and a broader range of mobility options for greater Charlottesville.
- **Poverty Reduction:** A highly functioning transit system can assist with lifting individuals out of poverty.

Councilors asked a variety of questions and Mr. Williams expressed the types of policy decisions that would help Transit to move forward with planning to move toward 15-minute fixed route service, adding alternative-fueled vehicles to the fleet, and positioning CAT to become a regional transit authority.

CLOSED MEETING

On motion by Magill, seconded by Payne, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section **2.2- 3711(A)(7) and (A)(8)** for consultation with legal counsel regarding the pending litigation filed in Charlottesville Circuit Court, *Doe v. City Council* (filed 12/15/2021), and in U.S. District Court, Western District of Virginia, Case No. 3:21-cv-00045, because such consultation would adversely affect the negotiating or litigating posture of the City, and for consideration of prospective candidates proposed by the Robert Bobb Group to perform the duties of Interim City Manager and consultation with legal counsel regarding implementation of the contract with the Robert Bobb Group.

On motion by Magill, seconded by Wade, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

6:30 PM REGULAR MEETING

Having established quorum with all councilors present, Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Magill announced: 1) a criminal justice behavioral health grant awarded from NACo (National Association of Counties) to form a small group including an appointed elected official from the City of Charlottesville and one from Albemarle County to establish a strategic framework for reducing reliance on incarceration to address local public safety and health challenges; and 2) an update on Covid mitigation efforts in the Albemarle-Charlottesville Regional Jail

Councilor Payne announced that people could order Covid test kits at www.usps.com.

RECOGNITIONS/PROCLAMATIONS

Mayor Snook had three items for recognition:

1. He commended Councilor Payne for attending the groundbreaking for Piedmont Housing Alliance and for representing Council on the PHA Board.
2. He acknowledged Councilor Magill's appointment to chair the 2022 University Committees Council, a National League of Cities Committee.
3. He recognized Ed Gatewood, City Council Member from 1976-1980, who passed away

December 29, 2021. Councilor Magill stated that university communities face unique problems.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

2. RESOLUTION: Authorizing refund to taxpaying entity of Business License Tax paid for 2020 - \$4,939.20

**RESOLUTION
AUTHORIZING REFUND TO TAXPAYING ENTITY OF BUSINESS LICENSE
TAXES PAID FOR 2020**

WHEREAS, the Commissioner of the Revenue has determined that on July 31, 2020, Entity relocated its business to another jurisdiction after having timely filed and paid its 2020 Charlottesville City Business License; and

WHEREAS, Entity subsequently requested a pro-rated refund on the 2020 business license tax paid to the City of Charlottesville; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$4,939.20; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$4,939.20, payable to Entity.

3. RESOLUTION: Authorizing refund to taxpaying entity of Business License Tax paid for 2020 - \$10,261.20

**RESOLUTION
AUTHORIZING REFUND TO TAXPAYING ENTITY OF BUSINESS LICENSE
TAXES PAID FOR 2021**

WHEREAS, the Commissioner of the Revenue has determined that Entity paid 2021 Business License Tax to the City of Charlottesville in error; and

WHEREAS, Entity has requested a refund of the amount paid in error; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$10,261.20; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$10,261.20, payable to Entity.

- 4. ORDINANCE: Amending and re-enacting the provisions of Chapter 28 (Streets and Sidewalks), Article VI (Sidewalk Cafes) of the Code of the City of Charlottesville (1990) as amended, to establish the City Treasurer as the city official responsible for collecting rents from sidewalk cafe operators; and to waive rents due and owing to the City under the provisions of City Code Section 28-214(c)(2) for 2020 and 2021 (carried)**
- 5. ORDINANCE: Consideration of the Park Street Christian Church Planned Unit Development requests (2nd reading)**
 - a. Rezoning of approximately seven (7) acres of land, including one lot identified within City tax records as 1200 Park Street, Tax Map and Parcel 470002120 from R-1 to PUD (Planned Unit Development) (2nd reading)

AN ORDINANCE APPROVING REZONING APPLICATION ZM21-00004 APPROVING A REQUEST TO REZONE THE PARCEL OF LAND LOCATED AT 1200 PARK STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (“PARK STREET PUD”) SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS

- b. Park Street Christian Church PUD Critical slopes waiver (2nd reading)

RESOLUTION APPROVING THE REQUEST TO WAIVE THE CRITICAL SLOPE REQUIREMENTS OF CITY CODE SECTION 34-1120(b) TO ALLOW CONSTRUCTION OF A PLANNED UNIT DEVELOPMENT AT 1200 PARK STREET (CITY TAX MAP 47, PARCEL 212)

WHEREAS Park Street Christian Church (“Landowner”) is the record owner of certain land identified on City Real Estate Tax Map 47 as Parcel 212, currently addressed as “1200 Park Street” (the “Property”), and together with the Piedmont Housing Alliance (the “Applicant”), the Landowner is requesting a Waiver of the Critical Slopes requirements of City Code Sec. 34- 1120(b)(6)(b) in connection with the plan to construct a Planned Unit Development on the Property; and

WHEREAS existing Critical Slopes located on the Property include 2.83 acres, or approximately 38.1 percent of the area of the parcels; and

WHEREAS the Planning Commission considered and recommended approval of this application at their December 14, 2021 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Property, to allow construction of a duplex by the Landowner, subject to the following conditions:

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of Erosion and Sediment (“E&S”) controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed traps shall be established with rigorous independent E&S controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.
- 2) Any channels/diversions that convey ‘clear’ water shall be stabilized with sod on the ‘clear water’ side immediately after installation.
- 3) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 4) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).
- 5) At no time shall concentrated water be directed toward the critical slopes without adequate conveyance down and beyond the slopes to an acceptable outfall.

6. RESOLUTION: Appropriating funds for the Runaway Emergency Shelter Program Grant - \$209,444 (carried)

Mayor Snook opened the floor for comments on the consent agenda.

- Cecilia Mills spoke about the MACAA and Park Street Planned Unit Developments happening at the same time, and out of concern for the potential for developers to not follow through on promises.

On motion by Magill, seconded by Payne, Council by the following vote APPROVED the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

Deputy City Manager Sam Sanders reported:

1. The Human Rights Commission expects to provide a status report on Slave Auction Block efforts on February 7.
2. Storm operations have been significantly impacted by Covid, and city staff are working to

resolve various issues as well as to prepare for upcoming weather events.

Deputy City Manager Ashley Marshall reported on the proactive efforts of the Department of Social Services staff during recent weather events, including partnerships with local agencies to ensure that individuals in need would have the best outcomes possible.

Mayor Snook commended Public Works staff for work during recent storms.

COMMUNITY MATTERS

1. Emily Little, city resident, spoke about transportation and encouraged climate mitigation through electrifying buses in Charlottesville.
2. Kate Fraleigh, city resident, recommended not fixing the 5th Street fatality issue by using camera systems.
3. Susan Kruse of the Community Climate Collaborative (C3) asked Council to take action supporting a climate and energy letter to the General Assembly regarding clean energy buses.
4. Greg Weaver spoke about equity in transit, about the need to increase bus frequency to improve ridership, and about strategy for increasing the electric bus fleet.
5. Patricia Johnson, city resident, expressed concerns about the MACAA Planned Unit Development project.
6. Marcia Geyer, city resident, spoke about the type of buses to be added to CAT's fleet and urged Council to consider climate protection in decision making.
7. Caetano de Campos Lopes advised that C3 will launch the ACT (Act on Clean Transit) campaign, aligned in many ways with the vision of Transit Director Garland Williams. He encouraged Council to consider additional alternative solutions including microtransit.
8. William Emory spoke about tree canopy as related to the MACAA and Park Street Planned Unit Development projects.
9. Ang Conn, city resident, acknowledged staff work during the most recent winter weather event. She spoke about a Covid outbreak at the Albemarle-Charlottesville Regional Jail.
10. Tanesha Hudson spoke about affordable housing and the need for density, as well as equity with placing trees in Black neighborhoods as well as removing rotten trees to prevent downed power lines.
11. Nancy Carpenter spoke about possible uses for American Rescue Plan funds for addressing safety during winter weather.
12. John Hossack spoke about public engagement during the zoning rewrite process, and about concerns with the traffic analysis for the MACAA project.
13. Donna Shaunesey, city resident, speaking as Chair of the Sierra Club, asked Council to approve the Transit feasibility study.
14. Gloria Beard, city resident, asked if there were people in place to help senior citizens clean their sidewalks. She asked about funding for AHIP (Albemarle Housing Improvement Program).

15. Rory Stolzenberg commended Council for action in support of local restaurants. He spoke about a Streeteries program that other communities have implemented.

The meeting recessed at 7:43 p.m. and reconvened at 7:48 p.m.

ACTION ITEMS

7. RESOLUTION*: Appointment of an Interim City Manager

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION APPROVING PERSONNEL OF THE ROBERT BOBB GROUP TO PERFORM THE DUTIES OF CITY MANAGER ON AN INTERIM BASIS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT the Robert Bobb Group, having previously been awarded a contract to provide interim city manager services to the City government, has offered Michael C. Rogers as its key personnel to be assigned by the firm to perform the duties of city manager, and this Council hereby approves **Michael C. Rogers** to be the person who shall perform the duties of city manager during the term of the contract and who shall have all of the executive and administrative authority and duties set forth in Section 5.01 of the City Charter, the Charlottesville City Code, and the general laws of the Commonwealth of Virginia.

Mr. Robert Bobb of the contracted Robert Bobb Group shared resume information to introduce Mr. Michael C. Rogers as the new Interim City Manager, with an effective date of January 31, 2022.

Mr. Michael C. Rogers made remarks.

Councilors made comments about the selection of Mr. Rogers.

8. ORDINANCE: Consideration of a rezoning request for approximately 9 acres of land, including multiple lots identified within City tax records as Tax Map and Parcel 470007100, 470011000 and 470008000 for a Planned Unit Development, also referred to as the MACAA PUD (2nd reading)

Dannan O'Connell, Planner with the Department of Neighborhood Development Services introduced the second reading of the proposed Planned Unit Development and recommended approval of the rezoning with the included proffers. He noted an amendment needed to the ordinance to remove the wording "a portion of".

Brennen Duncan, Traffic Engineer, shared a traffic report that was provided to City Council following the January 5 City Council meeting.

Mr. O'Connell, Mr. Duncan, Mr. Jonathan Showalter (Timmons Group engineer), and Mr. Thomas Ruff (Timmons Group traffic engineer) answered questions from Council.

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the ordinance, as amended: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

AN ORDINANCE APPROVING REZONING APPLICATION ZM21-00003 A REQUEST TO REZONE LAND FRONTING ON PARK STREET AND THE ROUTE 250 BYPASS FROM R-1 (LOW DENSITY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS

9. RESOLUTION: Appropriation of American Rescue Plan funds (carried)

Chris Cullinan, Director of Finance, made the presentation.

Councilor Payne acknowledged the investment in Pathways funds and asked about the allocation for downtown mall improvements.

Mr. Cullinan recognized Human Services staff for Pathways work.

Council agreed to move the item forward to the February 7 Council meeting for vote.

10. RESOLUTION*Approving names for newly acquired and developed parklands

Chris Gensic, Parks and Trails Planner, made the presentation, reviewing Parks Advisory Board recommended park names.

On motion by Magill, seconded by Pinkston, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

Approving Names for Newly Acquired and Developed City Parklands

WHEREAS, in accordance with the Parkland Naming Policy, names for parklands recommended by the Parks and Recreation Advisory Board are to be approved by City Council,

AND WHEREAS, the Parks and Recreation Advisory Board approved by votes the names listed below

NOW, THEREFORE BE IT RESOLVED, that the City of Charlottesville approves the following names recommended by the Parks and Recreation Advisory Board for new parklands.

The properties and proposed names are as follows:

- 32 acres along Moores Creek near Azalea Park – **Azalea Park West**

- 20 acres along Moores Creek near Jordan Park and Avon Street – **Mill Park**
- 142 acres (+ 5 additional acres) adjacent to Ragged Mtn – **Heyward Community Forest**
- 8-acre addition to Northeast Park with rectangular field – **Unity Field at Northeast Park**
- 42 acres of land north of McIntire Park and Melbourne Road – **Butterfly Greenway**
- Pocket Park at corner of 8th and Albemarle near Westhaven – **Jenkins Park**

11. RESOLUTION*: Charlottesville Redevelopment and Housing Authority 6th Street site

Alex Ikefuna, Interim Director for the Department of Community Solutions, presented a request from CRHA regarding a proposed development at 715 6th Street SE.

a. Designating CRHA 6th Street site as a Revitalization Area

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

**Revitalization Area Certification for CRHA 6th Street site/715 6th Street SE
Parcel Number: 270019000**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the CRHA 6th Street site is located within a Revitalization Area, defined by the Virginia Housing Development Authority as any area that 1) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; AND 2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

b. Financial resolution supporting 6th Street site

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the ordinance, as amended: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

**Financial Resolution Supporting CRHA 6th Street - Phase 1
Parcel Number: 270019000**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that it hereby commits up to \$3,000,000 in the form of grants for the redevelopment of Phase 1 of the redevelopment of the 6th Street site (715 6th Street SE) subject to the Charlottesville Redevelopment and Housing Authority satisfying the conditions of a Memorandum of Understanding agreed to by the City and the Charlottesville Redevelopment and Housing Authority. The commitment of up to \$3,000,000 will help to subsidize this first phase of the project which in turn will create approximately 50 new affordable housing units in the City of Charlottesville. This commitment will be made to the Charlottesville Redevelopment and Housing Authority.

12. RESOLUTION: Approving an FY 2018-2019 Community Development Block Grant Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan

Alex Ikefuna, Interim Director for the Department of Community Solutions, made the presentation. He advised of the challenges with the Franklin Street Sidewalk Project and referenced a prior discussion about restructuring the CDBG Task Force program. Staff asked for an amendment to the Substantial Action Plan in order to be able to spend funds in a timely manner.

Deputy City Manager Sanders provided additional information about the objective of this action item, which would be for shovel-ready projects.

On motion by Payne, seconded by Magill, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION
Approving the FY 2018-2019 Community Development Block Grant Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan

BE IT RESOLVED that the Charlottesville City Council hereby approves the FY 2018 – 2019 Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan. The reprogrammed 2018 CDBG budget will be added into the 2018-2019 Annual Action Plan to meet HUD spending deadlines under 24 CFR 570.902(a). No changes to the HOME budget will be made at this time.

13. ACTION ITEM: Consideration of endorsing a letter to the General Assembly regarding Climate and Energy Policy

Mayor Snook summarized the letter.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED the letter endorsement: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

GENERAL BUSINESS

14. REPORT: Rivanna Authorities Quarterly Update/Annual Report

Bill Mawyer, Rivanna Authorities Executive Director, presented the Drinking Water/Wastewater and Refuse/Recycling Programs update.

15. REPORT: Update on the zoning rewrite process

James Freas, Director of Neighborhood Development Services, presented an update on the zoning re-write project as part of Cville Plans Together. On November 15, 2021 Council adopted the new Charlottesville Comprehensive Plan. The Cville Plans Together process will be divided into three parts to develop a new Zoning Ordinance to advance implementation of the Comprehensive Plan:

Part 1: Identify zoning ordinance changes that are needed, and proposed approach

Part 2: Draft zoning ordinance

Part 3: Adopt zoning ordinance

He shared a proposed timeline and advised that advised that the team is looking for member to replace Councilor Heather Hill.

The project will kick-off in the last week of January 2022 and commence through winter/spring of 2023. Community engagement will be an essential aspect of the work and the newly adopted Community Engagement chapter of the Comprehensive Plan will be used as a guide.

OTHER BUSINESS

Councilor Payne asked for follow up on a sidewalk clearing program to help elderly or disabled individuals during inclement weather. Deputy City Manager Sanders advised that the city does not have a system. The Albemarle County High School Rowing Team is running a program for snow assistance and is keeping a list for those who need assistance.

Mayor Snook asked about trees impeding on utility lines. Mr. Sanders described efforts to follow up with the utility provider for a request on Agnese Street.

MATTERS BY THE PUBLIC

- Ang Conn spoke about conditions impacting incarcerated individuals at the Albemarle-Charlottesville Regional Jail. She also spoke about housing choice vouchers being revoked due to unavailability of accessible housing. She requested that Council provide a response during public comment.
- Tanesha Hudson spoke about protection for citizens related to dangerous trees and power lines and addressed particular parcels. She spoke about increasing density vertically to address

affordability.

- Mark Kavit complimented city snow removal efforts and spoke about the Albemarle County High School Rowing Team snow clearing efforts.
- Nancy Carpenter spoke about the community engagement component of the presentation made by Mr. Freas, advising that many people will not be comfortable meeting in person. She suggested the use of city technology to help people in various neighborhoods engage.

The meeting adjourned at 10:13 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 7, 2022
Action Required:	Adoption of Ordinance (2 readings, no public hearing required)
Presenter:	Brennen Duncan, PE, City Traffic Engineer, Public Works
Staff Contacts:	Brennen Duncan, PE, City Traffic Engineer, Public Works
Title:	5th Street SW Speed reduction

Background

State law, Virginia Code Sec. 46.2-1300(A), requires that localities may change established speed limits when a change is supported by findings within an engineering and traffic investigation.

Discussion

In response to public engagement and several fatal accidents along the 5th Street corridor, an engineering and traffic investigation as conducted by the City Traffic Engineer. This included multiple speed studies as well as reviewing recent crash reports and the safety analysis performed as a part of the 5th-Ridge-McIntire Multimodal Corridor Study completed in 2018. Although it was determined that the posted speed limit was not a factor in the most severe crashes, there were nearly 40% of all of the crashes that could have been mitigated, either in occurrence or severity, by a lower speed limit.

Budgetary Impact

Cost to install/replace speed limit signs along the 5th Street Corridor

Recommendations

Staff recommends adoption of the proposed ordinance, based on the recommendation supported by an Engineering and Traffic Investigation conducted by the City Traffic Engineer

Attachments

1. Engineering and Traffic Investigation Memo
2. Proposed Ordinance



TO: Sam Sanders, Deputy City Manager

FROM: Brennen Duncan, PE, City Traffic Engineer

DATE: February 2, 2022

SUBJECT: 5th Street Engineering and Traffic Investigation Speed Analysis

The Virginia General Assembly establishes the statutory speed limits and gives authority to cities and incorporated towns to decrease speed limits under their jurisdiction. In order to do so, the locality must perform an engineering study.

The City of Charlottesville traffic engineering office has conducted such a study along the 5th Street SW corridor between Harris Road on the south end, and Cherry Avenue on the north end. The current speed limit along this stretch is 45 miles per hour. The 85th percentile speeds falls in line with the posted speed limit, but accidents along the corridor are much higher than the statewide average.

In reviewing the 5th-Ridge-McIntire Multimodal Corridor Study performed in 2018 by EPR, this stretch of roadway is #17 in the district for segments of roadway for its "Potential for Safety Improvements" and is 2-3 times higher than the statewide average. In looking at the micro data for the 243 accidents between the 2011-2016 study window, it was determined that the largest category of accident, with nearly 40% of all accidents, were of the rear end variety. This type of accident is normally a result of the failure to stop, and the stopping distance is directly proportional to the traveling speed. A reduction of the speed limit from 45mph to 40mph should reduce the required stopping distance for vehicles by approximately 17%, resulting in fewer of the rear end type of accident.

After reviewing the data, lowering the posted speed limit by 5 mph should have very limited negative impact on the traveling public while increasing safety along the corridor for the most prevalent type of accident. The City Traffic Engineer thus recommends formally reducing the posted speed limit from 45mph to 40mph. This should take effect as soon as City Council is able to vote to amend Section 15-99 of the City Ordinance regarding speed limits.

ORDINANCE
AMENDING AND REORDAINING SECTION 15-99 OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO REDUCE THE SPEED LIMIT ON 5TH STREET S.W

WHEREAS the City’s Traffic Engineer has prepared a report entitled "5th Street Engineering and Traffic Investigation Speed Analysis", dated February 1, 2022, for the City Engineer, who concurs with the recommendations made by the Traffic Engineer for appropriate speed limits (from an engineering and safety standpoint) on 5th Street, S.W., from Cherry Avenue to the south corporate limits of the City; and

WHEREAS the traffic engineer notes that accident type and frequency indicates the need to reduce speed limits on this public street. Now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Section 15-99 of Article IV (Speed Limits) of Chapter 15 (Motor Vehicles and Traffic) of the Charlottesville City Code, 1990, as amended, is hereby amended and re-ordained with a change to the established speed limit for 5th Street, S.W., as follows:

Sec. 15-99. Maximum limits on specific streets

Pursuant to a traffic engineering and traffic survey as required by Code of Virginia, section 46.2-1300, the following speed limits are imposed as hereinafter set forth and no person shall drive a vehicle at a speed in excess of such limits:

....

Street	From	To	Speed Limit (MPH)
5 th Street, S.W.	Cherry Avenue	South corporate limits	45 <u>40</u>

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



Agenda Date:	January 18, 2022
Action Requested:	Appropriation
Presenter:	Hunter Smith, Human Services Department
Staff Contacts:	Hunter Smith, Human Services Planner Misty Graves, Interim Human Services Director
Title:	Runaway Emergency Shelter Program Grant - \$209,444

Background:

In FY2020 the Human Services Department, in partnership with ReadyKids, applied for and received a 3 year grant from the Department of Health and Human Services Administration for Children and Families in the amount of \$200,000 in federal funds and \$22,222 in local matching funds. In FY2022, the second year of the grant, the local match will be met with a transfer of \$9,444 from the Human Services Department for a total appropriation of \$209,444. An in-kind match of \$12,778 from ReadyKids, to provide Runaway Emergency Shelter Program (RESP) services, will be applied to the grant as well.

Discussion:

The funds support services that provide emergency shelter, counseling and after care services for youth in crisis for the purpose of keeping them safe and off the streets, with a goal of reunification with family. Funded services will include: emergency shelter available 24 hours per day, 7days a week; individual and family counseling to help resolve conflict and develop new communication skills to facilitate reunification with the family; and additional support services that help youth build meaningful connections with their community and encourage positive youth development.

Alignment with City Council's Vision and Strategic Plan:

The Runaway Emergency Services Program grant aligns with the City of Charlottesville's Strategic Plan – Goal 2: A Healthy and Safe City; Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources.

The Human Service Department's programs, including the Runaway Emergency Shelter Program, provide residential and community based services that prevent delinquency and promote the healthy development of youth.

Community Engagement:

In order to increase prevention services, (RESP). staff conduct extensive outreach efforts, particularly in area schools reaching out to youth through a variety of activities including presentations to health classes and at tables during lunch.

Budgetary Impact:

There is no impact to the General Fund. There is a local match that the Human Service's Department and ReadyKids will provide (cash match of \$9,444 – Human Services Fund and in-kind match \$12,778 – ReadyKids). This grant will be appropriated into a grants fund.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

If the funds are not appropriated, the grant would not be received and the Runaway Emergency Shelter Program services would not be provided.

Attachments:

Appropriation Resolution

**RESOLUTION APPROPRIATING FUNDS for
Runaway Emergency Shelter Program
\$209,444**

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with cash match of \$9,444 provided by the Human Services Fund and in-kind match of \$12,778 provided by ReadyKids;

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between the Human Services Department and ReadyKids. The grant award covers the period from September 30, 2021 through September 29, 2022;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$209,444 is hereby appropriated in the following manner:

Revenue – \$209,444

\$200,000	Fund: 211	Internal Order: 1900447	G/L Account: 431110
\$ 9,444	Fund: 211	Internal Order: 1900447	G/L Account: 498010

Expenditures - \$209,444

\$ 69,948	Fund: 211	Internal Order: 1900447	G/L Account: 519999
\$125,000	Fund: 211	Internal Order: 1900447	G/L Account: 530010
\$ 14,496	Fund: 211	Internal Order: 1900447	G/L Account: 599999

Transfer - \$9,444

\$ 9,444	Fund: 213	Cost Center: 3413003000	G/L Account: 561211
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 22, 2022
Action Required:	Resolution: Minor Amendment 2021-2022 Action Plan
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator
Title:	CDBG 2021-2022 Community Investment Collaborative Contingency Plan

Background:

This agenda item includes a resolution for the FY2021-2022 minor action plan amendment Community Development Block Grant funds received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

In Fall 2020, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 21, 2020. The priorities were for affordable housing (priority for persons who are 0-50 percent AMI, including but not limited to low income housing redevelopment), support for the homelessness and those at risk of homelessness, workforce development (including but not limited to efforts to bolster section 3 training opportunities and partnerships with the City's GO programs), microenterprise assistance, access to quality childcare, homeowner rehabilitation and down payment assistance.

In January and February 2021, the CDBG/HOME Task Force reviewed and recommended housing and public service projects for funding and the Strategic Action Team reviewed and recommended economic development projects for funding. On May 3, 2021, City Council considered and approved the CDBG and HOME budget for the 2021-2022 HUD Annual Action plan submittal.

Discussion:

On July 14, 2021, Community Investment Collaborative (CIC) was awarded \$32,056.28 CDBG FY2021-2022 funds to provide income qualified participants enroll in one of two programs starting micro-enterprises within the City of Charlottesville. On February 7, 2022, CIC requested to enact the contingency plan to spend their balance of \$26,821.28 of CDBG funding on an expanded scope of work to assist income qualified participants with the start or expansion of micro-enterprises within the City of Charlottesville. The original scope of work proposed funding the following:

- 16-week Entrepreneur Workshop,
- Financial management program.

With this request, CIC proposes to subsidize interest for qualified borrower from the City's business equity fund, and start the micro-business startup and growth grant that offers \$1,000-\$3,000 per applicant. The change of scope of work will assist CIC and the City to meet HUD

CDBG timeliness deadlines.

All CDBG and HOME applicants are required to provide reasonable assurances regarding the achievement of objectives in three categories: 1) Effectiveness and efficiency of operations; 2) Reliability of reporting for internal and external use; and 3) Compliance with applicable laws and regulations. All non-federal entities must submit internal controls documents to comply with federal statutes, regulations, and the terms and conditions of the CDBG/HOME federal award. Internal controls are a process effected by an entity's oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved. These objectives and risks can be classified by operations, reporting, and compliance. To assist with CDBG timeliness requirements, HUD 24 CFR 570.902(a), CDBG and HOME subrecipients may request to enact the contingency plan from the submitted internal controls checklist.

Community Engagement:

The original CIC approval was part of the Action Plan that was advertised for a thirty-day comment period (March 30th – April 30th 2021) before being sent to HUD for approval. The Action Plan was also sent to Charlottesville Neighborhood community members and Housing Directors Council for public comment. Comments received were incorporated into the Action Plan. HUD approved the Action Plan on August 10, 2021.

If council approves the request, then an approval will be submitted to HUD as a minor Action Plan Amendment for the 2021-2022 fiscal year. The full action plan can be viewed on the City Website through the following [link](#). Minor Action Plan Amendments do not require a public hearing.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to have **Economic Sustainability**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

Budgetary Impact:

None

Recommendation:

Staff recommends approval of CIC's FY2021-2022 change of scope of work to assist with CDBG program compliance, HUD 24 CFR 570.902(a).

Alternatives:

None

Attachments:

Resolution for Minor 2021-2022 Action Plan Amendment
CIC's modified scope of work

RESOLUTION

APPROVING A MINOR AMENDMENT TO THE FY2021-2022 CDBG ACTION PLAN, TO AUTHORIZE THE CHARLOTTESVILLE COMMUNITY INVESTMENT COLLABORATIVE TO IMPLEMENT A CONTINGENCY PLAN FOR EXPENDITURE OF CDBG FUNDING ON OR BEFORE JUNE 30, 2022

WHEREAS on May 7, 2018 the Charlottesville City Council approved a Consolidated Plan for the City of Charlottesville and the Thomas Jefferson Planning District, covering the period from July 1, 2018 through June 30, 2023, which sets forth a plan to provide support for certain community development needs—including, but not limited to—housing needs, within those jurisdictions; and

WHEREAS the Consolidated Plan includes a citizen participation plan, and Sec. 2-419(10) specifies that, once City Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the approved citizen participation plan;

WHEREAS the Consolidated Plan is implemented during the coverage period through certain “Action Plans”, the most recent of which is designated as the “FY 2021-2022 Action Plan” previously approved by resolution of City Council on May 3, 2021; and

WHEREAS within the FY2021-2022 Action Plan the Charlottesville Community Investment Collaborative was selected as a subrecipient of CDBG funding from the City, in the amount of \$32,056.28, to foster small and local business development through the provision of financial management scholarships, with a target of June 30, 2022 for expenditure of the funding in accordance with the approved project; and

WHEREAS the Charlottesville Community Investment Collaborative is requesting a modification of their approved project, in order to provide subsidized interest for qualified borrowers from the City’s Business Equity Fund and start the Microbusiness Startup and Growth Grant representing that the modifications are necessary to allow for the timely expenditure of all awarded funding by June 30, 2022 (“contingency plan”), and federal regulations specify that this type of modification must be approved by City Council as a minor amendment of the City’s FY2021-2022 Action Plan (“Minor Amendment of the FY2021-2022 Action Plan”); and

WHEREAS the requested Minor Amendment of the FY2021-2022 Action Plan does not make any change to the amount of CDBG funding previously approved for the Charlottesville Community Investment Collaborative; and

WHEREAS this Council is satisfied on the basis of the information presented within the staff report, that the proposed Minor Amendment of the FY2021-2022 Action Plan has been brought forward in accordance with the approved citizen participation plan, as required by City Code §2-419(10);

NOW, THEREFORE, BE IT RESOLVED that the Charlottesville City Council hereby approves a Minor Amendment of the City’s FY2021-2022 Action Plan, to authorize the Charlottesville Community Collaborative’s Contingency Plan, which will assist the Charlottesville Community Investment Collaborative in meeting CDBG timeliness goals in accordance with federal regulations set forth at 24 CFR 570.902.

	Original Approved Project Approved by Council within the FY2021-2022 Action Plan	Contingency Plan— modifications proposed by CIC
Project Name	CIC Financial Management Scholarships	No change
Target Area	City of Charlottesville	No change
Goals Supported	Foster Small and Local Business Development	No change
Needs Addressed	Business Development	No change
Funding	CDBG: \$32,056	No change
Description	Community Investment Collaborative will be providing scholarships to assist 15-20 qualifying entrepreneurs develop financial management habits through mentorship and technical assistance workshops, subsidized interests for qualified borrowers from the City of Charlottesville’s Equity Fund, and grants of up to \$3,000 for a microbusiness startup program.	Changes: CIC expanded their CDBG scope of work to include two new programs to help City of Charlottesville income qualified residents expand or start microenterprises.
Target Date	6/30/2022	No change
Estimate the number and type of families that will benefit from the proposed activities	15-20 income qualifying entrepreneurs within the City of Charlottesville.	Changes: The two new programs will be benefiting an additional 19-23 income qualified. 4-8 grants to microenterprises, and 15 participants will be enrolled in the interest subsidy fund program.
Location Description	City of Charlottesville	No change
Planned Activities	Community Investment Collaborative will host a 16-week business education workshop for up to 60 residents of the City of Charlottesville who represent underserved entrepreneurs.	Changes: The following programs will be added to the Action Plan. The Business Equity Fund Interest Subsidy: In 2018, the City authorized funding to create the Business Equity

	<p>The CDBG grant will fund scholarships for 15-20 qualifying low income Charlottesville residents to participate in the workshops over the program year. Once they complete the workshop, participants pursuing their microenterprises will be able to access CIC's ongoing mentoring and technical assistance services and apply for microloans of up to \$35,000.</p> <p>CIC will also be offering subsidized interest for qualified borrowers to support City businesses. The initial funding provides an interest subsidy to lower the interest rate 6.75 percentage points. The Microbusiness startup and growth grant would support microbusinesses by providing grants between \$1,000-\$3,000 to help wither acquire equipment or make startup elated expenses or make a onetime investment to help pursue opportunity for an existing business.</p>	<p>Fund, a loan fund to support City businesses with socially-disadvantaged business owners. The initial funding provided an interest subsidy to lower the interest rate 6.75 percentage points so the range would be 0% to 3% instead of 6.75% to 9.75%. That subsidy was fully deployed in early 2021. For those business owners who meet CDBG requirements, this would support their continued interest subsidy.</p> <p>Microbusiness Startup and Growth Grant: This new grant program would support microenterprises by providing grants of \$1000 - \$3000 to help either 1) acquire equipment or make startup related expenses or 2) make a one-time investment to help pursue a growth opportunity for an existing business.</p>
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Attachment 1: Work Program

CIC will use funds to provide scholarships for qualified participants to support them in one of four programs:

1. 16 week Entrepreneur Workshop
2. Financial Management Program.
3. Provide subsidized interest for qualified borrowers from the City's Business Equity Fund
4. The Microbusiness Startup and Growth Grant

Qualified participants would be those who starting or expanding micro-enterprises within the City of Charlottesville and meet the low to moderate-income requirements.

PROGRAM

Operational since December 2012, CIC implements a four-pronged approach to meet the needs of under-served members of the community.

(1) Training: CIC seeks to broaden the definition of who is considered part of the entrepreneurial community. Our business training recruitment efforts engage key agencies working with under-represented populations in our community. Participants must complete a mandatory 16 session training program coordinated by CIC before applying for financing. Entrepreneurs meet weekly for 3 hours using a curriculum that combines case studies, discussion, and applied learning to effectively walk participants through all aspects of their businesses. Classes revolve around a participant's actual business ideas – our training teaches hands-on business skills, not entrepreneurship in theory – and the training materials are the building blocks required for their business plans. The extent of the need in our community continues as we consistently receive significantly more applications than we have open spots.

(2) Financing – Our research has documented an unmet need for business financing up to \$35,000 in the Thomas Jefferson Planning District. Thus, CIC has developed a revolving loan fund to spur economic development by supporting small businesses. Upon successful completion of the training, businesses may apply for loans of up to up to \$35,000, based on a proven repayment history. Completing the training does not guarantee financing. An independent loan committee comprising two bankers, two business people, and one community member consider each loan request. CIC borrowers approved by our loan review committee are assigned to specialized mentors for regular check-ins and meet monthly with their loan peers. Often, mentors and other CIC volunteers attend these monthly meetings, upholding the strong business network where ideas, connections, contacts, and support flow freely.

Business Equity Fund Interest Subsidy: In 2018, the City authorized funding to create the Business Equity Fund, a loan fund to support City businesses with socially-disadvantaged business owners. The initial funding provided an interest subsidy to lower the interest rate 6.75 percentage points so the range would be 0% to 3% instead of 6.75% to 9.75%. That subsidy was fully deployed in early 2021. For those business owners who meet CDBG requirements, this would support their continued interest subsidy.

Microbusiness Startup and Growth Grant: This new grant program would support microenterprises by providing grants of \$1000 - \$3000 to help either 1) acquire equipment or make startup related expenses or 2) make a one time investment to help pursue a growth opportunity for an existing business.

(3) Mentoring – A key component of business success is access to a support network of experienced business owners who can walk newcomers along the entrepreneurial path. Mentoring begins in the training sessions as Workgroup and Discussion Leaders offer guidance and support and continues as entrepreneurs graduate from the workshop with formal and informal mentoring including our Financial Management Program (FMP). Each client must outline specific milestones s/he wishes to achieve. Mentors drawn from the local business & business counseling communities meet regularly with CIC entrepreneurs to provide ongoing guidance and advisory support. These mentoring relationships cultivate strong cross-community relations that frequently result in powerful outcomes: with the help of her mentor, a CIC graduate secured an additional loan from a local bank, financing that would not have been possible otherwise. In another example, a CIC graduate won a catering contract for a prominent venue in town by introduction from her mentor. Relationships born from CIC generate meaningful business activity.

Financial Management Program: Graduates and CIC borrowers gain access to FMP which includes confidential, personalized financial management coaching that pinpoints the exact needs of their business, including: financial recordkeeping, business accounting, Quickbooks training, cash flow tracking, and tax planning. The program includes instruction on essential business setup and routines, including office setup and business habit coaching. The goal of the program is to assist entrepreneurs in developing strong financial habits so that they may better utilize accounting systems to improve and assist their micro-enterprises.

(4) Networking – Building strong entrepreneurial networks is an underpinning of CIC culture. We aim to create a branded marketplace for CIC entrepreneurs that attracts customers, advocates, and services. We have already begun to establish a digital marketplace through our website and increasingly attract catering, landscaping, or handyman repair requests with CIC businesses. As we bolster our online presence, we also create in-person opportunities for our entrepreneurs to connect and learn including entrepreneur showcases, business resource fairs and advanced workshops.

Attachment 2: Budget for Awarded Funds

All funds will be used for scholarships for qualified low-income city residents to enroll in either our 16-week Entrepreneurship Workshop or our Financial Management Program (FMP)

Total Funds: \$32,056.18

Entrepreneur Workshop Scholarships: \$7,500,000: estimated 10-12 scholarships at up to \$625 each (6 for fall, 6 for spring expected).

Financial Management Program: Estimated \$7,500: 10-12 program participant scholarships at up to \$840 each

Business Equity Fund Interest Subsidy: Estimated \$3556.18: 15 participants interest subsidy between July 1, 2021 and June 30, 2022.

Microbusiness Startup and Growth Grant: Estimated \$13,500: 4 - 8 grants to microenterprises

Status Report on Historic Resources Committee Project on Memorialization of pre-Civil War Auctions, Sales, and Transfers of Enslaved People in Albemarle County

Can we forget the crack of the whip, cowhide, whipping-post, the auction-block, the hand-cuffs, the spaniels, the iron collar, the negro-trade tearing the young child from its mother's breast as a whelp from the lioness? Have we forgotten that by those horrible cruelties, hundreds of our race have been killed? No, we have not, nor ever will.

– Isabella Gibbons, 1867

Summary

This project began in 2020, following the recommendation from the [2016 Blue Ribbon Commission on Race, Memorials, and Public Spaces](#) to “create a new memorial for Charlottesville’s enslaved population”, with a focus on how to properly memorialize a location in Court Square known as the Slave Auction Block. **The purpose of this status report is to describe the work already done and set expectations for our complete report later in 2022.**

We intentionally restricted the scope of this project as to not recommend that any specific actions be taken or any specific design for a memorial be constructed. The intention is only to create a solid foundation for future, appropriately-funded projects to develop and implement memorializations through a competitive RFP process.

We have three primary desired outcomes from this project:

1. **Descendant Engagement** - build trustful relationships with descendants and gather their desires for what forms of memorialization they wish to see
2. **Research** - original research using primary sources, and collection, curation, and contextualization of existing research into antebellum (pre-Civil War) human trafficking in Albemarle County
3. **Framing Future Work** - scoping and options for a future design and build phase.

This project began with a focus on the location in Court Square known as the Slave Auction Block. That site has had three different markers over the last 50 years (see Appendix A). In February 2020, a community member stole one of these markers and partially-removed another. Shortly thereafter, the HRC's Court Square Marker Subcommittee recommended to Council that a temporary marker be installed, and "Councilors agreed that the HRC subcommittee could go forward with researching proposals for a temporary marker, including the language to be used." However, in March, members of the descendant community asked that nothing temporary or permanent be installed/erected without descendant community input, and their further input was to request that a marker similar to previous ones not be re-installed.

One of the reasons for using the Slave Auction Block location as a focal point is that it is a space representing events that dehumanized enslaved people, reducing them to financial transactions. However, in consultation with Dr. Mabel O. Wilson, we were implored to also ensure that we adequately addressed re-humanization. This can be accomplished by naming, describing, and making these enslaved individuals not only lines in a ledger book, but as real, unique humans that they were.

One unexpected aspect of the research conducted as part of this project is that it has called into question the historicity of the Slave Auction Block site. However, it has also more fully clarified the scope of auctions and sales of enslaved individuals not only within Court Square, but also throughout Charlottesville and Albemarle.

One aspect of this project involves the political and ownership boundaries between Charlottesville and Albemarle. Charlottesville was a town within Albemarle County until 1888, when it became an independent city. The block that contains the Albemarle County Courthouse is within the City of Charlottesville, but the parcel containing the Courthouse is jointly owned by the City and County, while the parcel containing Market Street Park is owned entirely by the City. If the Courthouse parcel were to be used for memorialization, this would at least require the consent of Albemarle County, and ideally a fully-cooperative relationship.

Descendant Engagement

One of the most challenging aspects of this project has been descendant engagement. This has been significantly complicated by the COVID-19 pandemic, which has prevented us from holding any in-person engagement sessions. All engagement sessions have been virtual through Zoom, led by HRC members Dr. Jalane Schmidt (Associate Professor of Religious Studies and Director of The Memory Project at UVA) and Robert Watkins (Assistant Historic Preservation and Design Planner in NDS). This has had the drawback of making descendant engagement with those who live in the area more difficult, but also engaged some people who would have otherwise not been able to engage, for example, a descendant living in Canada.

Our guiding principles for engagement come from the document [Engaging Descendant Communities in the Interpretation of Slavery at Museums and Historic Sites](#), also known as "The Rubric", a [deliverable from the 2018 National Summit on Teaching Slavery](#). Contributors to this

document include public historians with local relevance Niya Bates, Hannah Scruggs, Justin Reid, and Sara Bon-Harper.

The Rubric states that:

a “descendant community” is a group of people whose ancestors were enslaved at a particular site, but it can transcend that limited definition. A descendant community can include those whose ancestors were enslaved not only at a particular site, but also throughout the surrounding region, reflecting the fact that family ties often crossed plantation boundaries. A descendant community can also welcome those who feel connected to the work the institution is doing, whether or not they know of a genealogical connection.

This definition is an acknowledgement that slave owners’ reliance on family separation as an enforcement mechanism and slave traders’ significant exportation of enslaved people from Virginia in the 19th century created a far-flung diaspora and erased genealogical connections.

The descendants who have participated so far expressed two primary desires for any projects: that it be significant and that it have an educational component. They have generally expressed that they do not wish to have yet another insignificant plaque or marker, typically phrased as “go big or go home.” There is an expectation that one of the future projects is a significant physical memorial, likely in Court Square. The second desire is an educational component that interprets the chattel slavery system throughout antebellum Albemarle County.

One further limitation we face with descendant engagement is a desire to be respectful of the descendant’s time and emotional labor of participating. **We do not want to endlessly hold engagement sessions without the demonstration of a significant political and financial commitment from City Council.**

Research

This project has included both original research using primary sources, and the collection, curation, and contextualization of existing research into antebellum (pre-Civil War) human trafficking in Albemarle County. Appendix B contains a sampling of this research. While the term “human trafficking” is not commonly used in popular media for describing the era of chattel slavery in the United States, it has become a standard description among historians of this time period.

HRC member Dr. Jalane Schmidt, Associate Professor of Religious Studies and Director of The Memory Project at UVA, procured funding for two graduate student researchers, MaDeja Leverett and Jake Calhoun, to review Albemarle County chancery records between 1831 and 1860. These are the most accurate and relevant extant records, as any transactions of enslaved persons during this period would have been recorded therein. One of the most powerful results

of this is the rediscovery of the names of enslaved people sold at Court Square. So far, these include:

- Warwick, a man sold in order to pay off the debts and interest of John Douglass
- Phebe, a woman, and "her increase," who were enslaved by James Jopling and ordered to be sold by commissioners of the Court
- Lucinda and her increase, Alice, Hannah (child of Alice), Clara, Margaret, Mary, Harriet, Jim, Edy, Nancy, Dolly, and Eve, sold in order to pay off the debts of John Danielle

HRC member Phil Varner has reviewed hundreds of antebellum newspapers for advertisements of auctions. These have helped to clarify the form of auctions and where they took place. "Runaway" ads from enslavers attempting to re-capture fugitives from slavery have provided both names and humanizing descriptions that are typically absent from formal records.

As part of this project, we have found little evidence to support the claim that there was a stone block on the Slave Auction Block site prior to 1865 that was used as an auction block for enslaved individuals. We have looked through numerous primary and secondary sources and have found only one second-hand anecdote from 1906 that it was used for auctions, and several sources that we would have expected to have found mentions of it but did not. We know that a stone block approximately 18" x 15" x 30" existed on the south side of the "Number Nothing" building (0 Park Street) in 1906. We have three photographs from two other locations (one on and one near Court Square) that show carriage blocks matching this description.

We found a large number of references to the area in front of the Albemarle County Courthouse as a site for auctions. Roughly half of the hundreds of auction advertisements we have collected locate auctions in Court Square, with the other half occurring at the plantations at which the subjects of the advertisements were enslaved. Of those in Court Square, roughly half of those (one-quarter of the total) occurred in front of the Albemarle County Courthouse. The other half occurred at several locations around Court Square including the Swan Tavern (now demolished, present-day location 300-302 Park Street, the Redlands Club), Eagle Tavern or Eagle Hotel (now demolished, present-day location 300 Court Square), Jefferson Hotel or Mr. Garnett's tavern (demolished, present-day 500 Court Square, Monticello Plaza Condominiums, formerly Monticello Hotel), and the H. Benson & Bro. Auction Rooms ("Number Nothing" or 0 Park Street, building remains, as early as 1858, definitely by 1863, until 1870).

Framing Future Work

While this work began with the Slave Auction Block location as the focal point, it has expanded beyond this single location to encompass all of Court Square and Albemarle County.

One of our most valuable activities was a work session with [Dr. Mabel O. Wilson](#), Nancy and George Rupp Professor of Architecture, Planning and Preservation, a Professor in African American and African Diasporic Studies, and the Director of the Institute for Research in African American Studies (IRAAS) at Columbia University. The entire HRC meeting involving Dr. Wilson may be found [here](#), and just the work session with her [here](#).

As a member of the team that designed the [Memorial to Enslaved Laborers](#) at UVA, Dr. Wilson used her extensive design and public engagement expertise to channel the wishes of the descendant community into the design of a memorial featuring the sculptural work of artist Eto Otitigbe. Dr. Wilson emphasized that a key aspect of memorialization is not to only focus on the complete dehumanization of people through auctions, but also on rehumanizing them. This can be done through rediscovering such seemingly simple information such as their names, family relations, and personal descriptions.

This un-erasure of people's lives will require significant work in reviewing chancery records, newspaper advertisements, Confederate slave rolls, and other records that have any remaining trace of that person's existence.

Following the wishes of the descendants, we expect there will at least be a significant physical work in Court Square and an educational component. We do not expect that only one action or construction will be created, but rather a collection of projects serving unique but related purposes. We anticipate that these projects will cost from \$500K to \$1M, cover locations throughout Charlottesville and Albemarle (as many sales were held on the plantations), and include financial contributions from Albemarle County.

Possible locations for a physical memorial in Court Square include the new for the joint City-County Courts Expansion plaza adjacent to the Levy building, in front of the Albemarle County Courthouse either in place of the antiquated "Monticello" sign or where the Confederate "At Ready" statue was, in Court Square Park, or adjacent to Number Nothing (0 Park Street). Other more "distributed" monuments should be considered, such as those like the [stolperstiene](#) ("stumbling stones or blocks") memorializing victims of the Nazi regime in Europe. Additionally, while not related specifically to slavery, the corten steel monument for John Henry James from The National Memorial for Peace and Justice intended for installation in the locality that his lynching occurred is available.

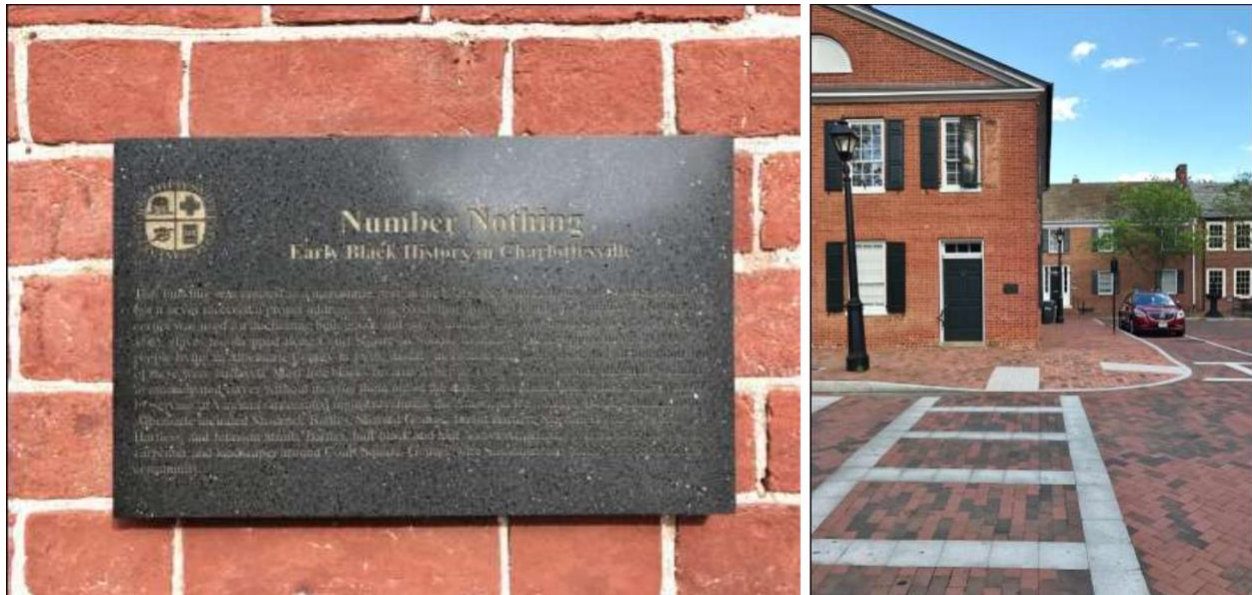
Appendix A - Previous Memorializations

There have been three previous markers of the Slave Auction Block location. Even if there was support for installing a new plaque now, we would not use this same language, as we generally no longer use words “slave” or “black” as nouns and capitalize “Black” when used as an adjective.

“Site of Slave Block” slate sign on Number Nothing (installed in the 1970s/80s, removed in early 2000s during sidewalk renovations, not reinstated)



Marker on Number Nothing, black marble, carved text with gold inlay. Over time, the gold inlay faded and the marker became illegible. (2003, partially-removed in 2019 during the theft of the bronze plaque, not reinstalled due to illegibility and outdated language and narrative)



Text of Marker:

Number Nothing

Early Black History in Charlottesville

This building was erected as a mercantile store in the 1820s for John R. Jones and Sam Leicht Jr., but it never received a proper address. A stone block that once sat outside the building's southwest corner was used for auctioning both goods and slaves until slavery was abolished in 1865. Prior to 1865, slaves too shopped along Court Square on Sunday mornings. Of the approximately 20,000 people living in Albemarle County in 1830, slightly more than half were black and all but 400 of those were enslaved. Most free blacks became so before 1807 when it became illegal in Virginia to emancipate slaves without moving them out of the state. Some blacks had gained their freedom by serving in Virginia's integrated regiments during the American Revolution. Black soldiers from Albemarle County included Shadrack Battles, Sherad Goings, David Barnett, Stephen Bowles, Peter Hartless, and Johnson Smith. Battles, half black and half Native American, worked after the war as a carpenter and landscaper around Court Square. Goings' wife, Susannah, was highly respected in the community.

in-sidewalk bronze plaque, with community-sourced correction of “slaves” to “people” (installed 2011/2012, stolen 2019, not reinstated at behest of HRC)



Appendix B - Summary of Research

References

- ["Site of Slave Block?"](#) by Gayle M. Schulmann, *The Magazine of Albemarle County History*, 2000
- [Interview with Fountain Hughes, Baltimore, Maryland, June 11, 1949](#). Audio interview with Fountain Hughes Hydraulic Mills property of the Burnley, where he mentions auctions occurring on a bench placed in front of the Courthouse
- Rebecca Fuller McGuinness recalls her grandmother describing an auction occurring at a "big tree stump in the front yard of the county courthouse", from an interview in "McGuinness' book of records", Charlottesville *Daily Progress*, 14 Feb 1999, by David A. Maurer.
- [Maria Perkins letter](#) (1852). Perkins' letter to her husband telling him that her son Albert had been sold "on monday court day" and that she will likely be sold on the next court day.
- [Early Charlottesville: Recollections of James Alexander, 1828-1874](#) (published between Dec. 1873 and May 1874 in Alexander's newspaper the *Jeffersonian Republican*, compiled and edited by Mary Rawlings for publication in 1942 by the ACHS)
- [Recollections](#) by R.T.W Duke, Jr. (1899)

Homan W. Walsh anecdote

This is the only original reference we have to the Slave Auction Block location.

From [Early Charlottesville: Recollections of James Alexander, 1828-1874](#), edited by Mary Rawlings (1942), page 19.

<https://babel.hathitrust.org/cgi/pt?id=uva.x000239102&view=1up&seq=11>

To Alexander's original text written sometime in 1873 or 1874:

"On the east side of the Public Square, stands the brick building known as No. Nothing;"

Rawlings added the following footnote in her edited edition published in 1942:

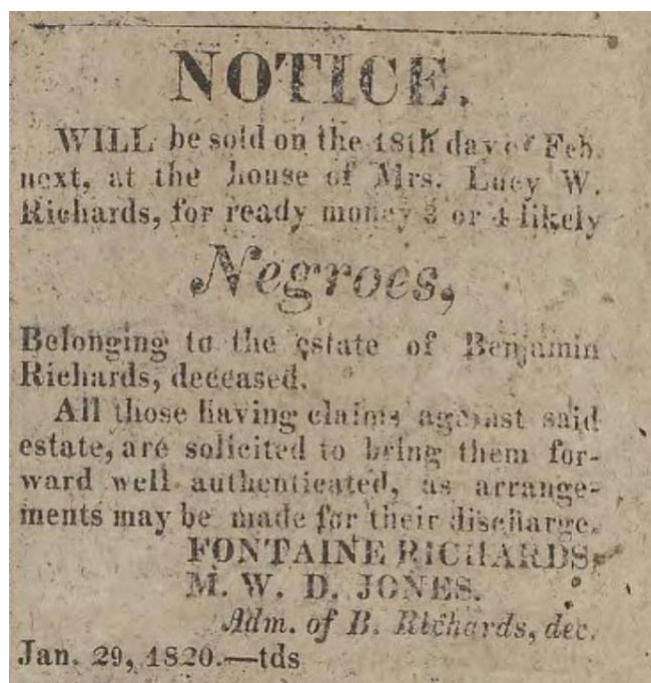
1. Still standing, 240-242 Court Square. This lot was bought, June 15, 1820, by Opie Norris and John C. Ragland, from Edmund Anderson of Richmond, Albemarle County Deed Book 22, p. 334.... At some later period, traditions of the slave trade gathered about this house. Some hold that the lot to the rear was used for this purpose. **Mr. Homan W. Walsh**, whose offices — formerly those of Mr. Dan Harmon — occupy the southern half, informs us: "I have, of course, heard that the building was used as a slave auction room. ... I have never heard of a sign on the wall, relating to its use as a slave

market. **When I commenced practicing law in Mr. Harmon's office in 1906 and for several years afterwards there was at the side of the office at the curb a large stone, perhaps 18 inches high by 15 inches wide and 30 inches long, which it was said was the auction block for selling slaves.** ... It was taken away years ago by some employees of the city, when cleaning the streets or paving this section. . . . To this he adds that since writing, a southern snow brought out for an hour some black lettering through the paint on the southern side of his office, facing the Monticello Hotel, as follows: " — BENSON AND BRO. AUCTION ROOMS." As the Bensons were for years the town auctioneers, and this sign was just over the auction block, we may infer that all auctions were conducted here, and thus when slaves were brought in, their dealers made use of these facilities.

Based on this anecdote, the block location was added to the birds-eye view map "A View of Charlottesville circa 1828" created by the ACHS and published at least as early as the 1976 bicentennial publication *Albemarle, Jefferson's County, 1727-1976*. This map is frequently misunderstood as a map of Charlottesville from 1828, rather than a modern creation. Henry Benson leased Number Nothing for his auction rooms as early as 1863 through 1870. Benson was himself a slave owner (1850 and 1860 census) and is listed as the auctioneer for several estate sale advertisements including enslaved individuals.

Newspaper Advertisements

The earliest advertisement we have for enslaved persons is the estate sale of Benjamin Richards at his former house from the *Central Gazette*, January 29, 1820.



The first advertisement we have for an auction in Court Square is from the *Central Gazette*, November 24, 1820, at the Albemarle County Courthouse.

CASH SALE.

On the first Monday in January next, the subscriber, Executor of Charles Wingfield, deceased, will offer for sale for Cash, at the Court-House of Albemarle County, about

20 Likely Negroes,
Men, Women and Children,
Carriage & Harness
Bed and Furniture, Sofa, Tea-Table, Scott's Family Bible in five volumes, Doddridge's Family Exposition in six volumes and Blair's Sermons.

All persons indebted to the said estate, are requested to make payment on or before the above named day of sale, as no indulgence can be given.

FRANCIS WINGFIELD,
Executor of
CHAS. WINGFIELD, dec.

Nov. 24. 1820—tds

The advertisement for the sale of the well-known "Dunlora" plantation is an example of an estate sale after the death of the owner. As was common, the auction occurred on-site at the plantation.

Jeffersonian Republican, November 27, 1845

**VALUABLE
ALBEMARLE**
ESTATE AT AUCTION.
THE Subscriber will offer, at Auction, on the premises, on the 10th of December next, the estate called
"DUNLORA,"
the late residence of Col. Samuel Carr, containing by recent survey,
Four Hundred & Forty three Acres.

Of these ONE HUNDRED AND SIXTY are Rivanna low-grounds of the finest quality; more than *one hundred acres* are heavily timbered, the greater part of which is within two miles of Charlottesville, where wood commands a ready sale and high price.— The rest, except what has been seeded in Wheat this fall, is well set in Grass. This estate is situated between *two and three* miles north of Charlottesville, and within four miles of the University of Virginia, in a wealthy neighborhood remarkable for its intelligence and morality. The Rivanna river which bounds this estate, is navigable for batteaux in both of its branches for five and six miles above it, to large manufacturing mills of the highest repute. There is also another large mill one mile below, on a tributary of the Rivanna. The improvements consist of a large and elegant brick building, and *all necessary* out houses.

TERMS.—One fourth on the 15th of February, 1846, and the balance in three equal annual payments thereafter.

Immediately after the sale of the land, there will also be offered at auction,
THIRTEEN YOUNG AND LIKELY NEGROES,
all the Stock, Plantation Utensils, and Furniture, and the crops of Corn (about 300 barrels,) Hay and Tobacco. Terms made known on day of sale.

GEORGE WATSON CARR.
October 9, 1845.

This example from 1858 is an example of a sale by Henry Benson prior to him moving his Auction Room to Number Nothing, as other advertisements indicate a different location for them off of Court Square. The auction occurred at the Courthouse on court day as part of an estate liquidation.

Jeffersonian Republican, October 14, 1858

FOR SALE.
I WILL offer for sale at Auction on **MONDAY 1ST NOVEMBER NEXT**, at the Court House, of Albemarle, **A VERY LIKELY SERVANT GIRL**, 17 years of age. She is an excellent Seamstress. **TERMS**, at time of sale.
Oct. 14, 1858—3t.
J. W. JONES, Adm'r,
of **J. W. Bear, dec'd.**

Jeffersonian Republican, November 4, 1858

Highprice for a Slave Woman.
Henry Benson & Bro., Auctioneers, sold on Monday last, a negro girl belonging to the estate of J. W. Bear, dec'd for the sum of one thousand three hundred and ninety seven dollars.

This advertisement is an example of a Henry Benson auction, likely occurring at his auction rooms at Number Nothing.

Charlottesville *Daily Chronicle*, January 1, 1865

AUCTION SALES.
BY BENSON & BRO.

TWO VALUABLE FAMILIES OF NEGROES AT AUCTION.

WE WILL sell on Monday, January 2d, (Court day,) two Valuable Families of Negroes—one a woman with 5 children—the other a woman with 3 children.

H. BENSON & BRO.

dec. 25, tda.

This is another example of a Henry Benson auction, though this auction would not have occurred as advertised on March 6, 1965, as Charlottesville was liberated from Confederate control on March 3rd.

Charlottesville *Daily Chronicle*, February 22, 1865

BY BENSON & BRO.

NINE VALUABLE NEGROES AT
AUCTION.

WE will sell at our Auction Rooms on the
6th of March. (Court day) a likely
young Negre Man, and a young Woman, heal-
thy, and a good house servant, with seven chil-
dren. They will be sold for Cash.

BENSON & BRO.

feb. 18, tds.

**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:

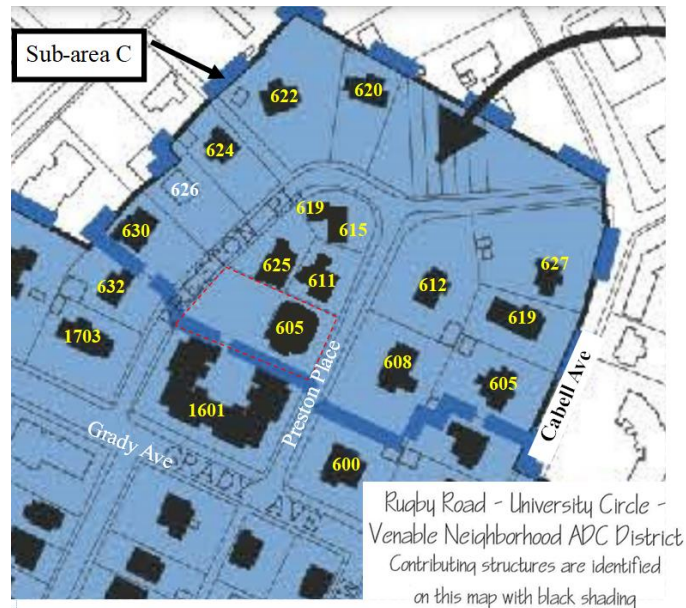
Note: For citations of the referenced City Code Sections and the ADC District Design Guidelines, see Attachment 3.

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 05011000</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

Received by: _____

Fee paid: _____ Cash/Ck. # _____

Date Received: _____

Revised 2016

Approved/Disapproved by: _____

Date: _____

Conditions of approval: _____

(\$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 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).

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]
- 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]

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.

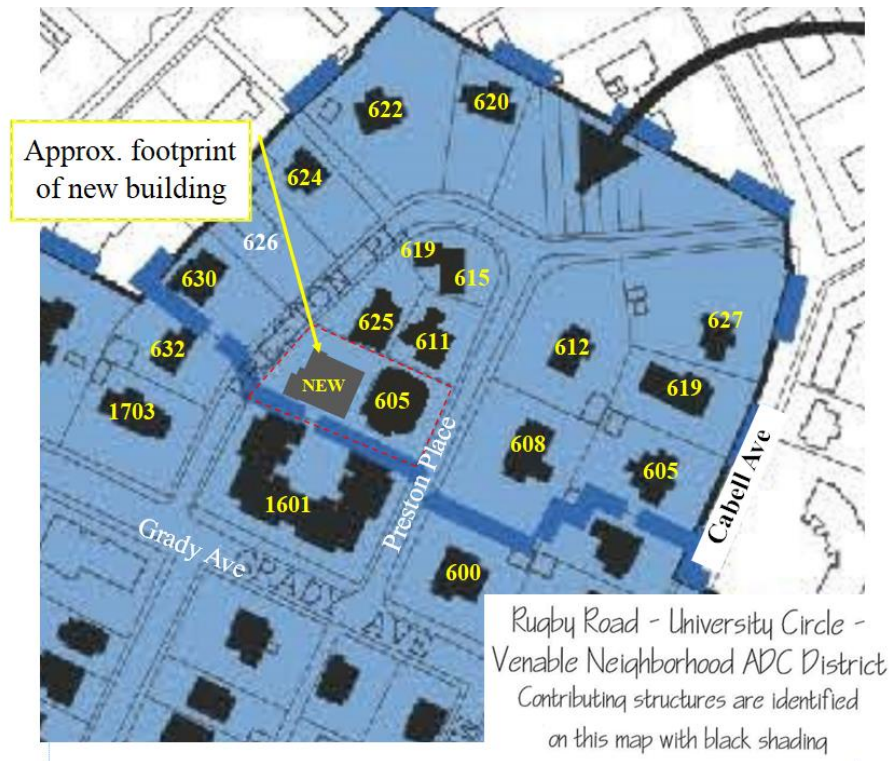
Legally, the BAR cannot design a project or mandate any particular footprint; the BAR can only determine whether or not a particular development proposal, overall, is architecturally compatible with the ADC District, based on the recommendations of the design guidelines. As applied here, the BAR determined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

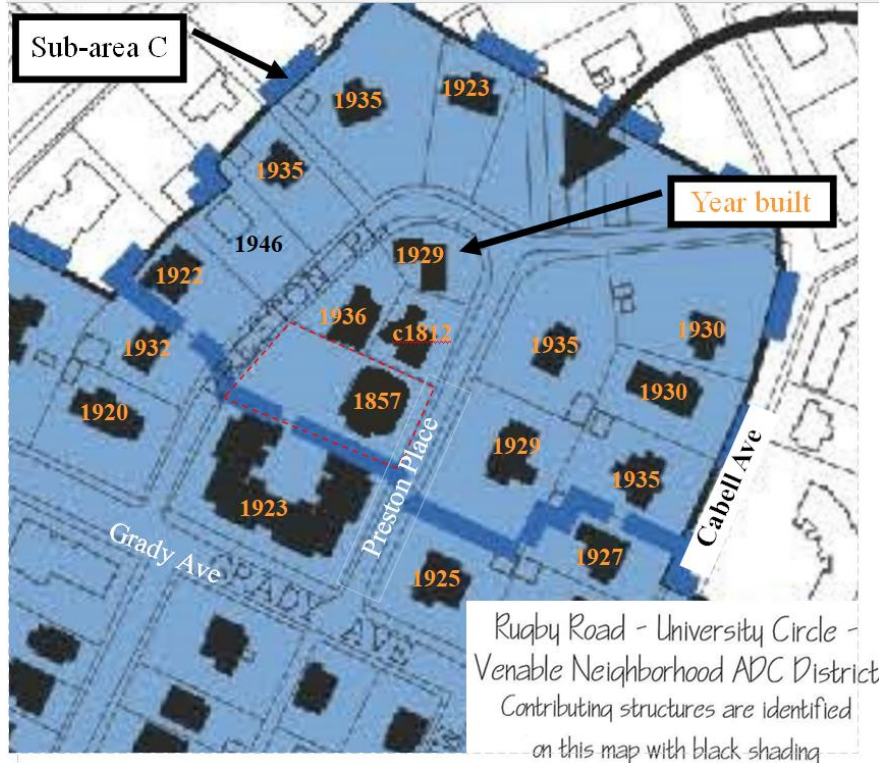
Item 4. [*New structure will remove portion of Wyndhurst's west terrace.*]

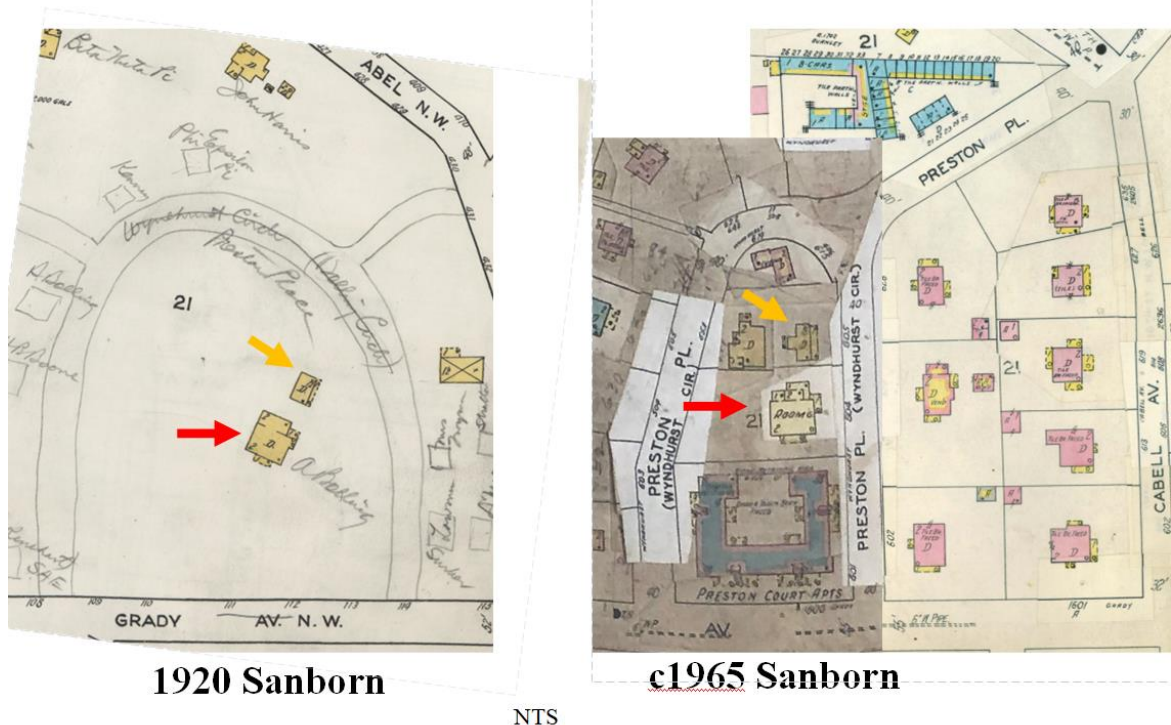
Appellant: We also point out that the proposed project intrudes into Wyndhurst's immediate environs, requiring the partial removal of its current 15-foot wide west terrace and all of the 4-foot grade transitioned by steps leading to the side yard. As such the proposed plan violates the ADC District Design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

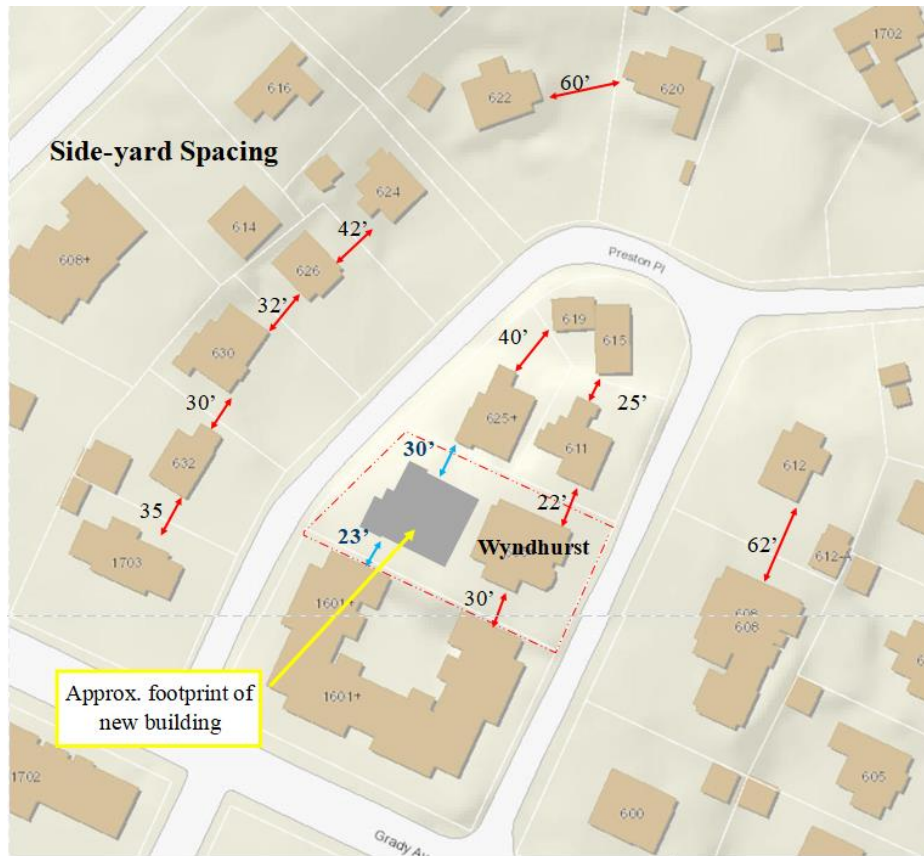
Per the ADC District Design Guidelines Chapter 3 – *New Construction and Addition, C. Spacing. #1.* Maintain existing consistency of spacing in the area. New residences should be spaced within 20 percent of the average spacing between houses on the block. [Links to Design Guidelines in Attachment 3.]

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.

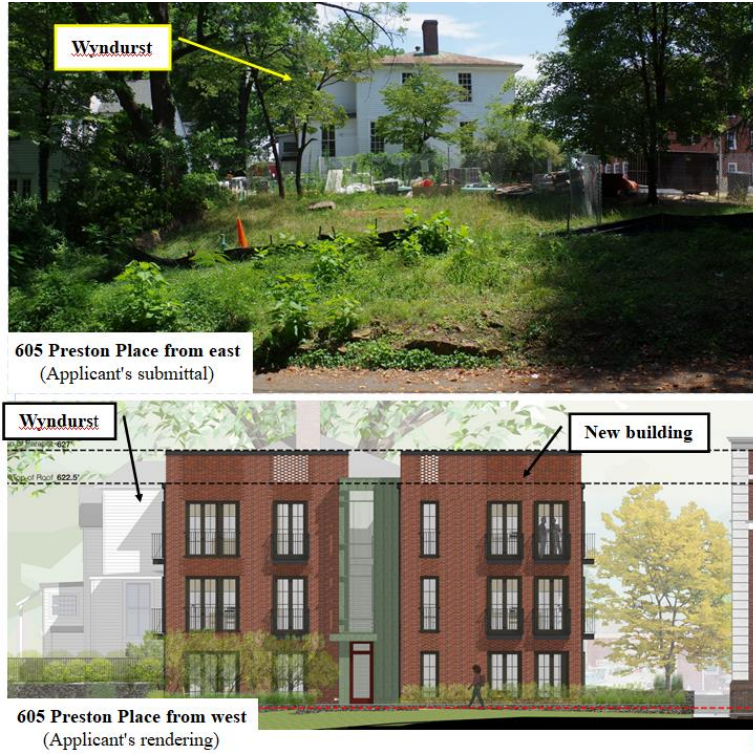


Item 7. [Design and massing of new structure overwhelms Wyndhurst and adjacent properties.]
Appellant: While brick facing makes a nod to the residential character of this neighborhood, the brick is unarticulated without distinction between the foundation, middle section and cap or cornice (ADC District 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:

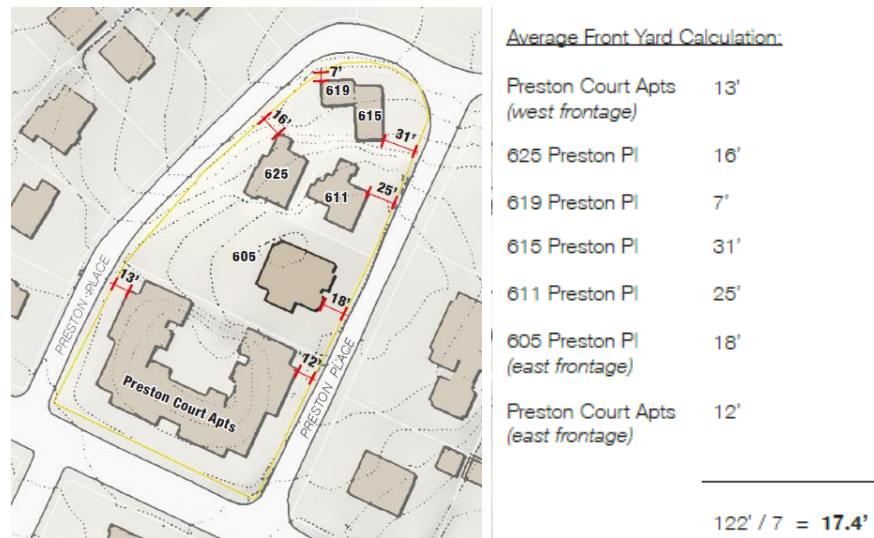
Per the ADC District Design Guidelines Chapter 3 – *New Construction and Additions* re: setbacks: *B. Setback. #10. Keep residential setbacks within 20 percent of the setbacks of a majority of neighborhood dwellings.* [Links to Design Guidelines in Attachment 3.]

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/vabajtzeuuyv3iclklx1a?b=bqpb1fbsydixratjakmv>

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.

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



Agenda Date:	February 22, 2022
Actions Required:	1) Motion Not to Adopt the Proposed Collective Bargaining Ordinance Received by City Council on October 29, 2021 2) Adoption of a Resolution Regarding a Collective Bargaining Ordinance
Presenter(s):	Michael C. Rogers, Interim City Manager Lisa Robertson, City Attorney
Staff Support:	Ashley Marshall, Deputy City Manager Samuel Sanders, Deputy City Manager
Title:	Collective Bargaining

Background:

Historically the Virginia General Assembly has prohibited localities, their elected officials and City officials, from recognizing a labor union or employee association as a bargaining agent for the locality’s employees. *See* Va. Code §40.1-57.2. In April 2020 the legislature amended the statute to expressly grant authority to local governing bodies to make their own local decisions as to whether or not to implement collective bargaining. The amended statute took effect May 1, 2021.

The City of Alexandria and Loudoun County are the first localities in which collective bargaining has been established. Both governing bodies studied the topic over a course of months, considered proposals and recommendations from labor unions, employees, and their managers, and planned what internal or contractual resources were necessary to implement the particular model and procedures set up within their ordinances. (The Loudoun-Times Mirror reported in June 2021 that, within its current-year [FY22] budget, the Loudoun County Board of Supervisors authorized eight new full-time staff positions, and \$300,000 in recurring contractual costs, to support and administer a collective bargaining program.)

To our knowledge, neither VML nor VACO, nor any agency of the Commonwealth, has developed a model ordinance for localities’ reference, although there is some movement in that direction among the membership of the Virginia Local Government Attorneys Association. City Council and the City Manager’s Office have a number of decisions to make, as to what procedures might best fit the City administration and the City’s workforce, how many bargaining units to authorize, etc. For example: in the traditional model of collective bargaining, unions represent employees on the basis of designated “bargaining units”, i.e., groups of employees that share a sufficient community of interest with one another to justify one entity bargaining on

behalf of the entire group. In the traditional model, the City Council will, within its ordinance, determine how many bargaining units it would authorize, and within each unit, how its exclusive representative will be chosen (must a majority of all employees within a unit vote in an election? Or can a simple majority of eligible employees who choose to vote elect the bargaining representative?). Council may also choose to specify what are the mandatory topics of collective bargaining agreements—such as wages, work hours, schedules, paid time off, disciplinary policies, bonuses, and work rules—and what may be other permissive subjects.

The new Virginia statute prohibits City Council from restricting its own authority to establish an annual budget or to appropriate funds. However, since most collective bargaining agreements will involve issues relating to pay and benefits, proceeding to authorize collective bargaining and then to negotiate bargaining agreements may generate frustration in the event that the City does not have the financial capacity to fund the matters that are the subject of the negotiated agreements.

Discussion:

On March 6, 2021, prior to the effective date of the new law, Greg Wright of the Charlottesville Fire Department notified City Council that a majority of members within the City's Fire Department desire that City Council should adopt an ordinance to provide rules for City employees to engage in collective bargaining.

On October 26, 2021, John Ertl, a representative of the Amalgamated Transit Union (ATU) notified the City Council that ATU is requesting recognition as the representative of a group of employees within Charlottesville Area Transit (CAT). The ATU requested City Council to adopt an ordinance to enact strong collective bargaining rights for City employees. The ATU states that it has obtained union authorization cards from a majority of City employees within CAT, including employees in the following job positions: Transit Operators, Relief Operators, Leads, Transportation Operators Supervisors, School Bus Aides, Transit Maintenance Workers, Transit Bus Technicians, Admin Assistants I and II, Customer Service Representatives, Customer Service Supervisors, Transit Safety, Security and Training Personnel, Accountant and Senior Accountants, and Marketing Coordinators. Subsequently, on October 29, 2021, the ATU transmitted a proposed ordinance to the Clerk of City Council (copy attached).

City Manager Analysis and Recommendation:

The City Manager's Office does not believe that City Council has sufficient information to make an informed decision about a particular collective bargaining ordinance at this point, and strongly recommends that before undertaking an ordinance that would authorize collective bargaining agreements, it would be important for City Council to consider the financials needed for collective bargaining by preparing a financial plan to support the implementation process. This might include funding for additional [specialized] positions within the department of human resources, it may include funding to engage the services of consultants experienced in the design of collective bargaining programs and negotiation of collective bargaining agreements, etc. The City Manager's Office strongly recommends that City Council should **decline** to adopt the ordinance proposed by the ATU on October 29, 2021 (**Motion #1, below**).

- **Recommended Motion #1:** *“I move NOT to approve the collective bargaining ordinance presented to City Council on October 29, 2021 by John Ertl representing the Amalgamated Transit Union on behalf of a majority of members of the Charlottesville Area Transit).”*

That being said: it appears that a majority of City Councilors may **favor** the establishment of collective bargaining within the City administration, so the City Manager's Office also recommends that City Council discuss, during its Budget adoption process for FY23, the possibility of appropriating funding for additional staff positions and consultants, as necessary to commence the process of developing and implementing a collective bargaining ordinance for the City (**Motion #2, below**).

- Recommended Motion #2: *“I move to adopt the Resolution Affirming City Council’s intention to explore implementation of collective bargaining for City of Charlottesville employees.”*

Budgetary Impact:

The overall fiscal impact of implementing a traditional collective bargaining program would include support costs for administering the collective bargaining environment, including both City staff and contracted services, as well as the cost of funding any specific labor union proposals accepted and/or bargaining agreements negotiated and approved by the City. These potential costs/ expenditures have not yet been studied/scoped and are not addressed within the current (FY22) City Budget. The City Manager's Office recommends that initially, a minimum of two (2) FTEs should be added to the Department of Human Resources in the proposed the fiscal year 2023 budget. Additionally, existing funding should be reallocated, to allow commencement of collective bargaining pre-work and a request for reallocation of funds, beginning in the FY2022 budget will be presented to Council for their consideration and action.

Alternatives:

- City Council may vote to adopt the ATU's proposed collective bargaining ordinance, without study or consideration of budgetary impacts
- City Council may vote NOT to adopt the ATU's proposed collective bargaining ordinance and take no other action.

Alignment with Council Vision Areas and Strategic Plan:

Should Council choose to engage in collective bargaining it could meet the strategic plans Goal 4 to foster a strong, creative and diverse economy by developing a quality workforce (4.1) as well as Goal 5 to foster a well-managed and responsive organization by integrating effective business practices (5.1).

Community Engagement:

The state law does not require a public hearing or any particular public engagement. The work of preparing an ordinance for City Council's consideration should be guided by City Council—specifically through prioritizing funding within its future budgets. Through the budgetary process Council will engage the public regarding where budget priorities should be established.

Attachments:

- Resolution Stating City Council's Intention to Explore Implementation of Collective Bargaining for City Employees
- October 29, 2021 ATU Proposed Ordinance

RESOLUTION
AFFIRMING CITY COUNCIL’S INTENTION TO EXPLORE IMPLEMENTATION OF
COLLECTIVE BARGAINING FOR CITY OF CHARLOTTESVILLE EMPLOYEES

WHEREAS the Virginia General Assembly, within Virginia Code Sec. 40.1-57.2, expressly authorizes local governing bodies to enact ordinances authorizing City officials to recognize labor unions or employee associations as bargaining agents for certain public officers or employees; to collectively bargain with or enter into collective bargaining contracts with such unions or associations; and to provide for procedures for the certification and decertification of exclusive bargaining representatives; and

WHEREAS this City Council generally supports the development of a collective bargaining program for City employees, but does not yet have sufficient information upon which to base any decision about specific provisions that it might desire to set forth within an ordinance, or what the impact of adopting an ordinance and proceeding with implementation would have on its annual budgets for Fiscal Year 2023 and beyond; now, therefore,

BE IT RESOVLED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

1. The City Council will include discussion of collective bargaining within its budget discussions of the level of funding needed for City operations during Fiscal Year 2023.
2. The City Manager shall compile information and analysis regarding pay, benefits, and working conditions for the groups of employees who are seeking a collective bargaining ordinance (fire, police and transit), and will provide analysis for potential solutions, including collective bargaining, with fiscal impact analysis of those solutions.
3. In considering collective bargaining, the City Manager shall give due consideration to the City firefighters’ March 6, 2021 proposed ordinance, the Amalgamated Transit Union’s October 29, 2021 proposed ordinance, and other sample ordinances deemed appropriate for the City of Charlottesville.
4. To the extent that contractual services are necessary or desirable to support the work that this Council is asking the City Manager to perform, the City Manager is hereby authorized to procure those services, subject to the availability and appropriation by City Council of funding to cover the expense of those services.

**AMENDMENT TO CHAPTER 19 OF THE CHARLOTTESVILLE CITY CODE TO
PROVIDE RULES FOR CITY EMPLOYEES TO ENGAGE IN COLLECTIVE
BARGAINING**

*Proposed by the Amalgamated Transit Union (ATU) to City Council, and
received via email in the Office of the Clerk of City Council October 29, 2021*

Article VII

- A. Effective May 1, 2021, VA Code 40.1-57.2 provides as follows: “No state, county, city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service unless, in the case of a county, city, or town, such authority is provided for or permitted by a local ordinance or by a resolution. Any such ordinance or resolution shall provide for procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit. As used in this section, ‘county, city, or town’ includes any local school board, and ‘public officers or employees’ includes employees of a local school board.”
- B. This sub-chapter, along with any related revisions to other articles of Chapter 19, sets forth the City’s Rules for City employees’ engagement in collective bargaining with the City and its Departments.
- C. Declaration of Policy: It is the public policy of the City of Charlottesville to promote a harmonious, peaceful, and cooperative relationship between the city government and its employees and to protect the public by assuring the responsive, orderly, and efficient operation of city government and services. It is in the public interest that employees have the opportunity to bargain collectively over wages, hours, and other terms and conditions of employment through a representative of their choice. It is also in the public interest that the city government and a representative of city employees bargain collectively in good faith without interference with the orderly process of government and that they implement any agreements reached through collective bargaining. In enacting this law, the City Council finds that where public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have been better able to share important insights and to exchange ideas and information on operations with their administrators. Accordingly, government services are made more effective.
- D. The Council has determined that this Article will also serve the public interest in promoting labor stability and avoiding potentially disruptive labor disputes.
- E. Article VII of Chapter 19 of the Charlottesville City Code is hereby established with this ordinance.
- F. Definitions:
 - 1. *Arbitration*. A dispute mediation process through which a neutral, mutually selected arbitrator makes a final decision with regards to the disputed issues.
 - 2. *Bargaining Unit or unit*. Any of the bargaining units defined in section H.
 - 3. *Certified union*. A union that employees choose to represent them as their exclusive bargaining representative in a bargaining unit as defined in section H in accordance with the procedures of this Article.

4. *City* means the City of Charlottesville acting through its city manager
5. *City Council*. The Charlottesville City Council.
6. *Collective bargaining*. To perform the mutual obligation of the city and the certified union to meet and negotiate in good faith at reasonable times and places regarding wages, benefits, and terms and conditions of employment, with the good faith intention of reaching a binding agreement remaining in effect until superseded by a new agreement. The fiscal terms of any agreement reached by collective bargaining shall be subject to appropriation of funds by the City Council.
7. *Collective bargaining agreement (CBA)*. A binding agreement reached between the city and the certified union that addresses wages, benefits, and terms and conditions of employment that shall remain in effect until superseded by a new agreement.
8. *Confidential employee*. An individual who customarily and regularly devotes a majority of work time to assisting and acting in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations.
9. *Employee*. Any person who works for the City of Charlottesville, but excluding:
 - a. A seasonal employee, as defined in sub-section 15 below
 - b. A confidential employee, as defined in sub-section 8 above
 - c. A managerial employee, as defined in sub-section 13 below
 - d. A supervisor, as defined in sub-section 17 below
10. *Impartial agency*. The American Arbitration Association and the Federal Mediation and Conciliation Service
11. *Labor Relations Administrator*. The City of Charlottesville Labor Relations Administrator, a contract position created by this Article.
12. *Lockout*. Any action that the city takes to interrupt or prevent the continuity of work properly and usually performed by the employees for the purpose and with the intent of either coercing the employees into relinquishing rights guaranteed by this Article or of bringing economic pressure on employees for the purpose of securing the agreement of their certified union to certain collective bargaining terms.
13. *Managerial employee*. An executive or department head, a deputy to an executive or department head, or other individual who formulates, determines, and effectuates management policies in the field of labor relations.
14. *Mediation*. An effort by the mediator chosen under this Article to assist confidentially in resolving, through interpretation, suggestion, and advice, a dispute arising out of collective bargaining between the City and the certified union.
15. *Seasonal Employee*. An employee who is hired into a position for which the customary annual employment is four (4) months or less and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter, for reasons related to work demands that arise during those parts of the year.
16. *Showing of Interest Form*. Signature in an electronic, telephonic, digital, or paper format that indicates a desire by an employee to be represented by a union in collective bargaining. An authorization, signature, or petition that satisfies the Uniform Electronic Transactions Act (Virginia Code § 59.1-479 *et seq.*) shall be valid for the showing of interest form. In addition, a membership card or dues deduction authorization constitute a showing of interest form under this Article.
17. *Supervisor*. An individual who customarily and regularly devotes a majority of work time to supervision of two or more employees and has authority to hire, transfer, suspend, layoff, recall, promote, demote, discharge, or discipline other employees. For purposes of employees of the Fire and Rescue Department, employees at or below the rank of Battalion Chief are not considered supervisors.

18. *Strike*. When an employee, in concert with two or more other employees, for the purpose of obstructing, impeding or suspending any activity or operation of the City, willfully refuses to perform the duties of his or her employment.
19. *Wages, benefits, and terms and conditions of employment* means personnel policies, practices, and matters, whether established by directive, regulation, or otherwise, affecting working conditions, including, but not limited to, compensation, the City's pay plan, hours and scheduling, working conditions, health and safety, workplace equity, grievance procedures, pensions, and other benefits.
20. *Union*. A not-for-profit organization that engages with the city as an employer concerning wages, hours, and terms and conditions of employment and that represents or seeks to represent employees in a bargaining unit as described in section H.

G. Employee Rights

1. Employees have the right to self-organization: to form, join, support, assist, contribute to, or participate in a union; to engage in collective bargaining collectively through representatives of their own choosing; and to engage in other concerted activities for purposes of collective bargaining or other mutual aid or protection without interference, restraint, reprisals, or coercion by the City.
 - a. Employees have the right to discuss union issues with each other while on duty, provided that such communications do not unreasonably interfere with the employee's job duties.
 - b. Employees have the right to use City email systems, telephones, fax systems, bulletin boards, and other communications systems to communicate regarding workplace and union issues.
2. Employees have the right to be represented fairly by their certified union, if any, in collective bargaining.
3. Employees have the right to request representation by their certified union (or any union, if no union has been certified) during any investigative interview conducted by the City if the employee reasonably believes that the interview involves a matter that could lead to the employee's discipline. The City shall inform the employee that the employee has a right to union representation prior to any such discussion or interview, and the employee shall have a right to request union representation before proceeding with the discussion or interview.

H. Units for Collective Bargaining

1. There are nine separate bargaining units for collective bargaining and for purposes of certification and decertification. Members of these units are all city government employees, as defined in Section F(9). The employees are divided into the following bargaining units:
 - a. All uniformed employees of the Fire Department at or below the rank of Battalion Chief and all emergency dispatchers in the Department of Emergency Communications;
 - b. all sworn employees of the Police Department at and below the rank of Lieutenant;
 - c. all non-supervisory employees in trades and maintenance occupations except employees described in subsection g or subsection h;
 - d. all non-supervisory employees whose functions are primarily clerical in nature except employees described in subsection g or subsection h;
 - e. all non-supervisory professional employees except employees described in subsection g or subsection h;
 - f. all non-supervisory technical employees except employees described in subsection g or subsection h;

- g. all non-supervisory employees of Charlottesville Area Transit and the Pupil Transportation Department;
- h. all non-supervisory employees of the Department of Libraries; and
- i. all nonsupervisory professional and technical employees of the Department of Human Services providing direct care and services to members of the public.

I. Labor Relations Administrator (“LRA”)

1. A labor relations administrator (“LRA”) shall be appointed by the City Manager in the manner set forth in subsection 3 of this section to effectively administer this chapter as it governs exclusive bargaining representative certification, and decertification procedures, unfair labor practice claims, and other disputes that may arise.
2. The LRA must be experienced as a neutral in the field of labor relations, and must not be a person who, because of vocation, employment, or affiliation, can be categorized as a representative of the interest of the City or any union, including a certified union for a bargaining unit permitted under this chapter.
3. Subject to confirmation by the City Council, the City Manager shall appoint the LRA, who shall be selected for a four-year term, from no more than three nominees jointly agreed upon and submitted by:
 - a. (1) representatives of those unions that have notified the City Manager or City Manager’s designee of their interest in representing bargaining units permitted by this chapter, if no union has been certified as an exclusive representative at the time the selection process begins, or (2) by the exclusive bargaining representatives of the bargaining units permitted by this chapter, and
 - b. an equal number of nominees of the City Manager

The City Manager shall submit his or her selection from the three nominees for appointment as the LRA to the City Council for confirmation within five days after the parties reach agreement on the names of the nominees. If the City Council does not confirm the appointment of an LRA, an appointment must be made from a new agreed list of nominees compiled in the same manner. (The new list can include any prior jointly-agreed on nominees who were not selected.)

4. The LRA's services shall be subject to termination by mutual agreement of the City Manager and a majority of the certified unions of the bargaining units permitted by this chapter, and with the approval of the City Council. If no unions have been certified as exclusive bargaining representatives, then the LRA’s services shall be subject to termination by mutual agreement of the City Manager and a majority of representatives of those unions that have notified the City Manager or City Manager’s designee of their interest in representing bargaining units permitted by this chapter.
5. If the LRA dies, resigns, or otherwise becomes unable or ineligible to continue to serve within six months of initial appointment, the City Manager shall appoint a new LRA from the list from which that LRA was selected, subject to City Council confirmation, to serve the remainder of the previous LRA’s term. Otherwise, the LRA vacancy shall be filled as provided in subsection 3 above.
6. An LRA appointed under this section may be reappointed as provided in subsection 3.
7. The terms of payment for the services of the LRA shall be paid as specified by contract with the City.
8. The LRA shall:
 - a. Be responsible for holding and supervising elections for certification or decertification of exclusive bargaining representatives pursuant to the provisions of this chapter and issuing the certification or decertification or causing these actions to occur.

- b. Request from the City or a union, and the City or such union shall provide, any relevant assistance, service, and data that will enable the LRA to properly carry out duties under this chapter.
 - c. Hold hearings and make inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony, and receive evidence, and request the attendance of witnesses and the production of relevant documents in proceedings within the responsibility of the LRA under this chapter.
 - d. Investigate and attempt to resolve or settle, charges of the City or a union engaging in prohibited practices as defined in this chapter.
 - e. Determine unresolved issues of employee inclusion in or exclusion from the bargaining units permitted under this chapter.
 - f. Obtain any necessary support services and make necessary expenditures in the performance of duties, subject to appropriation.
 - g. Exercise any other powers and perform any other duties and functions specified in this chapter of an administrative nature.
9. If a petition is filed requesting certification of an exclusive bargaining representative, or a party seeks to file an unfair labor practice claim, or some other dispute arises that would normally be decided by the LRA, but the LRA has not yet been appointed, the parties shall bring the certification petition or dispute to a mutually agreed upon impartial entity. The impartial entity shall perform the duties of the LRA set forth in this chapter, and follow all of the procedures that the LRA must follow, to certify a union or resolve the dispute. The impartial entity shall perform the duties of the LRA set forth in this chapter for the matter for which the interim LRA was mutually selected.
10. Findings of the LRA shall be considered as a final award of an arbitrator in accordance with the Virginia Uniform Arbitration Act, Virginia Code Section 8.01—581.01 *et. seq.*
- J. Selection, Certification, and Decertification Procedures
1. An employee, group of employees, or union seeking the certification of a union as the exclusive representative of a bargaining unit shall file a petition with the LRA stating the filer's name, the name and address of the union, and the desire of the filer for the union to become the certified union. The petition to the LRA must be accompanied by a copy of showing of interest forms from at least thirty percent of the employees within the unit signifying their desire to be represented by the union for purposes of collective bargaining. The City is precluded from having access to the signatures from the supporting employees or any other information which would reveal the identity of the supporting employees.
 - a. The LRA must accept showing of interest forms from employees signifying their desire for representation by a union regardless of whether the signatures are in a digital, electronic, telephonic or paper format. A showing of interest form that satisfies the Uniform Electronic Transactions Act (Virginia Code § 59.1-479 *et seq.*) shall be valid. Showing of interest forms shall not expire unless affirmatively revoked by the signer.
 - b. In addition, a membership card or dues deduction authorization constitute a showing of interest form under this Article.
 2. The City must furnish to the LRA and the union a list of employees in the petitioned-for bargaining unit within three days after the filing of the petition. The LRA shall then determine the sufficiency of the representation petition within seven days of receiving the City's list by comparing the showing of interest forms with the total number of employees in the bargaining unit, as may be evidenced by an accurate list of employees furnished by the City to the LRA and the union.

3. If the LRA determines after a tabulation of the submitted showing of interest forms that the union has not met the required showing of interest, then the LRA must allow not less than 30 days (from the LRA's determination) for the union to submit additional showing of interest forms to correct the insufficient showing of interest. The LRA may provide the union additional time for good cause beyond 30 days to submit additional showing of interest forms to satisfy the showing of interest.
4. If the LRA determines that a union's representation petition is sufficient (i.e. has met the 30% showing of interest), then any union shall be allowed to intervene within 10 days of the LRA's determination. To intervene, the intervening union must file a petition with the LRA stating its name, address, and its desire to be certified. The petition to the LRA must be accompanied by a copy of showing of interest forms from 30 percent of the employees within the unit signifying their desire to be represented by the intervening union for purposes of collective bargaining. The City is precluded from having access to the signatures from the supporting employees or any other information which would reveal the identity of the supporting employees. The LRA shall then determine the sufficiency of the intervention petition within five days of receiving the City's list by comparing the showing of interest forms with the total number of employees in the bargaining unit, as may be evidenced by the list of employees furnished by the City to the LRA and the union.
5. If the LRA determines that one or more unions have met the 30% showing-of-interest threshold in a bargaining unit, then the LRA shall direct the City to provide the union(s) that have met the showing of interest, as well as the LRA, with a list of all employees in the bargaining unit and their contact information. The list of employees must be in a manipulable digital file format that is agreed to by the union(s). The City shall provide the list of employees to the LRA and the union that has met the showing of interest threshold within five (5) calendar days of the LRA's finding of the notice of sufficiency.
 - a. The list must provide the following information that the City maintains in its possession of every employee in the petitioned-for bargaining unit: The employee's name, department, job title, worksite address, home address, work telephone number, home and personal cellular phone number, workplace email address, personal email address, and unique ID number (such as employee ID).
 - b. The following are not public records as defined in the Virginia Freedom of Information Act, §§ 2.2-3700 - 2.2-3715 and are confidential and may not be otherwise disclosed by the City, except as provided in this Section: (1) Home addresses, home and personal cellular telephone numbers, personal email addresses, dates of birth, and unique ID numbers (such as employee IDs) of employees and (2) Communications between a certified union and its members.
6. If a union has been certified, an employee within the unit may file a petition with the LRA for decertification of the certified union. The employee must also send a copy of the petition to the certified union. The petition to the LRA must be accompanied by the signatures of thirty percent of the employees within the unit alleging that the union presently certified is no longer the choice of the majority of the employees in the unit. If the LRA determines that the petition for decertification has met the requisite thirty percent showing of interest and has been timely filed under this Article, then the LRA shall conduct a decertification election following the procedures for a certification election laid out in this section.

- a. No decertification election shall be conducted in a bargaining unit for the first 12 months after a union is certified in that bargaining unit or until after the first contract ratification vote takes place, whichever occurs later.
 - b. If a collective bargaining agreement is in effect, a petition filed under this section must not be entertained unless it is filed not more than 180 days and not less than 150 days before the expiration of the collective bargaining agreement.
 - c. If a different union is certified as the result of an election carried out under this section that union shall be treated as a successor in interest and party to any collective bargaining agreement that the previous union was a party to.
7. If the LRA determines that a petition has met the showing-of-interest threshold, it shall conduct a secret ballot election for all bargaining unit employees to be begin no less than 30 days from the finding of sufficiency, to determine if and by whom the employees wish to be represented, as follows:
 - a. The election shall take place via mail ballot, unless all parties request an in-person election, in which case the LRA shall order an in-person election. The LRA may use a qualified vendor to assist in conducting the election.
 - b. The election ballots must contain, as choices to be made by the voter, the names of the petitioning or certified union, the name or names of any intervening unions that the LRA has found to have filed sufficient petitions, and a choice that the employee does not desire to be represented by any of the named unions.
 - c. The LRA shall serve upon the City and the participating union(s) a report certifying the results of the election. If a union receives the votes of a majority of the employees who voted, the LRA shall certify the union so elected as the certified union.
 - d. If no union receives the votes of a majority of the employees who voted, the LRA shall not certify a representative. Unless a majority of the employees who vote choose “no representative,” a runoff election must be conducted. The runoff election shall contain the two unions that received the largest and second largest number of votes in the original election.
 - e. If a properly supported and timely filed petition to decertify an existing certified union, and a properly supported and timely filed petition to certify another union, are filed during the same time period, one election must be held to determine which union, if any, the employees in the unit desire to represent them. The election ballot must contain, as choices to be made by the voter, the names of the petitioning and certified unions, and a choice that the employee does not desire to be represented by any of the named unions. All other applicable requirements and procedures for the election must be followed.
8. The LRA’s certification of results is final unless, within 14 days after service of the report and the certification, any party serves on all other parties and files with the LRA objections to the election. Objections must be verified and must contain a concise statement of facts constituting the grounds for the objections. The LRA must investigate the objections and, if substantial factual issues exist, must hold a hearing. Otherwise, the LRA may determine the matter without a hearing. The LRA may invite, either by rule or by invitation, written or oral argument to assist it in determining the merits of the objections. If the LRA finds that the election was not held in substantial conformity with this Article, or if the LRA determines that the outcome of the election was affected, even if by third party interference, it shall require corrective action and order a new election under this section. Otherwise, the

LRA must confirm the certification initially issued. In any event, the LRA must make a determination as to whether or not to certify the election within 21 days of the filing of objections.

K. Good Faith Bargaining and Impasse

1. After a union has been certified, the union shall initiate the collective bargaining process. Bargaining shall commence no fewer than 10 days after the union initiates the collective bargaining process.
2. The City and the certified union must meet at reasonable times and negotiate in good faith with respect to wages, benefits, and other terms and conditions of employment.
 - a. Such obligation does not compel either the City or the certified union to agree to a proposal or require the making of a concession.
 - b. A union representing employees of the Police Department as identified in section H(1)(b) shall be prohibited from negotiating with the City over any discipline, discharge, or disciplinary procedures.
3. Agreements with certified unions shall provide for final and binding arbitration of grievances concerning the interpretation, implementation, or alleged violation of the agreement in accordance with Virginia Code Section 15.2-1404. Arbitration proceedings conducted pursuant to collective bargaining agreements and this Article shall be governed by the Uniform Arbitration Act, Virginia Code Section 8.01—581.01 et. seq.
 - a. The details of these grievance and arbitration processes shall be subject to negotiation.
 - b. Disciplinary actions taken by the City against employees of the Police Department shall be prohibited from being contested through the grievance and arbitration processes of the union representing employees of the Police Department as identified in section H(1)(b).
4. In any year in which the City and a certified union bargain collectively, the City and certified union upon mutual agreement must appoint an arbitrator. If the parties do not agree on an arbitrator, then they shall request a list of arbitrators from an impartial agency (such as the American Arbitration Association or the Federal Mediation and Conciliation Service) and use that agency's process of ranking and/or striking until an arbitrator is selected. The arbitrator must be selected within thirty days of the start of bargaining and shall be available during the bargaining process. Fees and expenses of the arbitrator shall be shared equally by the City and the certified union.
5. When the City and a certified union reach agreement on a collective bargaining agreement (with or without mediation), they shall reduce it to writing, sign the agreement, and submit it to the certified union for ratification. The certified union may adopt its own ratification procedures. The collective bargaining agreement shall only take effect if the certified union ratifies the collective bargaining agreement. If the certified union does not ratify the agreement, then the parties shall return to negotiations.
6. *Mediation.*
 - a. After 90 days of collective bargaining, either party may request the services of the arbitrator, or the parties may jointly request those services before 90 days have elapsed. The arbitrator shall engage in mediation by bringing the parties together to encourage a voluntary agreement.
 - b. A bona fide impasse exists if the arbitrator finds, in the arbitrator's sole discretion, that the parties are at a bona fide impasse or if the parties remain at impasse 30 days after the arbitrator began the mediation process.

- c. If the parties are at a bona fide impasse, then the dispute must be submitted to binding arbitration.
7. *Invocation of binding arbitration.*
- a. If binding arbitration is invoked, the arbitrator must require each party to submit jointly a memorandum of all items previously agreed on.
 - b. The arbitrator may require the parties to submit oral or written evidence and arguments in support of their proposals on the disputed issues. The arbitrator may hold a hearing to assist the arbitrator in making a determination on these issues.
 - c. The arbitrator must issue a determination resolving the impasse between the parties and must consider all previously agreed-on items, integrated with the disputed items, to reach his or her determination. The arbitrator shall issue a determination no more than 30 days after a bona fide impasse is declared.
 - d. In making a determination under this subsection, the arbitrator may consider only the following factors:
 - i. Past collective bargaining agreements between the parties, including the past bargaining history that led to the agreements, or the pre-collective bargaining history of employee wages, hours, benefits, and terms and conditions of employment.
 - ii. Comparison of wages, hours, benefits, and terms and conditions of employment of employees of comparable unionized employers by size and function;
 - iii. Comparison of wages, hours, benefits, and conditions of employment of other Charlottesville personnel;
 - iv. The interest and welfare of the public;
 - v. The cost of living;
 - vi. The ability of the City to finance economic adjustments, and the effect of the adjustments on the standard of public services provided by the City.
 - e. The determination made by the arbitrator integrated with all previously agreed on items, has the effect of a collective bargaining agreement agreed to by the parties
8. Funding for implementation of agreements.
- a. When a negotiated agreement has been reached, or a final and binding arbitration decision has been rendered in accordance with this Article, if the funds necessary to implement the agreement have not yet been adopted by the City Council, the City shall submit a request for funds necessary to implement the agreement within five days after:
 - i. the date on which the certified union ratifies the agreement, or
 - ii. the date on which the arbitration decision is issued.
 - b. If the funds necessary to implement an agreement have not yet been adopted by the City Council, the City Council shall approve or reject the request for funds as a whole when it adopts the annual budget. If the annual budget for any term of the agreement has been adopted prior to the submission of a request for funds to implement the agreement by the City Council, the City Council shall consider the request for funding as a budget modification at the first meeting subsequent to the submission of the request for funds necessary to implement the agreement.
 - c. If the City Council does not fund the agreement, either party may reopen negotiations.

- d. At the request of the certified union, those provisions of the agreement not requiring action by the City Council shall be effective and operative in accordance with the terms of the agreement.
9. A collective bargaining agreement shall continue in full force and effect past its expiration date until it is replaced by a subsequent collective bargaining agreement. Negotiations for a subsequent collective bargaining agreement shall begin at either party's request in advance of the expiration of the current collective bargaining agreement.

L. Dues Deduction & Authorization

1. The City shall deduct and promptly remit dues for any employee, including a retired employee, who has authorized union dues deductions, or deductions for any other service, program or committee provided or sponsored by a union, in accordance with this section and the terms of the employee's authorization.
2. An authorization that satisfies the Uniform Electronic Transactions Act (Virginia Code § 59.1-479 *et seq.*) shall be valid for employees' authorizations for payroll deductions.
3. If there is no certified union in a given bargaining unit, then any union shall be eligible to receive dues or other payments deducted from the pay of City employees.
4. If there is a certified union for a bargaining unit, then that union shall be the only union eligible to receive dues or other payments deducted from the pay of City employees.

M. Union Rights

1. Unions, whether or not they are certified, shall have the following rights:
 - a. To meet with bargaining unit employees on the premises of the City during times when the employees are on break or in a non-duty status, including the right to conduct worksite meetings during meal periods and other nonwork breaks, and before and after the workday, on the City's premises.
 - b. To use City email systems, telephones, fax systems, bulletin boards, and other communication systems to communicate with employees regarding workplace issues, union business or activities, or employee organizing activity. The City shall not invade the privacy of employees or unions who are using City email, phone, or fax systems for union purposes.
 - c. The provisions of this section shall not limit the rights of a union to communicate with employees.
2. Certified unions shall have the following rights:
 - a. To receive from the City, not less than every 30 days, a list of all bargaining unit employees that lists each employee's name; job title; department; work location; work, home, personal cellular telephone numbers; work and personal email address(es) on file with the City; home address, and unique ID number (such as employee ID). The union shall also have the right to receive this information for any newly hired employee not later than ten days after such employee is hired. The City must provide this information in an editable digital file format agreed to by the certified union.
 - i. The following are not public records as defined in the Virginia Freedom of Information Act, §§ 2.2-3700 - 2.2-3715 and are confidential and may not be otherwise disclosed by the City, except as provided in this Section: (1) Home addresses, home and personal cellular telephone numbers, personal email addresses, dates of birth, and unique ID numbers (such as employee IDs) of employees and (2) Communications between a certified union and its members.

- b. To meet with individual employees on the premises of the City during the workday to investigate and discuss grievances, workplace-related complaints, and other workplace issues.
- c. *Official Time*: Any employee representing a certified union in the negotiation of an agreement or the processing of grievances under this Chapter shall be authorized to engage in such negotiations and grievance handling during work time. Such official time shall be granted in any amount the City and the certified union involved agree to be reasonable, necessary, and in the public interest.
- d. *Orientation*: Certified unions shall have the right to meet with newly hired employees for 60 minutes during new employee orientation or, if the City fails to conduct new employee orientation, at individual or group meetings within the first 30 days of hire, without charge to the pay or leave time of those employees. The City shall provide the certified union with at least ten (10) days' notice of the time and place of the new employee orientation (including the virtual location, if applicable), and shall provide the certified union with an electronic list of expected participants and their contact information at least forty-eight (48) hours in advance of the orientation. The certified union shall also have the right to provide materials for the orientation packet.
- e. To meet with all employees within the bargaining unit, at the worksite and without charge to the pay or leave time of the employees, for not less than 30 minutes, within 60 days from the date of certification or from the date of ratification of the latest collective bargaining agreement, whichever is more recent, and within every 120 days thereafter. These meetings can take place during employee orientations or trainings, or if the City does not hold such orientations or trainings, at individual or group meetings.
- f. To be represented at:
 - i. any formal discussion between one or more representatives of the City and one or more employees in the unit or their representatives concerning any grievance or any personnel policy or practice or other condition of employment; or
 - ii. any examination of an employee in the unit by a representative of the City in connection with an investigation if:
 - 1. the employee reasonably believes that the examination may result in disciplinary action against the employee; and
 - 2. the employee requests representation.
 - iii. The City shall annually inform its employees of their rights under this subsection and under Section G(3).
- g. The requirements set forth in this section establish the minimum requirements for access to and communication with bargaining unit employees by a certified union. These requirements must not prevent the City from granting the certified union greater access to or communication with employees and must not prevent the parties from negotiating for increased access.

N. Unfair Labor Practices

- 1. The City, its agents or representatives are prohibited from:
 - a. Interfering, restraining, or coercing employees in the exercise of the rights guaranteed by this Article; discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any union; or discharging or otherwise

- discriminating against an employee because she or he has signed or filed an affidavit, petition or complaint or given any information or testimony under this Article;
- b. Deterring or discouraging employees or applicants for public employee positions under this Article from becoming or remaining members of a union, or from authorizing representation by a union, or from authorizing dues or fee deductions to a union, or from exercising any of their rights under Section G;
 - c. Dominating or interfering with the formation, existence or administration of any union; or knowingly aiding any other entity in their effort to discourage membership in or authorization of dues or fee deductions to a union, or from authorizing representation by a union, including by permitting that entity's use of the City's email systems for such purposes
 - d. Refusing to bargain collectively in good faith with the certified union;
 - e. Refusing to participate in good faith in the dispute resolution procedures under this Article;
 - f. Enforcing any rule or regulation which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed.
 - g. Providing any private entity, other than the certified union or petitioning union as provided for in this Chapter, any portion of personally identifiable information about the employees within a bargaining unit that is exempt from disclosure, including but not limited to the following: (1) Home addresses or other personal mailing addresses; (2) Telephone numbers; (3) Email addresses; (4) Dates of birth; (5) Categories of employees within a bargaining unit, including an employee's membership status with the union; (6) Unique ID numbers (such as employee IDs); (7) Email correspondence or other communication between a certified union and the employees within the bargaining unit; or (8) Any other information that is exempt from disclosure under state law.
2. Employees, unions, their agents or representatives are prohibited from:
 - a. Discriminating against an employee with regard to the terms or conditions of membership in the union on the basis of race, color, creed, national origin, sex, sexual orientation, gender identity, immigration status, age, preferential or non-preferential civil service status, marital or pregnancy status, or disability or handicapping condition;
 - b. Refusing to bargain collectively in good faith with the City if they have been designated in accordance with the provisions of this Article as the certified union of employees in a bargaining unit;
 - c. Refusing to participate in good faith in the dispute resolution procedures under this Article;
 - d. Willfully failing to represent an employee who is in a bargaining unit for which the union is the certified union fairly regarding matters within the scope of collective bargaining, without regard to membership in the union;
 - e. Engaging in a strike which is prohibited by this Article.
 3. Procedure Concerning Alleged Unfair Labor Practices.
 - a. Any allegation that a person has engaged in an unfair labor practice shall be submitted to the LRA within 180 days of the alleged unlawful conduct, subject to such procedural rules and regulations as the LRA may issue. Upon receiving a complaint, the LRA shall issue a ruling within 60 days. If an employee or union files a complaint alleging that one or more employees

has been terminated in violation of Section N(1), the LRA shall issue a ruling within 15 days. These timelines may be extended by mutual agreement of the parties.

- b. Compliance with the technical rules of evidence shall not be required. If upon the preponderance of the testimony taken, the LRA finds that any person named in the complaint has engaged in or is engaging in an unfair labor practice, then the LRA shall state its findings of facts and shall issue and cause to be served on such person an order requiring that he cease and desist from such unfair labor practices and take such affirmative action, including reinstatement with or without back pay, as will effectuate the policies of this Article. If the LRA finds that the City discharged, demoted, or reduced the hours of an employee in violation of Section N(1), the employee shall be entitled to the same damages as an employee who recovers for wage theft under Virginia Code Section 40.1-29. LRA orders regarding unfair labor practices may further require a party to make reports from time to time showing the extent to which the party has complied with the order. The LRA's remedial powers shall not be limited to the effects of the immediate case and may be designed to prevent future unfair labor practices, notwithstanding the penal nature of such requirement.
- c. If the preponderance of evidence has not shown that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the LRA shall state its findings of facts and shall issue an order dismissing the said complaint.

O. Strikes and Lockouts

1. An employee or union must not engage in any strike in violation of Va. Code Ann. § 40.1-55, nor the City engage in any lockout. If the City, an employee, or a union alleges a violation of this section, the alleged violation will be resolved in accordance with the procedures in Section N.

P. Arbitration

1. Findings of the LRA or of a neutral arbitrator in this Article, as well as findings of a neutral arbitrator concerning the interpretation, implementation, or alleged violation of a collective bargaining agreement negotiated under this Article, shall be conclusive and binding upon the parties and shall be considered as an award of an arbitrator in accordance with the Virginia Uniform Arbitration Act, Virginia Code Section 8.01—581.01 et. seq.

Q. Severability

1. If any provision of this chapter or the application of such provision, is held to be unconstitutional or unlawful, the remainder of this chapter and the application of its remaining provisions shall not be affected and shall remain in full force and effect.



PLACEHOLDER

Council Procedures and
Calendar Updates