

**BAR MINUTES
CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
Regular Meeting
January 18, 2023 – 5:00 PM
Hybrid Meeting (In person at City Space & virtual via Zoom)**



Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review (BAR). Due to the current public health emergency, this meeting is being held online via Zoom. The meeting process will be as follows: For each item, staff will make a brief presentation followed by the applicant's presentation, after which members of the public will be allowed to speak. Speakers shall identify themselves, and give their current address. Members of the public will have, for each case, up to three minutes to speak. Public comments should be limited to the BAR's jurisdiction; that is, regarding the exterior design of the building and site. Following the BAR's discussion, and before the vote, the applicant shall be allowed up to three minutes to respond, for the purpose of clarification. Thank you for participating.

Members Present: Carl Schwarz, Ron Bailey, Breck Gastinger, Cheri Lewis, James Zehmer, Roger Birle, Dave Timmerman

Staff Present: Patrick Cory, Remy Trail, Mollie Murphy, Jeff Werner

Pre-Meeting:

The Pre-Meeting was moved to the smaller conference room in City Space due to an already scheduled event in the main conference room.

There was discussion surrounding the Wertland Street project. Mr. Zehmer had questions regarding the renderings for the project. Ms. Lewis had some concerns regarding the trees with the Wertland Street project.

There was discussion surrounding the Salvation Army Certificate of Appropriateness Application. Staff went over the application with the members of the BAR. Staff went over the phases that the Salvation Army is planning to do with the demolition. The discussion centered on the tree protection.

There was discussion regarding the preliminary discussion for 747 Park Street and the plans for the 747 Park Street property owner.

After the Pre-Meeting was ended, the BAR moved to the Main Conference Room for the regular BAR meeting.

Mr. Gastinger called the meeting to order at 5:47 PM.

A. Matters from the public not on the agenda

Genevieve Keller – The certified local government program is a federal program that has been around for decades. It is administered by each state's historic preservation office; the Virginia Department of Historic Resources. The CLG is a program that has provided inter-departmental assistance to our city over the years. A lot of people don't realize that the intent of the program is to nurture and promote historic preservation values and attitudes in local governments. Participation in this program gives them an advantage in applying for certain funds that are not available to all jurisdictions. Our city, very successfully, has used those funds for surveys, etc. The program intention is to have trained,

knowledgeable BAR members. There is an obligation stated in this program for BAR members to appreciate history and to reflect preservation values and attitudes in their decision making. I thought it might be timely to make that as a reminder. This is a really important program. I am pleased and proud our city has participated in it for decades. I hope it is a charge that you take seriously.

B. Consent Agenda (Note: Any consent agenda item may be pulled and moved to the regular agenda if a BAR member wishes to discuss it, or if any member of the public is present to comment on it. Pulled applications will be discussed at the beginning of the meeting.)

1. Meeting Minutes – February 15, 2022 and March 15, 2022

Ms. Lewis moved to approve Consent Agenda – Second by Mr. Zehmer – Motion passed 6-0 with one abstention (Mr. Schwarz)

C. Deferred Items

2. Certificate of Appropriateness

BAR # 22-09-03

1301 Wertland Street, TMP 040303000

Wertland Street ADC District

Owner: Roger and Jean Davis, Trustees

Applicant: Kevin Schafer/Design Develop

Project: New apartment building/existing Wertenbaker House c1830

Jeff Werner, Staff Report –

Background

Year Built: [Likely] 1842. (Some believe c1815 or c1830, but that cannot be confirmed.) *District:* Wertland Street ADC District *Status:* Contributing

1301 Wertland Street--the *Wertenbaker House*--is a two-story, three-bay, brick house with a rear ell. (Wm. Wertenbaker was UVa's second librarian, serving from 1826 until 1880, he died in 1882.) Built in the Greek Revival style, it owes much of its appearance to renovations later in the century, when a Victorian porch was added. (In 1842, Wertenbaker acquired 27-acres from James Dinsmore's estate. He immediately sold all but 6 ¾-acres, on which the house was built. By 1886, the parcel was 1.4-acres. By the 1980s, it had been reduced to 0.4-acres. See map in Appendix.)

Proposed construction of apartment building, including parking, landscaping and site improvements, adjacent to c. 1830 Wertenbaker House. [Staff note: the submittal does not address what is planned for the historic house re: maintenance, alterations, and/or rehabilitation.]

Materials

- Brick: Old Carolina Brick Company Handmade Brick In "Windsor." Mortar: Argos "San Tan"
- Siding: James Hardie Vertical Board-and-Batten Siding. Painted BM "Midnight Oil"
- Trim: Smooth Fiber Cement Boards. Painted BM "Midnight Oil"
- Metal Railing: Custom. Painted BM "Midnight Oil"
- Windows: Jeld-Wen Aluminum clad, double-hung. Insulated, internal spacer bars. Color: "Sable"
- Doors: Windsor wood [French] doors. Painted "Sable"
- Doors: Jeld-Wen single-panel, steel door.
- Balcony decking: Trex Enhanced Natural Decking. Color: "Coastal Bluff"
- Garage Door: None

- Canopy near garage entrance: (See image in Appendix.) Structural c-channels around the exterior (similar to balcony detail on Sheet 37). EPDM roof. Stained wood ceiling.
- Exposed ceilings: (per applicant email) Ceilings will be exposed wood joists, stained dark, semitransparent.
(See images in Appendix.) Using YellaWood: pressure treated pine processed to accept staining.
- Lighting:
 - o Bollards (Pemco), wall sconces (Spitzer), and strip lighting (Sonoray): Lamping is dimmable, Color Temp does not exceed 3,000K. Sconces and strip lighting have Color Rendering Index of 80. (CRI not noted for the bollards; however, they are not serving as overhead area lights.)
 - o Garage ceiling (Spitzer): Lamping is dimmable; however, the Color Temp does not exceed 5,000K and the CRI is 70. (** BAR has required that lamping have a CT not exceeding 3,000K and a CRI not less than 80.)
- Pathway paving: Brick. Scored concrete.
- Landscaping: All specified plants are on the City's Master List, unless (noted).
 - o Trees: Bald Cypress; Sweetgum; Yellowwood; Serviceberry; Magnolia; Ginko.
 - o Plantings: Inkberry Holly; Summersweet; Witchalder [Fothergilla]; Oakleaf Hydrangea; Arrowwood Viburnum.

Discussion

In response to any questions from the applicant and/or for any recommendations to the applicant, the BAR should rely on the germane sections of the ADC District Design Guidelines and related review criteria. While elements of other chapters may be relevant, staff recommends that the BAR refer to the criteria in Chapter II--Site Design and Elements, Chapter III--New Construction and Additions, and Chapter VI – Public Design and Improvements. Staff recommends that the BAR refer to the criteria in Chapter II--Site Design and Elements and Chapter III--New Construction and Additions. Of assistance are the following criteria from Chapter III:

- A. Residential Infill
- B. Setback
- C. Spacing
- D. Massing & Footprint
- E. Height & Width
- F. Scale
- G. Roof
- H. Orientation
- I. Windows & Doors
- J. Porches
- K. Foundation & Cornice
- L. Materials & Textures
- M. Paint [Color palette]
- N. Details & Decoration

- Roof
- Gutters and Downspouts
- Exterior walls
- Trim
- Doors & Windows
- Lighting
- Railings
- Balcony details
- Plantings/Landscaping

- Patios & walks
- Public spaces • Screening (HVAC, utilities)

Staff comments and recommendations:

- Note: This will be the fifth time the BAR has reviewed this proposal. Given the BAR's direct involvement in the evolution of this design, in the following staff's goal is to be succinct and not, unless warranted, revisit or comment on every aspect of the project. (For example, ideally a garage entrance would not be so prominent on the primary façade; however, the location has been consistent throughout this review and the BAR has not recommended against it.)
- The proposed spatial elements are consistent with the recommendations of the design guidelines. (See staff comments below, under highlighted items from Chapter III – New Construction and Additions.)
- The proposed materials are consistent with the recommendations of the design guidelines.
- No alterations have been proposed for the house; however the BAR might discuss with the applicant: how the house will be protected during construction activities; [baseline] documentation of the house prior to construction; any alterations or maintenance that might be necessary, planned, or anticipated; and etc. (In reviewing the SUP for 612 W. Main Street, the BAR recommended that the adjacent Holsinger Building be seismically monitored during construction. Council included in the SUP a condition requiring the owner to prepare a Protective Plan for the historic building.)
- The historic porches, railings, and steps on the house are inaccurately portrayed in the applicant's renderings. The BAR should establish that the renderings are illustrative only and no alterations to the house have been proposed, nor are any being reviewed and/or approved.
- The lighting inside the garage has lamping with a Color Temp that exceeds 3,000K. Glare has been a problem with some LED lighting and on other projects the BAR has expressed concern re: the exterior impacts of seemingly interior lighting. Either alternate fixtures can be requested, or a condition of approval might require that the owner addresses any later, glare-related issues.
- Relative to the site, the Design Guidelines incorporate by reference the Secretary's Standards for Rehabilitation, which recommend that archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken. For some projects, that BAR has recommended an archeological investigation of the site. Given the significance of this site and its association connection to two prominent individuals associated with the University (Wertenbaker and Dinsmore), staff recommends a Phase I archeological survey be conducted prior to any site disturbance, with the results submitted for the BAR record.

Kevin Schafer, Applicant – This project now really embodies and fulfills the promise of Board Review. Each time we have come back to you, we felt there were improvements and sensitivities given to the context. It became more appropriate from an ADC Guideline perspective and for your role in the development of this project. We really wanted to extend gratitude and say 'thank you.' The feedback you have given from a conceptual perspective down to a detailed design perspective has been really valuable to us and our clients. Given the holistically positive feedback we received at the October hearing, you will note that this mission is primarily the same. It has been developed in certain key areas to provide the requested information. Holistically, the design remains the same. There have been a few minor architectural tweaks that I wanted to talk through.

Next Slide

The first area of revision is the front façade and the introduction of a pedestrian entrance off of Wertland Street. This is the area we heard the most feedback at the previous hearing. The front façade,

particularly the brick, was a little bit static, blank (from an ADC Guidelines perspective). This rendering shows that new pedestrian entrance bumpout.

Next Slide

This outlines the pedestrian entrance from Wertland Street. This tower element helps mark our entrance. It also provides an accessible route from the street. That will enter into an elevator lobby, which can take you up to the courtyard elevation as well as our accessible ground-level units. It introduces a change in the façade plane. It introduces this 3 story glazing element, which helps mark the pedestrian entrance. We have a decorative, steel canopy overhang. All is in keeping with the ADC Guidelines for New Construction from the street level design perspective. It encourages us to limit blank facades as well as provide visual interests to the passing pedestrian.

Next Slide

The other minor adjustment here was a slight increase in the setback that was required due to the skew of the front façade. We had to hold the 15 foot minimum from the prouddest moment of our brick façade. That did incur about 2.5 feet of additional setback than what was previously shown and 2 feet of additional setback at the darker tower corner element.

Next Slide

We will get into the areas where the project has been developed further; mainly selecting materialities, our landscape plan, and our lighting plan. We worked closely Doug Brown at Allied Concrete to help evaluate the existing brick; not only from a conditions perspective, assessed the brick on the historic house for us but also to help us pick a complimentary existing brick and mortar. It would be one that would be in keeping with the quality and the materiality of the existing house, as well as the other key contributing structures within the Wertland District.

Next Slide

The rest of the materials have been given the same amount of consideration in thoroughness. The Board will note high quality aluminum clad, wood windows, panelized steel entry doors, and custom steel railings; both appropriate selections for this neighborhood but also one that might be typically above what we may consider for a student housing/multifamily residential project.

Next Slide

Continuing with the theme of a higher quality and well-thought out design that was directed to us by our client, the landscape, site, and lighting plans have been developed that will bring new life to this parcel, which has seen some wear throughout the years. The development of the landscape plan has helped strengthen and will reinforce the connection of the existing Werternbaker House to Wertland Street through a formal circular gathering lawn that you see here and significant street trees, as well as landscape screening of the proposed project.

Next Slide

Staff has noted that alterations are not proposed in this submission. I will address the staff comment that the railings, steps, and porch that we show in our renderings are just for illustrative purposes. We're happy with the condition. We do not intend to do anything with the railings; just giving us some

context there. No alterations are proposed at this time to the house. That is because not enough work has yet been done to understand the work that is required from a structural analysis perspective. The house is currently occupied. The intent from the owner is to make sure that the house is stable, structurally sound, water-tight, and ensure its longevity and wellbeing. Anything that would happen beyond a deferred maintenance would come back to the BAR for review. The intention is to absolutely rehabilitate as required to restore it and stabilize it.

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In order to memorialize and reiterate our commitment to the existing structure, we would offer/welcome a condition for approval that states something along the lines of, ‘the applicant must consult with a licensed structural engineer to determine a construction plan that depicts the necessary strategies to protect the existing structure.’ It was a note from staff’s comment that we would be open to that as well.

Next Slide

With regards to the garage lighting, we are amenable to staff’s suggestion of either implementing a condition of approval to require remediating glare-related issues that could come up or alternatively, we are happy to provide a revised fixture that does not exceed a color temperature of 3000 and has a CRI of less than 80. We would request that be submitted to staff for approval. We’re open to those options.

Next Slide

I want to offer our gratitude to city staff and this Board for your thoughtful review and comments of this project as it has evolved.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Mr. Zehmer – From the last submission to this one, I feel there was some horizontal banding in the brickwork with the last submission at the top of the brick sections of the building. Has that gone away? Or is it not just showing up in the more recent renderings?

Mr. Schafer – It might be the shadow or the sun angle on this image. I think the other images show that we do have horizontal banding at floor level. We have soldier course above the window headers.

Mr. Timmerman – I was looking at the detail in the front entry tower. Is there a special detail of brick that goes around that opening?

Mr. Schafer – That’s correct. It is to emphasize and contextualize that three story glazing element, which is the only place it appears. We also did a soldier course band around it as well. It is recessed at that entrance to create that.

Mr. Timmerman – Was your intention to try to match the brick of the house or to create a bit of contrast? In the renderings, the new building looks like it is a little redder/slightly darker.

Mr. Schafer – The thought process was that it is a handmade brick on the existing structure. Matching it perfectly is not going to be possible. We did want to propose a high quality brick that had the same materiality quality to it. It is a similar shade. Matching the shade would be pretty challenging as well. The grout is able to get much closer. The goal was to compliment but not try to replicate.

Mr. Timmerman – Have there been any further plans for the house? The lighting plan was interesting. I was wondering if you had any plans for subtly lighting the house.

Mr. Schafer – Regarding the existing house, the use has not been discussed at this time. It has been occupied. They are waiting on the structural assessment. We do a 3D point cloud scanning as well. That would be one means in which we can evaluate the house as well as with a structural engineer. Regarding the site lighting, a lot of it is low bollards. That was intentional. The courtyard sits surprisingly high above the street level. To introduce pole light or anything like that felt uncomfortable. We hadn't considered lighting the house. We are thinking more about lighting circulation paths and things like that.

Ms. Lewis – What about plans to preserve the Wertenbaker House during this construction?

Mr. Schafer – As staff noted, other projects that have been built in close proximity have requested a preservation plan through construction. We're open to that. One of the things we suggested with the condition for approval would be consulting with the structural engineer and developing that construction plan to ensure stability. It benefits the owner to do that as well. It is a disaster if anything happens to that house from multiple perspectives. It is a good idea and we would likely do a structural protection plan and monitoring throughout construction. Projects we have done with this owner have involved heavy CA work from an architect and structural engineer. We anticipate being involved throughout the project and monitoring the existing house.

Ms. Lewis – Considering that it is ten feet from a structure that is arguably 130 years old, ten feet is a really tight squeeze. On the project that was in the staff report, they did seismographic testing and monitoring throughout the construction project.

I wonder why you chose a gumball tree near two walkways and a species that will drop spikey gumballs, which are trip hazards to occupants. They could float into the street.

Mr. Schafer – In talking with the landscape architect (Water Street Studios), there was a discussion about some of the diversity. There are a lot of maples. Getting some different species involved that were native but also harmonize with the rest of the planting selection was important.

Ms. Lewis – It is not an issue with our guidelines, except pedestrian friendly policy. It is wedged in between two places where occupants would walk into the building or into the stairwell for the garage.

Mr. Schafer – What would be the vehicle for substituting a tree through the BAR? We are open to a suggestion.

Mr. Gastinger – What we have done in the past is open it to species that are on the city tree list. That gives some flexibility. I don't see that as a problem. We could make a motion that species be replaced a comparably scaled native tree.

Ms. Lewis – With archaeological studies of the property, has the applicant given any thought to that?

Mr. Schafer – The applicant has given thought to it. It is the most important structure in the Wertland District. A phase I seems appropriate for record. It was something that was discussed. If the Board requires it, we would happily comply.

Mr. Birle – You mentioned the lighting and that you would be open to considering options rather than 5000K lights. The only ones I see that are 5000K are in the parking garage. I would be concerned about spill-out. It seems, from your lighting plan, the renderings show subtle lighting, which is commendable. I am concerned about the spill-out from the garage. There must be parking lights that are not 5000K.

Mr. Schafer – We would work with our lighting consultant to find a fixture that had a warmer temperature (3000K) or something that seemed more appropriate from the Board. I know it has been an issue in the past and one that we want to be aware of. We certainly appreciate the comment and happy to adjust as required. Whether that is through the completion of the project, some sort of shielding, or remediation of that glare, or through selection of a different fixture and submitting it to staff with those guidelines.

Mr. Gastinger – I had a question about the shielding of those lights and to ensure that we're not getting any glare bombs coming out of there.

Mr. Schafer – When we work with the lighting consultant and there is a garage, there is a safety factor that is factored in. The idea that it is a few feet down from street level into that garage certainly goes a long way in shielding.

COMMENTS FROM THE PUBLIC

Genevieve Keller – Preservation Piedmont has been engaging in this project since we were first aware of it. We still find that this proposal that dominates the front side of the Wertenbaker House to be disturbing and inappropriate. It is out of scale and inharmonious with the historic context. Many of us have been shocked with this second intrusion into what remained of the historic Wertenbaker landscape. Several weeks ago, we suggested that you explore ways to make this project parking exempt in hopes that the project would be re-positioned and the gaping vehicular entrance across a heavily used pedestrian sidewalk could be eliminated. We still ask that you explore this option before approving this project. We do appreciate that some changes in design have happened. The new construction intrudes on and pinches the historic house. We share concerns in the staff report about the need to protect and monitor this and other buildings in the vicinity during the construction phases. We also support and advocate for archaeological investigations. We hope that you will address the history and significance of the Wertenbaker House and reiterate an expectation that the residence continue to be respected by continuing to follow the Secretary of Interior Standards for historic preservation. We ask that you use this experience to be proactive in trying to ensure the city's other ADC Districts be better protected in the new zoning ordinance in terms of underlying setbacks and other design/spatial requirements so that there is not a dramatic contrast/contradiction between the design guidelines and the zoning.

COMMENTS FROM THE BOARD

Mr. Schwarz – Your design does keep getting better. You have done a really good job. Our guidelines do call for large street trees. With the Yellowwood, my understanding is that is a medium sized tree. There is not really any good location for another large tree. It seems that would be an important thing for us to require. I understand there might be a desire to put a native different species there. I would

like to see a large canopy tree there. That is one of my concerns. With the condensing units, I feel that we need to update our guidelines so that condensing units are always shielded, whether you can see them from the street or from the level of the roof. I know that we have been lax on that. By precedent, we probably should allow this. It does bother me because you're going to see them at some point. It seems simple enough to put a fence around them that is the same color as the upper level of the building. With the lights, it would be nice to get the color temperature down. I like the idea you have offered of some sort of deal with the shielding after they are installed. I agree because the garage is low. It may not be a problem. You can keep your safety and security as it needs to be. If it is a problem, it is just a matter of shielding that front light: the light closest to the garage door. The open stairs is acceptable in this context. It is very specific to the context and the fact that they are facing to the side and not facing the street. It is a great project.

Mr. Gastinger – My comments are about the landscape selections and landscape plan. I agree that the neighborhood would be benefited by a greater statured tree. There are probably some slight modifications that would improve the reading of the Wertenbaker House to the street. I am concerned about the location of the service berries that ring the lawn. It will essentially screen the house from the road, in particular, that current location of the Yellowwood that is shown in the renderings really obscures that primary relationship to 13th Street and to the road. The plant selection is great. I think it needs to be deployed in a little bit different manner. Maybe using the larger trees either to the left and/or the right to better frame that front façade of the Wertenbaker House so that it is visible and appreciated from Wertland Street. I agree with the comments about the sweet gum. There are certainly some other options there. With the reconsideration of the location of a larger canopy tree, a different selection could be made.

Mr. Bailey – I appreciate this process. It has been amazing to watch this design over time. This particular design is quite spot on. Given the concerns about the historic context, right now, there is an ugly parking lot. This would be an improvement over that. You're not going to get that lawn back. This building actually fits sensitively into the landscape. I particularly like that there is an entrance on Wertland Street. That makes it more accessible to people viewing it as a building. It breaks up the massing.

Mr. Timmerman – I want to commend you on the really wonderful progress you have made. The changes today, especially in the front are a big improvement over what we had before. I especially appreciate the pedestrian access and the way that activates the street in a way that we weren't seeing before. Before, we had the gaping holes. The parking garage is now diminished in the front. It has increased in some dynamism and some interest that is appropriate. I appreciate the thoroughness of the package. The lighting fixtures are spelled out. There is not a lot left to the imagination. There has been a very good progress and process. We really appreciate your listening to us and responding in very solid ways. A few other details I want to bring up. One detail is the brick. I appreciate the brick study and the thought behind that. How do you take this new building and relate it in some way to the historic context? I am relieved to hear that you're not going for an exact replica. I don't think that is quite the way to do it nor is it feasible. A little contrast is good; having an intention behind it makes all of the difference. I appreciate the actual structure of the landscape. There is a wonderful response to organizing an unorganizable ledge that happens there. If you look at it in plan, what the landscape is doing is refocusing an orientation on the historic structure. We want to enhance that wonderful house as much as we can. It is very successful that way. The public comment is really important about creating precedent. I agree with that. Most of us do agree that we protect these structures in the best way possible. If we 'open the floodgate' in one place, why isn't it going to happen in other places? It is a very contextual project. What are we looking at here? We're looking at a pretty poor context. The parking lot is not desirable. The orientation of the buildings that were put up in the 70s had no

consideration for the house. This is a good example of how a new architecture can help alleviate a problem from the past.

Ms. Lewis – I agree with a lot of the previous comments. I am generally supportive with a number of conditions that the applicant hopefully finds acceptable. This is going in a really good direction. Now that we have seen a more in depth landscaping plan, the sidewalk that bifurcates the front yard, it seems that the landscaping plan is trimming the walkways. I wonder on the new building if the shrubs and low landscaping that are flush with that building on the western side; whether on the other side of that sidewalk, you might be able to have a low hedge as well. It might help to mitigate the mass of this building. When you're standing in the street and look at this building, you look at the historic structure. It might a nice way of creating some areas in there that might provide seating or lounging.

Mr. Zehmer – I looked at the brick selection. I guess it was Windsor you were looking at. They didn't have it on the website. You might need to check in with your brick rep. You might have to alter your selection. What you have talked about is right; trying to find something complimentary to the historic structure. That is important. I do feel that this is a big building. It is close to the historic house. In this particular context, the damage has already been done. We have really ugly apartment buildings all around here. Hopefully by having a nice apartment building next door, it will help things out. Ms. Keller's point is well taken. We need to try and figure out a way to look at other areas in the city and get some stricter guidelines.

Mr. Birle – I agree with my colleagues. It is a very nice project, especially the Wertland Street entrances have helped it tremendously.

Mr. Gastinger – I hear a lot of support for this project and just a number of things we might want to add to our potential motion. I have heard elements related to archeological studies, protection of the existing structure, the color temperature, the shielding of the lights in the garage, several elements related to landscaping, framing of the Wertenbaker House and making sure it is visible from Wertland Street, canopy tree selections, consideration of planting along the walk, and the screening of rooftop condensing units.

Motion – Ms. Lewis – **Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed new building at and related alterations to 1301 Wertland Street satisfy the BAR's criteria and are compatible with this property and other properties in the Wertland Street ADC District, and that the BAR approves the application with the following conditions:**

- **The project follow and implement Phase I archeological assessment of the site.**
- **The applicant protect the existing structure using the language that was provided earlier in the staff report including a preservation plan.**
- **The lighting in the garage be adapted per staff related to the color temperature, making them dimmable, and having a method for evaluation after implementation.**
- **The final locations of the planting in the plan be adapted to better frame and ensure visibility of the Wertenbaker House from Wertland Street, which may include the removal or moving of the service berries.**
- **The landscape species selection incorporate larger scale canopy tree where possible as close to Wertland Street as possible.**
- **The sweetgum variety be replaced with a seedless variety, an approved tree from the city tree list or an appropriate native tree of similar scale.**

- **The rooftop units on the building be screened by a method in accordance with the BAR guidelines.**

Mr. Schwarz with the second of the motion. Motion passes 7-0.

3. Certificate of Appropriateness

BAR # 22-10-02

101 East Jefferson Street, TMP 330190000

North Downtown ADC District

Owner: First United Methodist Church

Applicant: William L. Owens, AIA

Project: FUMC solar panels

Jeff Werner, Staff Report –

Background Year Built: 1923 District: North Downtown ADC District Status: Contributing First United Methodist Church is a Colonial Revival, brick church with a monumental portico and four Doric columns, with a tower and steeple.

Request CoA for installation of roof-top solar panels.

- Where solar panels are to be installed, the existing slate shingles will be removed, and replaced by asphalt shingles over waterproof underlayment. Salvageable slate will be stored for repairs on remaining slate roofs or for re-installation, if considered later. [Staff Note on the existing roof: Buckingham slate. Original to building, 1923. Life cycle of Buckingham slate can exceed 150 years.]
- All electrical connections will be made in the attic or the basement. The only exposed equipment, other than the solar panels, will be a 2" conduit running from the backside of the array on the west facing roof, along the roofline at the east face of the steeple, and down the north face of the steeple to the existing electrical service at ground level in the courtyard. The conduit will be painted to match the existing slate or brick.
- The solar panels [on the mountain rails] will be no greater than 6" above the roof.

Discussion

Initial request: Install panels onto existing slate roof

At the September 20, 2022 meeting, staff asked the BAR for informal comments on this pending request, with the following offered:

- BAR Questions:
 - o How will the panels be installed/mounted? (Brackets, hardware, etc.)
 - o Where will wires/cables/conduit and equipment boxes be placed and how will they be screened, if necessary?
 - o How high will the panels be above the slate?
 - o How will the slate roof be protected during installation and subsequent maintenance of the solar panels? (Concern for condition of slate tiles with more-frequent activity.)
 - o Photo-sim: panels on sanctuary are oriented NW.
- BAR Comments:
 - o Preference: install panels on rear addition; avoid panels on sanctuary.
 - o Re: maximizing panel area, a frame over the parking area (east side) might be evaluated.

Current request: Install panels onto asphalt shingles

The BAR's primary concern has been how the slate roof will be impacted by the activity related to the installation and maintenance of the solar panels. The applicant's proposal resolves that concern.

Like the City of Charlottesville,¹ the FUMC congregation has made a commitment to support renewable energy. The ADC District design guidelines are somewhat silent on--if not in opposition

to—externally adapting historic structures to accommodate on-site alternative and renewable energy sources. The guidelines do encourage sustainability and green building. However, they refer to solar [collectors] only once—in discouraging them on historic roofs--there is no mention of photovoltaic, alternative, or renewable [energy]. Regardless, the urgency to act has increased exponentially since the guidelines were adopted.

Term Times Used

Sustainable / Sustainability 18

Green Building 6

Solar 1

Photovoltaic / Alternative / Renewable [Energy] 0

While not emphasized in the design guidelines, the City's Comprehensive Plan, adopted in 2021, specifically recommends expanding opportunity for solar power, see below. [Staff note: The Comp Plan refers to residential homes and municipal buildings; however, staff is comfortable interpreting this as a City-wide goal.]

From Chapter 4: Strategy 3.4 Encourage sustainable, energy efficient building designs and low impact development as complementary goals to historic preservation, including through support for adaptation, reuse, and repurposing of the built environment.

- Sub-strategies:

- o Continue evaluating recommendations appropriate for historic structure improvements that increase energy efficiency and promote sustainability. Incorporate [the above] into the design guidelines for Architectural Design Control Districts, Individually Protected Properties, Historic Conservation Districts, and Entrance Corridor Overlay Districts.

- o Support the implementation of solar photovoltaic systems for historic structures.

- o Consider applying the Secretary of the Interior Standards for Historic

Rehabilitation to all City-owned property more than 50 years old, and apply appropriate preservation technologies in all additions and alterations, while also pursuing sustainability and energy conservation goals.

From Chapter 7: Strategy 1.5: Pursue use of cleaner sources of energy (e.g., renewable energy strategies) community-wide.

- Sub-strategies:

- o Consider local policies and incentives to expand solar power in residential homes.

- o Pursue siting solar power on appropriate municipal buildings.

From the design guidelines, Chapter I - Introduction:

- Nothing in these guidelines should be construed to discourage green building or sustainable design. If such a design is found to conflict with a specific guideline, the BAR shall work with the applicant to devise a creative solution that meets that applicant's goal for sustainability that is also compatible with the character of the district and the property.

- The guidelines are flexible enough to both respect the historic past and to embrace the future.

Staff Recommendations

To be clear, a strict application of the design guidelines and of the Secretary's Standards would recommend denial of this request. With that, the options available to the BAR are: a) approve the CoA by, as instructed by the design guidelines, working with the applicant to devise a creative solution that meets that applicant's goal for sustainability; or, b) deny the CoA, acknowledging the matter can be appealed to City Council who may consider additional information, factors or opinions deem[ed] relevant to the [appeal]. (That is, Council may consider factors the BAR cannot.)

In choosing an option, staff suggests the BAR consider including guidance from the Comp Plan policy re: climate change and our environment. The following questions might be helpful--not to defer to obvious responses, but to establish context in considering how much flexibility the guidelines allow.

- Do the design guidelines and the Secretary's Standards express a clear, unambiguous direction?

- Reversibility: Are the impacts of the proposed work reversible?
- What guidance is offered in the City's Comprehensive Plan and how should they be used, if at all?
- In the pending updates to the design guidelines, would the BAR envision allowing or accommodating this and similar requests?
- If the existing roof was asphalt shingles—or if the slate was replaced with faux slate, which the BAR has allowed--how would this request be treated?
- Would approval establish an unacceptable, possibly unanticipated, precedent?

If the BAR approves the CoA, staff suggests the following conditions be considered:

- Slate shingles removed will be properly stored for later use on the building.
- If/when the solar panels are removed, the asphalt shingles will be replaced with either slate or a suitable faux-slate shingle.

William Owens, Applicant – I would like to reiterate that it is important to the church to demonstrate good stewardship of the environment and show that support by supporting sustainable energy. They have been doing a lot of green initiatives at the church. As a result of that, someone has offered a large donation to consider adding solar panels to the church. If they were to do so, they would like to maximize the advantage of that and the coverage of it to reduce their carbon footprint and their electrical bill as much as possible at a savings of close to 50 percent or \$11,000 as proposed. The last time we were here, a major part of our discussion was about the installation, not the panels themselves on a 100 year slate tile roof. We have tried to address that by proposing to remove the tiles underneath the panel arrays and replace them with a water proofing membrane. Right now, it doesn't have anything underneath the tile shingles. Asphalt shingles, which will give it a more typical installation and reduce any concerns there. The panels would cover any kind of roofing in change there. Anything that was remaining would be visible as site shingles. The new roofing would not be seen. The removed shingles would be salvaged and saved. They can be returned and used for repairs or replaced if the panels were removed in the future. The new roofing won't even be seen. The panels themselves would be seen except at a distance. We don't think the panels, since they fall about 6 inches off the roof surface and follow the roofline don't change the characteristic of the historic roof or are detrimental to the character of the historic structure.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Mr. Schwarz – Can you reassure me as to what the breakage might be for removing the slate and putting them back? Is that a successful process?

Roofer – It will probably be about 25 percent.

Mr. Bailey – How long do you expect the solar panels to last?

Solar Installer – The warranties are 25 years. They are expected to last anywhere from 35 to 50 years. They become technologically obsolete long before they stop working. There are no moving parts. It is basically a rock on the roof.

Ms. Lewis – What do you do once those are obsolete?

Solar Installer – We really don't see that happening yet. I don't know that the solar industry has a good solution for what to do with all of the panels. They are striving to recycle materials from the panels. Recently, UVA came up with a method to vaporize the silver in the panel.

Ms. Lewis – How sustainable is that when you're talking about replacing materials in 25/30 years?

Solar Installer – That is an excellent question. I don't have a good answer to it.

Mr. Birle – I have a question about the brackets. Would they last more than 25 years?

Solar Installer – Everything is warrantied for 25 years as far as most of the equipment is concerned. The brackets are a piece of aluminum with a stainless steel bolt through them.

Mr. Birle – Once the panels become obsolete, the thought is that you could still have the same framework holding new panels?

Mr. Owens – It is a leg and a track. The panels can be removed and upgraded. Once they have lived their life (technologically or functionally), they can just be replaced. The whole issue with the materials and the recycling is something for the entire industry, not just for our project.

Mr. Bailey – What is the current condition of the slate roof?

Roofer – It is Buckingham slate. It is in pretty good shape

Mr. Timmerman – How old is it?

Mr. Owens – We think it is original to the building. It is close to 100 years old.

Mr. Timmerman – I have a question about the change; getting rid of the slate and putting the new membrane. Was that a result of our feedback? Was that a result of doing a further study on installing these panels on slate?

Mr. Owens – It would probably be both. Much of our conversation was regarding the installation on the slate. Their attempt was to simplify that. We were not able to find something that really addressed the slate themselves easily. We simplified the geometry of the panel arrays that no longer have steps in them. They can be rectangular roof replacement. It seems to be very common and very easy to install these on an asphalt shingle roof. With the addition of a water proofing membrane and the asphalt shingles, slate is going to be in much worse condition than the roof underneath it. It is protected by the panels themselves from direct rain. There shouldn't be any issue with any kind of leakage long term. It makes it a more typical installation. You never see it. It was a combination of your feedback and finding no other solutions that we thought you would find better than what we came with.

Mr. Birle – How does the membrane meet the existing slate that you're leaving?

Roofer – We build a curve on the sides. We put a copper tap on that and separate the two grooves on the edge of the solar panels. At the bottom, it overlaps.

Mr. Birle – That curve would be the height of the bracket?

Roofer – Yes. It does have to be 3 inches.

Mr. Owens – The tract overhangs by up to 3 feet. We would try to place it so that the new roofing stops well within the array.

Mr. Gastinger – I was concerned if you ended up getting too aggressive in removing it and we ended up with a ‘halo’ around the panel area.

Mr. Owens – The intent would be to keep it as tight as possible to the mounting legs.

Mr. Zehmer – What is the spacing on the mounting legs or anchor points?

Solar Installer – The panels are about 6 feet. There is an overhang on the top. It is probably about 4 feet between rails. There are two rails that support a panel or a row of panels. The spacing is engineering. That goes through a third party.

Mr. Zehmer – A typical asphalt shingle roof is around 25 years.

Roofer – The lifetime of architecture shingles is considered to be 40 to 50 years. They used to make them 25 years.

Mr. Owens – These won’t be exposed to the sunlight.

Mr. Zehmer – That’s why I was asking about the anchor points. If it is 18 inches or 2 feet, you have to drill a hole through it. That’s going to weaken that system.

Mr. Owens – We have to find an engineer. It is 1 by 6 decking. Whether that is adequate enough to support the legs or we have to hit a rafter. The instructions typically say to hit a rafter. It would be easier if we didn’t have to do that. If we’re allowed to go forward, we will get into those details.

Mr. Zehmer – Where I was going was the concern that the asphalt roof still doesn’t outlast the slate around it. You would have to come back and remove those panels to fix that roof.

Ms. Lewis – How many square feet/yards are you removing? What is the area of historic slate?

Solar Installer –It is roughly 4000 square feet.

Mr. Timmerman – This a congregational decision. Do people of the congregation think this is a good idea? Are they very excited about it?

Alex Joyner, Pastor – There is great encouragement and excitement. During the pandemic, we had a justice group that formed that was very interested in green initiatives at the church. When this offer and significant donation came through, that was very encouraging. One of the struggles of every downtown church is being a historic structure and leading the way into something new. This seemed as a way, both to claim our place in downtown but to be a witness. There certainly was a lot of support.

Mr. Owens – This also coincides with the Inflation Reduction Act, which now opens up funding to nonprofits that it didn’t before that allows this to be funded in a large part in a way that wasn’t available before.

COMMENTS FROM THE PUBLIC

Genevieve Keller – Earlier in the meeting, there was a comment about the BAR and solar. I was able to find a reference back to your BAR minutes from July 18, 2017. The Planning Commission had referred solar text amendments to the BAR for consideration. It doesn't offer a great deal of guidance. It does make a couple of suggestions about ADC and Conservation Districts. I just wanted to make that reference to you. The BAR was consulted when the city was revising its ordinance in terms of solar arrays and solar panels. You were a part of that process. We don't have a lot of institutional memory in the city in terms of public officials and staff. You might find it interesting as a point of departure and how to address changes in the future.

COMMENTS FROM THE BOARD

Mr. Gastinger – I note that while our specific guidelines do not deal with this in detail. We do reference the Secretary of Interior Guidelines. They do provide a number of additional recommendations and guidance.

When I first heard that you were coming back and I heard about the strategy that you were employing, I was very glad to hear that you are not removing all of the slate. I feel that this is a pretty creative way of actually addressing the problem of dealing with the slate. From my perspective and the way that it has been presented in keeping the new roof under the perimeter of the solar panels, I really don't see how this has any impact on the historic district. I feel this is a supportable direction.

Mr. Birle – I agree. The roof was not visible as I was walking around the church earlier today. You can see the lower roofs from a distance. Given that the Comprehensive Plan talks about promoting green practices. Our own guidelines say not to discourage sustainable design. I can stand by this.

Mr. Schwarz – I badly want to see solar panels on this project. I can't stand behind it. I really struggle with taking a historic material that has a good long lifetime and removing that, potentially destroying a good portion of it, replacing it with a petroleum product that won't last as long, covering it with solar panels, and it didn't sound like there is a good plan to recycle or replace those solar panels. I am wondering at what point these solar panels actually start being green. There's going to be a long time you're throwing away energy and carbon to put them up there. Our purview is the historic slate. Telling me that 25 percent of that slate is going to be broken in the process, I can't support it unfortunately. I really want to support it.

Mr. Timmerman – From the Secretary of Interior Standards, there is an excerpt under planning. "Forming an integrated sustainability team and working on a large project that includes a preservation professional to ensure the character and integrity of the building is maintained during any upgrade." I feel that gives a clue to maybe what you're talking about. If there's a way to evaluate the pros and cons, you might have already done that. I hate seeing the most sustainable building material that you can imagine that you pull out of the earth and go back into the earth. Solar panels are a wonderful technology and they are doing a lot of good in the way that it is forming alternates to what we have been using before. There is a beauty and sustainability to doing something very simple. Where is that balance? It is so easy to embrace the new technology because it is new. It appears to be the right thing. I would be interested in knowing if there is a professional assessment out there that really can weigh these sort of issues of these two materials. I am heartened by the comments that you have made about the excitement that the congregation has. We have an ethical need to conserve and be sustainable in this world. I am not going to step in the way of a congregation that has occupied a building for hundreds of years and wants to put a solid step forward in changing things for the better.

Ms. Lewis – We’re asked to approve this as a certificate of appropriateness and say that it meets our ADC Guidelines. That’s the limited purview of this Board: to weigh sustainability efforts versus the renewal energy system that you want to put on there. That’s not in our purview. Even meeting the Comprehensive Plan goals, zoning ordinance encouragement, and Future Land Use Map goals is not part of our purview. Our purview is very narrow here. Our guidelines have not been updated. The city doesn’t have the money in engaging a professional preservationist/consulting group who could rewrite our guidelines. We are bound by them. Our guidelines say two things. One is that we cannot install mechanical or service equipment that would damage or obscure a character defining feature of this property. I do think this roof is visible from public rights of way. The slate roof is historic and it is character defining of your beautiful church. Our other guidelines say that you don’t remove slate. Slate is historic. It was made nearby. It is so durable. You can’t install solar panels on it. Our guidelines are very clear. The other additional standards we can look to for a little bit of guidance are the Secretary of Interior Standards, which have begun to address solar installations. I just want to read those for our reflection and for the applicant hears them. We’re bound by this. We don’t love this outcome. I really don’t think that I have leeway if I am bound to uphold these guidelines. The Secretary of Interior Standards for solar technology:

- Considering onsite solar technology only after implementing all appropriate treatments to improve energy efficiency of the building, which would often have a greater life cycle cost benefit than just the onsite installation of renewable energy.
- Analyzing whether solar technology can be used successfully and will benefit a historic building without compromising its character or the character of the site or the surrounding district.
- Install a solar device in a compatible location on the site or on a non-historic building or addition where it will have minimal impact on the historic building or site.
- Installing a solar device on a historic building only after all other locations have been investigated and determined infeasible.
- Installing a low profile solar device on the historic building so it is not visible or minimally visible from the public right of way or set back to take advantage of a parapet or other feature and to screen panels or on a secondary slope of a roof out of view from the public right of way.

As much as I commend your congregation for wanting to do this, my vote has to be ‘no’ only because of the guidelines that I am supposed to uphold here.

Mr. Zehmer – It is a really creative solution that you came up with. It is a character defining roof, especially over the sanctuary. In our previous meeting, we did talk about looking at the addition roofs. I can see myself supporting solar panels on those roofs. The question becomes: Do we need to tear the slate off those roofs to make them asphalt and solar panel? Would that pass muster? That would probably need another submission/revised submission to have that conversation. Per our guidelines: Place solar collectors and antennae on nonconforming character defining roofs or roofs of non-historic adjacent buildings. I can see a path that way. It is tough for me to approve this seeing them on the main sanctuary roof.

Mr. Bailey – I am extremely conflicted right now. I want it to go forward with this project. Cheri makes a very good point with regard to the standards that we’re supposed to uphold. I really want to support it. I think that I probably cannot support it.

Mr. Gastinger – I thank everybody on the Board for engaging in a debate about a tricky project. We are pulled in different directions. I will say that our guidelines never anticipated this kind of application. The removal of the slate, from what we have been given and what I understand, is that it is actually going to be preserved. It could assist in the long term preservation of the rest of the roof. That preservation of the slate is an important component of this proposal. It would worth making clearer

that if the solar panels were to be removed, it would be replaced with a slate roof to match, presumably with the pieces that were held in storage. I am coming at it from the renderings and the approach. There are two questions before us. Are the solar panels as presented detrimental to the historic district? If they are not, is the removal of the panels going to create any kind of lasting damage to the structure? If there is not, there is no visible indication of a roofing change from what is being proposed. I don't see how it is detrimental to the historic district. That's the way I am reading it.

Mr. Birle – Reading from our guidelines. Nothing in these guidelines should be construed to discourage green building or sustainable design. If such a design is found to conflict with a specific guideline, the BAR shall work with the applicant to devise a creative solution that meets the applicant's goal of sustainability. I feel that is what they have presented. Our offering of a creative solution is really a tough decision.

Mr. Schwarz – In response to the first question: If it was an asphalt roof, I would vote approval. With a 25 percent breakage rate and who knows what is going to happen with that slate in storage for the next 20 years, I don't believe that they would go back up. That's unfortunate to not trust the church. At some point, whoever is in charge, the slate is going to end up being garden markers. The removal of that slate would be condemning that roof to not be slate in the future.

Ms. Lewis – I concur with Mr. Schwarz. It wouldn't say anything about the church. It is human nature. Four thousand square feet of slate does not go back up on that roof once it is removed. I respect the Chair for his analysis. I don't think our analysis is whether the new installation is detrimental to our historic district. The question before us is whether this application complies and can we approve it under our current guidelines? That's our purview. Our purview is not about detriment or harm or future harm. Our guidelines say that you don't remove roofing. You don't harm slate.

Mr. Werner – I did do some research. Twenty-five percent is optimistic. The breakage is much higher. When we discussed the roof on the Key Recreation Center, their roofing consultant said 50 percent. It is a difficult decision. The question for the applicant would be a deferral or a denial with an appeal. A deferral would allow additional continued research/discussion. The other perspective is that I am looking at the photo and I am seeing a slate roof a block west of this. In decisions like this, I used to think in terms of land use with a special use permit. When approving something, make sure there is a very small box so it is applicable in a very limited way. If there are circumstances that would make this acceptable with a presumption that you're going to see similar requests.

Mr. Owens – With the comments on the slate, we can't change the project as it is in order to accommodate the concerns that the negative votes are going to have. The church is not interested in putting just a hand full of panels on the roof. Unless you have plans to change the guidelines very soon, you're going to get more and more of these requests. You're going to have to address the congregation that is coming from a very good spot to do this. The rest of the world is going to as well. It's not going to be a slate issue. We have to change the way we handle energy. We have to develop it. It is not about the slate coming pretty soon. You are going to have to be prepared to address this. I am in full support of addressing the slate roof and preserving it. There is a conflict coming between some of this stuff and preserving our planet. There's going to have to be a resolution to that. When it comes down to it, we're going to need the energy and not the slate.

Motion – Ms. Lewis - Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed slate roof replacement and roof-top solar panels at 101 East Jefferson Street do not satisfy the BAR's criteria and are not

compatible with this property and other properties in the North Downtown ADC District, and that for the following reasons the BAR denies the application as submitted:

- The removal of the slate and obscuring and damaging the slate does not meet our guidelines.
- This proposed system of rooftop installation does not comply with the Secretary of Interior Standards.

Second by Mr. Schwarz – Motion passes 4-3.

The Meeting was recessed for five minutes.

D. New Items

4. Certificate of Appropriateness

BAR # 23-01-01

207-211 Ridge Street, TMP 290029000

Ridge Street ADC District

Owner: The Salvation Army

Applicant: Erin Hannegan / Mitchell-Matthews Architects & Planners

Project: Phased demolition of three buildings (1965, 1980, 1992)

Jeff Werner, Staff Report –

Background Year Built: Chapel/primary building 1965. Transient shelter (rear) c1980; Addition (north) 1992. District: Ridge Street ADC District Status: Contributing (Note: By code, all structures in the Ridge Street ADC District are designated as contributing, regardless of year built or historic significance. Note: The site is not within a NRHP Historic District, nor individually designated.) The facility, constructed by the Salvation Army as a shelter and transient facility, includes a two-story, brick chapel and three-story brick building, both constructed in 1965, a two-story transient shelter (at the rear), constructed after 1974, likely in 1980, and a two-story brick addition (at the north side), constructed in 1992.

Request CoA for demolition of three brick structures constructed in 1965, c 1972, and c 1980, respectively. Demolition [to be phased and sequenced with new construction] will allow the Salvation Army to expand the facility and increase and enhance the services provided per its mission. Note: The proposed new construction will require approval of Special Use Permit [related to setbacks], therefore, at a later date the BAR will review that request and make a recommendation to City Council. Additionally, the planned redevelopment of the site, regardless of the SUP, will require BAR review and approval of a CoA.

Discussion and Recommendations

Per a review of the standards for considering demolitions (Code Sec. 34-278) and the Review Criteria for Demolition in the Design Guidelines (see below), staff concurs with the applicant's comments, generally, and finds no compelling argument to deny the requested demolition. The property is within the Ridge Street ADC District and the structures are designated *contributing*; however, the property is **not** within a National Register of Historic Places (NRHP) historic district, nor are the structures designated individually. Within Subarea C of the ADC District: two structures date to the 1800s; five date to the 1960s; four to after 1980.

Per preliminary discussions with the applicant, the planned programming of this site anticipates the sequenced demolition of each structure and construction of buildings so as to allow continued use with minimal, if any, disruptions to the operation and services provided by the facility. BAR approval is required for the proposed new structures, when those designs are completed; however, with the

demolition CoA, the BAR may consider conditions related to the timing, sequencing, etc. for the razing of each building.

The BAR may also want to discuss the 56" [red] oak at the front of the site. (See Appendix and the applicant's Supplement A.) Protection the tree during demolition and later construction is preferred; however, even if expressed as a condition of approval staff cannot advise on how practicable or realistic that might be.

Should the BAR approve the request, staff suggests the following conditions of approval:

- Staff approval of the demolition permit [when that application is submitted] is contingent upon:

1. Applicant providing for the BAR record documentation of the existing building. [In addition to the photos provided, documentation will include dimensioned floor plans and elevations. Similar to documentation provided for 210 West Market Street, August 2022;

- 1532 Virginia Ave, January 2019.]

2. Either a *condition* or a *recommendation* that during the demolition and later redevelopment of the site all efforts be made to preserve the large oak tree at the front of the property. (See photos in Appendix.)

3. An approved building permit for construction of the new buildings. [The BAR may want to link the sequence and timing of demolition of individual structures and the related construction of new.]

Or, in lieu of item 3:

- o BAR approval of proposed site treatment following demolition and prior to site redevelopment.

Unless other criteria of the ADC District Design Guidelines prevail, BAR will apply Chapter 2. Site Design.

Erin Hannegan, Applicant – I haven't heard any concerns about the demolition of the buildings. I can answer questions about that. The concern we have is that when we had our pre-application meeting with the city, the city engineer was present. They told us that they would be sticklers about the guidelines that require 1.5 feet of protection per inch of tree diameter. The 56 inch tree would produce an 84 foot protection radius, which would basically wipe out the entire front half of the site. We would like to save the tree. Our development plans intent to save the tree. We just would like language to be tailored to using our arborist recommendations as opposed to the city guidelines. When we go through the site planning with the city engineers, we can point to that and refute the required 84 foot radius. It would limit the ability to redevelop the site and inhibit the goals of the Salvation Army to maintain the shelter in an operable condition through redevelopment.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Mr. Zehmer – With the 84 foot radius, is that into perpetuity or just during construction?

Ms. Hannegan – It is during construction because the fence line has to follow that 84 foot radius. You're basically build within that radius.

Mr. Gastinger – We don't have authority to superimpose any restrictions on other city agencies enforcing their own policies and guidelines? We can only approve or deny what is put in front of us based on our guidelines?

Ms. Hannegan – That is why we asked for permission for clarity. That's why we asked for permission to demolish everything on the site. The city engineers can't come back and say the BAR told you have to save this tree. We want to save the tree. If there is a way through the SUP process to add that as a condition for the SUP to save the tree with different parameters so it doesn't conflict with the language.

Mr. Schwarz – The roots are not currently in the church basement.

Ms. Hannegan – Technically, there is no basement under the chapel, which is the piece that is next to the tree. There is a basement on the northern half. It is not coming through the basement walls. The arborist believes it is contained by the foundation wall and the site walls. It has a very small plot it is sitting in. We are enlarging that in the future.

Ms. Lewis – It doesn't run anywhere under the sidewalk or the asphalt?

Ms. Hannegan – The arborist did think that it probably ran under the sidewalk. He suggested that the sidewalk be demolished by hand so as not to disturb the roots. Potentially, site walls are only taken down just below grade so they are concealed and not actually demolished. They wouldn't harm the roots. We are fine with all of those recommendations.

Mr. Gastinger – You have said that you want to protect the tree. The proposal is to remove the tree?

Ms. Hannegan – It is a technicality of the city requirements. We're asking for permission technically to demolish everything on the site so the city engineer cannot mandate the 84 foot tree protection radius. However, it is our intent, when we redevelop the site, that the tree will be saved. Our future redevelopment plans show the tree present in our renderings and on our site plan. The recommendations from the arborist will help us get to that point of preserving the tree.

Mr. Gastinger – The proposal is to remove the tree?

Ms. Hannegan – Yes. I suppose it is. If you deny removal of the tree, it kicks to the engineering department requirement. That is my understanding of this conflict.

Mr. Zehmer – The Special Use Permit you are referring to: Is that to allow for construction closer to the tree?

Ms. Hannegan – No. There are going to be various modifications to the zoning ordinance (parking reductions, setback reductions). It is for the use that gets us to needing a Special Use Permit to begin with. We will be asking for other modification as part of that process.

Mr. Zehmer – I am curious if there is a way this applicant could get permission to build closer to the tree before it comes to us.

Mr. Werner – The Special Use Permit will come to you. I am not sure about the specifics of it. I know that you review Special Use Permit requests and make a recommendation to Council. I don't know how to 'untie that knot' relative to what the city engineer would require. This is a very old tree. It is stressed. I am not an expert in trees squished between a sidewalk and a building. You could identify that tree protection within the constraints. If there is a space where you could say the tree protection can occur within this space, I don't know how to advise you. The applicant has a pretty good handle on what the city engineer would say.

Mr. Schwarz – We do have to approve the building that comes next.

Mr. Birle – We can't even put a condition on this. By putting a condition on it, that means we have to stay 80 feet away. We have to take the Ms. Hannegan's word if we want the tree to stay.

Mr. Gastinger – I don't know how we do that if we think this tree is important to the district. I haven't heard any concern about the demolition of the buildings. This is one of the last impressive trees in this section of Ridge Street. It would be hard to say that it is important enough to allow its removal. In the past, we have done a couple of things. We have made recommendations to zoning in the past, to make considerations for things such as curb cuts or other elements that would improve the character of the street in certain conditions. I think we can do the same here. I think the recommendations from arborist make a lot of sense. If they come up with a tree preservation plan, the city engineer ought to take that into consideration.

Mr. Schwarz – Are you coming back with an SUP?

Ms. Hannegan – That's correct.

Mr. Schwarz – The Planning Commission could work some conditions into the SUP that negates what the city engineer has said. I feel that we actually approve the demolition of the buildings, not the tree, if you deal with it in the SUP process.

Mr. Werner – The Planning Commission and BAR only make recommendations to the City Council. It is Council's decision on what conditions to accept. A requirement to save that tree is nonsensical unless you say that you can't demolish the front of the chapel.

Mr. Gastinger – We can require that they put together a tree protection plan in accordance with the letter.

Mr. Werner – The second part of that would be if that motion would conflict with what the engineer would say, you can bump this to February. I will sit down with the city engineer and make sure we don't have any conflict. I would rather get it right even if takes until February to get it right. It seems that the condition is the due diligence and practicable for tree protection unless that conflates with what the applicant is expecting.

Mr. Gastinger – On other projects in the vicinity of Downtown, we have added a contingency or requirement that the approval of the demolitions of the buildings is contingent on an approved building plan so we don't lost buildings without something that is going in its place. I don't know if that helps or hurts this particular consideration.

Mr. Werner – If they were to cut this tree down, it would be an alteration of a site. It would require BAR review. If it died as a result of the demolition, that would not be cutting it down. We're threading a needle right now that I am not sure I am much help on.

Mr. Gastinger – I don't find that there is going to be a lot of support for the proposal as submitted. That would include the demolition of tree. I think we could probably come up with a motion that would approve the demolition of buildings; as part of that a requirement you develop a tree protection plan that follows the recommendations of the arborist and a recommendation to the city engineer to

work with the applicant to apply the best known methods for protecting that tree, which are more nuanced with the site conditions than a standard radius would allow.

Ms. Hannegan – It is acceptable that we produce a tree protection plan to save the tree if it is different from the city guidelines.

Mr. Bailey – Can we explicitly say that the city guidelines apply here in the motion?

Ms. Lewis – The drip line goes into the public right of way. The applicant has no control over that. That is the unfortunate part.

COMMENTS FROM THE PUBLIC

No Comments from the Public

COMMENTS FROM THE BOARD

Motion – Mr. Gastinger – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition of 207-211 Ridge Street satisfies the BAR’s criteria and guidelines and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application as submitted with the following exception and recommendation:

- The BAR does not find that the removal of the black oak at the front of the property is compatible with the guidelines and asks that the applicant develop a tree protection strategy based on the arborist recommendations submitted January 16, 2023. The applicant should apply all reasonable approaches to protect the tree during demolition and subsequent construction.
- The BAR recommends that the city engineer work with the applicant to review the tree protection plan that they have developed and adapt the city requirements to the particular context of this situation.

Second by Mr. Schwarz. Motion passes 7-0.

E. Other Business

5. Preliminary Discussion: 747 Park Street (misc. rehabilitations)

- Staff introduced the project proposal to the members of the BAR.
- The applicant presented their project proposal to receive feedback from the BAR on what could be done with the property.
- The property has been left in disrepair since the early 1900s. The property is in really bad shape.
- The plan is to try to fix and repair the house in phases.
- The intent of the plan is to restore the house to its original ‘glory.’ The applicant indicated that this would be a rehabilitation project for this property.
- There were multiple issues that the applicant presented to the BAR. The roof and gutters are in need of repair.
- The applicant is hoping to do something that does not mimic the historic structure.
- There was a lengthy discussion regarding the intent of the property owner and the applicant. The discussion covered the different aspects of the project.
- Members of the BAR did provide constructive feedback on what the applicant can do to improve the project for a possible COA vote in front of the BAR.

6. Staff Questions/Discussion

- CLG annual report – BAR training
- DT Mall NRHP listing and work group update
- Café space – catenary lights (if time allows)

Adjournment

The meeting was adjourned at 9:29 PM