

**BAR MINUTES**  
**CITY OF CHARLOTTESVILLE**  
**BOARD OF ARCHITECTURAL REVIEW**  
**Regular Meeting**  
**December 16, 2025 – 5:00 PM**  
**Hybrid Meeting (In person at City Council Chambers & virtual via Zoom)**



Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review. Staff will introduce each item, followed by the applicant's presentation, which should not exceed ten minutes. The Chair will then ask for questions from the public, followed by questions from the BAR. After questions are closed, the Chair will ask for comments from the public. For each application, members of the public are each allowed three minutes to ask questions and three minutes to offer comments. Speakers shall identify themselves and provide their address. Comments should be limited to the BAR's purview; that is, regarding only the exterior aspects of a project. Following the BAR's discussion and prior to taking action, the applicant will have up to three minutes to respond.

**Members Present:** James Zehmer, Katherine Tabony, Jerry Rosenthal, Cheri Lewis, Roger Birle, David Timmerman, Ron Bailey

**Staff Present:** Patrick Cory, Jeff Werner, Kate Richardson, Remy Trail, Missy Creasy, Sarah Kim, Matt Alfele, Missy Creasy, Ose Akinlotan

**Pre-Meeting:**

There was discussion surrounding the two projects on the BAR meeting agenda. There was discussion surrounding the time limits for people to speak during Matters of the Public Not on the Agenda and people wishing to speak during the 7<sup>th</sup> Street Project. The Chair is going to make sure that the meeting There was discussion surrounding the meeting process. Staff did go over the items on the Consent Agenda.

The chairman called the meeting to order at 5:36 PM.

**There was a change to the time limit for public comments for 2 minutes for Matters from the Public and the 2 actionable New Items.**

We realize there are many people who wish to speak this evening, so we have signup sheets up front here, if you could sign up that helps us go through the list in an orderly fashion. In order to ensure we may perform our duties for this meeting we are going to amend the Meeting Agenda as follows: During Matters from the Public not on the Agenda, the number of speakers will be limited to five. Each speaker will identify themselves, provide their address, and be allowed to speak once for up to two minutes. Comments must be limited to the BAR's purview. And again that is for things not on the Agenda.

Then during our new items #3 and #4, which are specifically for 210-216 West Market Street, and the 7<sup>th</sup> Street parcels, City Staff will introduce each item, followed by the Applicant's Presentation, which should not exceed ten minutes. Following those reports, I will invite questions and comments from the public. Each speaker will identify themselves, provide their address, and be allowed to speak once for up to two minutes. Comments must be limited to the BAR's purview; that is, regarding only the exterior aspects of a project, per the BAR's charge from City Council, and per City Code requirements for a Major Historic Review. Following any public comments, the BAR will then offer its questions and

comments to the Applicant, after which the Applicant will have up to three minutes to respond to each question and/or comment, for a period that may be extended at my discretion.

**Motion seconded by Mr. Bailey.**

There was no discussion from the Board.

**Vote: 7-0 to amend the meeting agenda.**

We welcome public participation, everybody in here is a part of this meeting- we want to invite you to please participate but we want to do so in a civil and orderly manner. In order to ensure that, we are going to act like adults, and so please address the BAR, not the applicant or other people in the room. Focus your comments towards us, keep your comments to our purview, which is again the exterior of the building. Public attacks, abusive language, and actions that disrupt or impede the Meeting's progress are prohibited. We do have the right, we reserve the right, to ask folks to leave if they do become disruptive, but I do not think we will have to do that. We are looking forward to the conversation.

**A. Matters from the public not on the agenda.**

No Public Comments

**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 – October 21, 2025

**2. Certificate of Appropriateness Application**

BAR # HST25-0117

422 2nd Street NE, TMP 330079000

North Downtown ADC District

Owners/Applicants: Michael Shveima & Erin Hall

Project: Front landscape alteration

**Ms. Lewis – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the landscape and site alterations proposed at 422 2nd Street, NE satisfy the BAR's criteria and are compatible with this property and other properties in this ADC District, and that the BAR approves the request. The motion was seconded by Mr. Bailey. Vote: 6-0 with Mr. Zehmer abstaining as he was not present at the October 21st meeting.**

**C. Deferred Items**

N/A

**D. New Items**

**3. Certificate of Appropriateness Application**

BAR # HST25-0115

210-216 West Market Street; TMP 330271000

Downtown ADC District

Owners: McSwain Properties, LLC & McSwain Properties II, LLC

Applicant: Jeffrey Levien, Heirloom Downtown Mall Development, LLC (Contract purchaser)

Project: Demolition of contributing structure

**Jeff Werner, Staff Report** – CoA request for the demolition of existing commercial building, formerly Brown's Lock & Safe. Note: The current CoA (BAR 22-08-03) expires February 16, 2026, and cannot be further extended. Thus, the request for a new CoA. Additionally, the applicant proposes using 210–216 West Market Street as a temporary construction yard to support the planned hotel at 218 West Market Street (BAR #s HST25-0076 and HST24- 0038). After the hotel is completed, and until a new building is approved at 210–216 West Market Street, the property will be converted to parking, as permitted by code. This change will require modifying the conditions of the current CoA related to the timing of razing the structure at 210-216 West Market Street. (See staff's recommendation below.)

**Kevin Schafer, Applicant** – The distinguishing element of tying this to the building permit of the hotel is a smart one from a logistical consideration of the adjacent lot, the construction, and a tight downtown corridor. The site would be used for laydown for deliveries, for parking, and for workers. It would offer a lot of flexibility and keep construction traffic to a minimum. We appreciate staff's recommendations. We are amenable to the 3 conditions listed. The Phase I archaeological survey and existing building documentation is no problem. The 3<sup>rd</sup> condition of tying it to the permit for a temporary construction yard is exactly what we would aim to use it for. The site would be secured with an opaque fence like the one that was around The Code Building during that construction. It would be at a height that is appropriate, secured, and meeting all the Charlottesville design standards as mentioned by staff. I appreciate staff's diligence in their research. It is a little ambiguous on the recommendations. I have never been through a recommendation on a CoA process before. I am not sure if that is something that is tied directly to the CoA approval and what that entails. The applicant has requested it is read into the record and the conditions that required are part of the CoA in lieu of having a recommendation on an official CoA.

Letter from Mr. Brown, the property owner was read into the record. The letter is below.

“My family has been doing business in this city since 1950. We have owned and operated this location at 210 Market since 1970. We decided to close operations at this location and sell the property to Mr. Levien several years ago. The timing of the sale has finally developed to happen soon. The property has no historical or significant meaning to my family nor to the community in my opinion. I would not recommend the demolition of this building at 210 West Market Street if I felt anything of historic value could be salvaged. However, this building has been modified and torn apart so many times through the years that as it stands, it retains almost nothing of the original structure and character. Even the roof was torn off and replaced back before 2010. Aside from replacing the roof, which is a dire necessity at the time, my family has seen no good purpose in further renovation over the years. As it, we consider this property a severe eye sore. It has always been the vision of my family and Mr. Levien that after buying the property, he would demolish the building and allow development of a use that would bring more economic and social vitality to downtown Charlottesville, as well as a visual relief when coming up the hill from Ridge-McIntire. As I understand his plans, he will also temporarily use the property as a staging area and construction trailer during the construction of the Marriott Hotel next door. We urge the approval of the extension of the demolition permit and the demolition of this building.”

## QUESTIONS FROM THE PUBLIC

No Questions from the Public

## QUESTIONS FROM THE BOARD

**Mr. Rosenthal** – What does Phase I Archaeological Investigation mean?

**Mr. Werner** – A Phase I Archaeological Investigation is a history examination of the site, looking at the documentation that is available. What does that tell us? They will typically do a series of what they call shovel

test pits at a certain increment to determine whether there is something. With a site like this, the archaeologists know what they may or may not find. They might say that there is no point in any test pits. You are not going to say anything even close to what we saw at the Swan Tavern site. It produces the documentary background, the historic background that then informs decisions about if something will have been done further on the site. What would be interesting is if there was something worth looking at. The applicant is not obligated to do that. All they do is produce Phase I. It would be an opportunity for us to partner with them.

**Mr. Rosenthal** – Is it possible if they did find something, that it could delay?

**Ms. Richardson** – No. The data in Phase I that was recovered would indicate if any other additional survey would be necessary. It is data based.

**Mr. Werner** – They would not have to do it. The only thing that would stop a project is if you found burials on a site. That is a state law. We can only ask them to do that Phase I. Hopefully, some information comes forward that maybe invites some further looks. They are not obligated to. We will get the story of that site, at least, of the people that live there and to elevate that and interpret that. It is a recommendation from the BAR. You cannot require it. Over the years, we have used different words. We have urged and encouraged it. At least stating it in the motion becomes part of the record in a way that you don't have to go searching for it. If you are encouraging them to do, have that as part of your motion. When they come in with a building permit, I cannot stop it. The language is nothing unusual from what we have been doing for some time.

**Mr. Zehmer** – We can require record documentation. Can we require the Level I?

**Mr. Werner** – It is already being done.

**Mr. Zehmer** – In the staff's recommended approval with conditions, the first 3 items are what we can require.

**Mr. Werner** – The last 2 items are recommendations that you are making to the applicant.

**Ms. Tabony** – I have a question about the recommendation to keep the stone wall.

**Mr. Werner** – When this was previously discussed, the idea was of a new building there. It was encouraging, 'can you incorporate this stone that is there?' Can you incorporate it into the building? It was in the prior report. It is not a requirement.

**Ms. Tabony** – Do we need to address the prior recommendations in our motion tonight?

**Mr. Werner** – It is what was there before. I included that and explained it. It is not like saying you must stack those exact stones. That is a construction element that is typical downtown. It is on this site. It was a thought relative to the future project. You can remove that entirely if it ever comes in as something new. It is a cosmetic thing. It is only a recommendation.

## **COMMENTS FROM THE PUBLIC**

No Comments from the Public

## **COMMNETS FROM THE BOARD**

**Ms. Tabony** – I was thinking it would be better to remove the stone wall to create more of a planting area. I don't think that we should hold onto that.

**Mr. Timmerman** – Given the applicant supports the conditions, I support the conditions. The first recommendation seems irrelevant to me. We don't know what is going to be built there. This is just a demolition permit. The third is a no-brainer. I am always in support of understanding the history

**Mr. Werner** – The last time we discussed this we were not saying that stone wall must stay there. We are just saying it is an element that could be considered.

**Mr. Timmerman** – 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 210-216 West Market Street satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in this ADC District, and that the BAR approves the application as submitted, with the following:

- Prior to preservation and design staff approval of a demolition permit to raze the existing building at 210–216 West Market Street:
  - Applicant will secure the necessary permit for the site to be used as a temporary construction yard to support construction of the hotel at 218 West Market Street, including installation of a construction barrier appropriate for Downtown (per City of Charlottesville Standards & Design Manual).
  - Applicant will provide for the BAR record documentation of the existing building. In addition to the photos provided, documentation will include dimensioned floorplans and elevations.
  - In coordination with the required examination of 218 West Market Street (condition of CoA for BAR #HST25-0076), applicant will complete and provide for the BAR record a Phase I archeological investigation of the site.

The motion was seconded by Ms. Tabony.

Vote: 7-0

Additionally, while not a condition of this CoA approval, the BAR strongly encourages the applicant to consider the following recommendation:

- Within the new building at 218 West Market Street and any subsequent development of 210-216 West Market Street, the history of this site [or these sites], including recognition of the individuals who lived and worked there, is presented and interpreted.

#### 4. Certificate of Appropriateness Application

BAR # HST25-0084

Tax Map 29 Parcels 71,73,74,75,76

202, 204, 208 & 214 7th Street SW & 613 Delevan Street

204 & 208 7th Street SW - Individually Protected Properties

Owners:

202: Monticello Media LLC

204: William Lynch & 204-7 LLC

208: Michael J. Christian

214: 7th St LLC

613 Delevan St: Mattie L. Hall

Applicant: Mitchell-Matthews Architects

Project: New multi-story, mixed-use building

**Jeff Werner, Staff Report** – CoA request for rehabilitation of two brick dwellings (204 and 208 7th St SW; both designated IPPs) and construction of a seven-story, multi-unit apartment building. Because the project

will encroach onto 204 and 208 7th Street SW, two parcels that are City-designated Individually Protected Properties (IPPs), the entire project is subject to design review by the BAR.

**John Matthews, Applicant** – Thanks for the feedback on this project over the last 6 months. It has been valuable. We feel the design has improved considerably, primarily based on the input that you have given us over those 6 months. We also believe that this project ticks virtually every box required for its approval. It rehabilitates and protects those IPPs (Individually Protected Properties). That is the sole purpose we are here.

### **Next Slide**

That specifically is the one reason we are here. It is not the building. If we stayed out of the IPPs, that building could still be built. I want to emphasize that is the issue. It is the IPPs. I want to try to stay on that track. It complies with the Comp Plan and the zoning ordinance, The Affordable Housing Manual, and contributes millions of dollars to the city's essential public services. This list is just a partial list of all the attributes this project offers. We would like to quickly run through a recap of this large submission. I would like to recap those, illustrating how the project has evolved, reinforcing why we are here, and try to address what we understand what some of the lingering concerns by some people could be.

### **Alan Wong, Applicant –**

#### **Next Slide**

We are here for these 2 requests to seek permission from the BAR to demolish the minor non-contributing additions to the 2 IPPs and to allow the construction on the same IPP parcels. We would like to address the context that this new proposed building would provide that would be appropriate and meaningful to those 2 IPPs.

#### **Next Slide**

This is simply showing the context around the site, which is in red. It is directly adjacent to the train tracks. Beyond that is West Main Street. You will see that it is on the edge of Fifeville.

#### **Next Slides**

The following slides are showing the conditions of the 2 IPP historic houses. The exterior shows the conditions. We are finding that they are structurally compromised. They are in the process of progressive failure. You will see on the inside that the same dilapidated condition and serious damage, which will have to undergo serious rehabilitation.

### **Mr. Matthews –**

#### **Next Slide**

This graphic shows the current zoning of the property on the extreme edge of Fifeville. Some people might think that it is closer to West Main than Fifeville. The previous map showed where it is. It often gets lost that this entire area, not just this site, is zoned for high density. The other thing that gets lost is that this area was previously zoned for high density. This is not new. For decades, it has been zoned for higher density. This is a former industrial site. It has been neglected for decades. Those of you that have had a chance to go by would agree with that. It is important to emphasize or reemphasize that this project is not in a Design Control District nor is the adjoining neighborhood.

### **Jim Duxbury, Applicant –**

#### **Next Slide**

We have brought in some additional boards here to help recap some of the major changes and improvements we have made. These boards will remind you of how this project has evolved over time and how your input has affected it.

### **Next Slide**

This second board illustrates our response to the BAR comment in August. Can the height along 7th Street be reduced by removing the massing back to the rear of the property and by stepping down the wings? Yes, we accomplished that by pushing the bulk of the center section of the building, which are located directly behind the cottages back a little over 100 feet from the street. We also removed units at the top and stepped down the end of each wing at the street face and adjacent towards the cottage.

### **Next Slide**

This board was comment #2. Can you articulate the building façade to be more sympathetic to the scale of the houses? In our previous design, we had the brick towers that you commented upon. In this change, we brought in that base by creating a 2-story ban that helped organize and pull in those existing houses into a more pedestrian friendly scale streetscape.

### **Mr. Matthews –**

#### **Next Slide**

Moving onto comments from your last meeting, you asked for the building massing to be pushed back on the front of the building. We came to subsequent meetings. You asked for the massing to be pushed back on the side of the building. At each meeting, we were asked to do more. This is the elevation as proposed. You asked: Can this massing also be reduced along Delavan Street? We went back and looked at it. The answer is ‘yes,’ it can be reduced.

#### **Next Slide**

This is a roof plan. This also illustrates many of the changes that we have made based on your comments over the many months. The latest comment, request, or suggestion that we consider is the transition shown in yellow on the screen. That is where we are taking a story off the Delevan Street side. We are reducing the mass again.

#### **Next Slide**

The violet that is a bit washed out there is a whole story that is coming off Delevan Street.

#### **Next Slide**

This is that elevation. Delevan Street is a side street. This is a short, dead-end, narrow street. The 2 houses are opposite this side elevation.

#### **Next Slide**

What is the impact of this project on the IPPs? We think this project protects and honors those IPPs.

#### **Next Slide**

What is the impact on the neighborhood? This is less than a block away. In the larger package, we have images all around Fifeville. You can barely see the top of this building. This is at the corner of Dice and 5th Street. These are accurate representations. We feel the impact is absolutely negligible.

### **Mr. Wong –**

#### **Next Slide**

This is returning to the IPPs where we are assuring that the windows and all the major character defining features will follow the Secretary of Interior's Standards for Rehabilitation, especially those facing the street.

#### **Next Slide**

BAR comment: What is the project's impact on First Baptist Church? This is the rear of the Church building on the other side of the tracks. The building would be facing it. Those things that look like windows are painted boards. There is no light or views being let into the sanctuary from those.

**Mr. Duxbury –**

**Next Slide**

This is related BAR comment #5. Can you flip the sidewalk and the planting strip along 7th Street and Delavan Street? No. Based on discussions with planning, engineering, and the fire marshall there are existing conditions along both streets that forced us to locate the planting strip adjacent to the building.

**Next Slide**

BAR comment #6: Can you provide information on the longevity of fiber cement? While no product lasts forever, fiber cement siding, maintained well, can last up to 50 years. It does come with a 30-year warranty.

BAR comment #7: Can you provide information on the exterior paint finishes? The proposed paint by Sherwin Williams will be on a 7-to-10-year painting schedule.

**Next Slide**

BAR comment #8: Why should the BAR approve vinyl windows? We brought a sample of the vinyl window. These are high-performance, custom-built and commercial-grade windows. As this rendering shows, this is how the palate will come together: the windows, the fiber cement, and the brick base. They are to create a more defined streetscape included with the landscaping and the pocket park that we created behind the IPPs.

**Next Slide**

This view is up 7th Street. It gives you a vision of how saving these cottages and bringing them into a more defined streetscape with the landscape, and the human factor spaces, which are the existing porches, will enrich the pedestrian experience as they walk along 7th Street.

**Mr. Wong –**

**Next Slides**

I just wanted to include a few important photographs just to show how there are real-life situations where larger buildings surrounding by lower buildings all together contribute to a compatible, appealing streetscape.

**Mr. Matthews** – This is like that previous slide. This is a 5-story building, 1115 Wertland that was initially criticized as being out-of-scale, oversized, and would overwhelm the historic houses on Wertland. That never happened.

**Next Slide**

**Mr. Wong** – This is Court Square, 10 stories surrounded by much lower buildings in downtown Charlottesville, appealing to many people as a walkable, appropriate, streetscape.

**Mr. Matthews** – Neighborhoods have always evolved. A reality is that they must evolve to meet contemporary needs. Neighborhoods like Fifeville are not static. They evolve. They continually change over time. Older homes are renovated, additions are built and uses shift. Introducing buildings like The Mark is a continuation of this natural evolution, not a disruption of it.

**Mr. Wong** – I wanted to add that there are many regions, areas in this region where there a diverse type of building altogether that make a resilient neighborhood together. That is what we are looking to create here.

**QUESTIONS & COMMENTS FROM THE PUBLIC**

**Jeff Barrett** (805 Nalle St.) – I would like the Board to consider the fact not to consider the project's effect on the neighborhood, not just the IPPs. Fifeville is a unique, historical neighborhood. This project is not on the edge of Fifeville. It is actually in Fifeville.

**James Carr** (715 1A Walker Square) – We are directly across from the 2 IPPs. Our concern is twofold. The entire sky in front of where we live will be blocked out by this building. All trees that are currently there will be blocked out. As the previous commenter mentioned, with the whole historic nature of Fifeville, this is right in Fifeville. It will be changed by this building. The second thing is the traffic. I realize that is not within your purview as the BAR. It is something that I have not seen any consideration of where the traffic is going to go with the train tracks and the congestion, we already have there. I am concerned about what is directly in front of us. That is selfish to some extent. I am concerned about the effect this has on the entire community.

Charlottesville has a history of not doing right by historically black communities. Walker Square, where we live, is probably not something that would have been welcomed in Fifeville if there had been a chance to fight it. I would just like to see the BAR consider the overall impact. Contrary to what was stated earlier, this is right in the middle of Fifeville overshadowing other historic buildings that have been lovingly cared for and lived in by people that are probably sitting in that room right now.

**Marlina Simon** (599 Dice St.) – I am right across from this building on Delevan Street. I have a few questions and a few comments. My first question came from listening to the previous discussion you were having about Brown's Lock. I am wondering if this property gets an archaeological review as well. Is that true? (The Chair will answer after Public Comments). I am sure being since it was part of the train depot, it would probably have a lot of value in that sense. I was here at the previous meeting when some of those previous concerns came up. I wonder how accurate those representations truly are. With the façade of the building, I think a lot of us spoke to the fact that it felt and looked like the buildings at Stonefield. It did not have that much of that brick representation. With the pictures that they showed of the Court Square Building in Altamont Circle, those are historic brick buildings that don't look like they were bound together with white press board. I am not sure that just doing a 2-story façade of brick is going to tie the neighborhood in very well. I appreciate the setbacks. They have allotted to going back on the Delevan side and 7th Street side. Looking at their scapes, when they show those old buildings, they have trees and grass in front of them. I walk in front of that every day. The sidewalk basically meets that fence next to where that porch is. That is not what it is going to look like. I hope all of you can please be sure that you are going to know that it seems insincere what is being portrayed and what they are going to do to make that seem like it falls in place. I have the question of when this building is going on, where are all the building materials, the trucks, and parking going to be? Delevan Street is currently a tiny street. I don't even know physically how that can work. I know that is the transportation and zoning and might not be your purview here. When does that feasibility come into play?

**Stephanie Lawson** (327 7/ ½ St. SW) – I am long time resident of Fifeville. I have lived here since 2001. I was at the last Board of Architectural Review meeting. I could not make it tonight. I would like to say and clearly state my objections to this development that is going up. It does not fit the scale and the size of neighborhood. I realize that there are zoning things we must deal with that do allow this to happen. I ask the Board to consider the look of the building and what it will do to all the buildings around it. From my house, I will be able to see the building. Right now, I can see the steeple of the church. That view is going to be blocked. I just want you guys to take into consideration what this is going to do to the neighborhood. It is going to destroy one of the entrances to Fifeville.

**Angela Carr** – I am a PHAR Board member. I am a part of the community. I grew up in Garrett Square and I grew up here in Charlottesville. I have family that lives in the parking lot over beside these 2 houses. I am curious to know why that street. I am curious to know what is so special about the Fifeville area? What is so special about the black history in the area? What is so special about that spot? Why pick that spot? Out of all

the spaces here in Charlottesville, out of all the areas that do need that building or that could utilize that size of a building, why choose that spot? I feel like every place in Charlottesville that is predominantly black or that has history with blacks is just being snatched up. I feel it is being snatched up because a lot of people that look like me are not showing up to express how we truly feel about it. I have expressed it a lot on Facebook. I am trying to get people to understand, 'hey, you have a say so, you have rights, you have a voice. Just show up.' I don't think that they believe that if they show up that you guys will listen. I just ask that you take deep consideration that it does matter to the black community. We really do care. It matters to more than just the black community. It matters to the whole community, the Fifeville community. I don't even live in the Fifeville community. I live out on Rt. 29. It brought me here. It matters to us. You have put in a substantial amount of money into this project. You can shine light on what the building is looking like. It is damages and the negative things about the building. Are you willing to help that building? Are you willing to put the money into that building. If you can shine bad on it, can you shine a little good on it? The neighborhood is truly asking you to consider us when you consider luxury. There are so many homeless people in this town. I feed about 100 of them every weekend living under bridges, outside in tents. We are talking about spending millions of dollars on this place, on a black neighborhood. You have hundreds of people who are hungry. Even the people that live in homes are hungry. Children are homeless. We are over here worried about student luxury houses. It is not making sense to me. You could really change a lot here in Charlottesville with the amount of money that you are putting into this building or the amount of thought that you guys have put into this building. You could put a lot of that money into the homeless people. Trump passed the law that it is illegal for them to be homeless.

**James Snyder** – I live at the Oak Lawn cottages project on 5th Street. I am a retired professional planner. I have been involved with mixed-use development for more than 40 years. The deficiencies in this project are alarming. In the review of the comments made by the staff, there were zero comments by the Fire Department. In doing research, we found that in March 2021, the Virginia Passenger Rail Authority became the owner of the railroad. They were never notified, as we could tell, by the city of any of this rezoning. They have many parcels that they touch, including Westhaven parcels. There is a basic lack of notice that happened that needs to be addressed. Because of the size of the trains that go by this area, you could have a 225-car rail incident happening in the middle of the night with no passageway for emergency vehicles or crash barrier. A train going off the tracks with 400 students sitting in a building next to the tracks can happen within 50 years. There has been no effort to provide emergency access and protection to this building. There are just deficiencies. That sidewalk on 7th Street is probably a 20 percent grade. There is not a single person who lives in this building who can get up that even in a wheelchair. There is no ADA access. We were all rezoned to 7 stories. We now have no setbacks. The building crowds us taking to our properties, which are part of the historic district because of the zoning pattern they put down. There are a lot of issues here.

**Paul Reeder** (211 5th St. SW) – I would like to take as my topic something we looked at earlier this evening: The Executive Summary given to you by the developers. The Executive Summary makes 14 points. I could spend my 2 minutes debating each of these. Most are either economic with the truth or disingenuous. All 14 are irrelevant to your decision. Their arguments are more appropriate for City Council. We will perhaps get there in due course. I would like to focus on the developer's threat in that summary. Despite lauding the Board for its positive contributions, the developer now threatens to abandon the cottages entirely and proceed by-right if you don't play ball. Don't believe it. There is simply no way mommy and daddy are going to walk past 2 derelict cottages and pay \$1000 a month for one bed for their precious students. I do not like bullies. If their 14 points are irrelevant and their threat is hollow, I would rather you focus on your purview as stated in your guidelines and reminded to us all by staff earlier this evening. Is the proposal compatible with the historic, cultural, or architectural character of the IPP that is the subject of the application and whether the material texture, color, height, scale, mass, and placement of the proposal are visually and architecturally compatible with the site? The answer to both questions is an emphatic 'no.'

**John Mason** (211 5th St. SW) – I want to address a couple of things that the developer's presentation made. This development is not on the edge of Fifeville. Other people have made that point. It is in Fifeville. It is not on the edge of Fifeville. We saw a picture of the Altamont Building on Altamont Circle. The Altamont Building was built after the houses on Altamont Circle. The Altamont Building obscures the sunlight of those buildings and houses that are around it depending on the time of day. Even though it was built in the early 1920s, people today complain about their lack of sunshine because of the Altamont Building. The developers also made the point that Fifeville has a history of being a place for industrial development. It is not a protected area. It is not a protected area because it is an historically African American neighborhood, precisely because it is an historically African American neighborhood. A previous speaker asked why here. Because African American neighborhoods are vulnerable. The history of this city has made African Americans subject to housing and economic discrimination that makes us extremely vulnerable. I think history matters. The history of this city matters. When you think of the history of Charlottesville and how Charlottesville is vulnerable to this kind of development, I served on the Blue-Ribbon Commission that made recommendations to City Council about what to do with our Confederate memorials. We learned that history matters. We also learned that symbolism matters. If this building is constructed, it will be a new symbol of white domination in the city of Charlottesville.

**Frank Vector** (304 6 1/2 St. SW) – Let me draw your attention to an architectural and historic survey from 1984. It is available online. It was probably also read by the developer proposal in its architectural description, this worker's cottage and the one next door. I emphasize that is in the architectural description in this document. The applicants know that. To their credit, they did mention it once in their proposal, which is in your minutes from August 19th. These 2 buildings are very small individually protected IPPs. They are workers cottages constructed late in the 19th century. Note again that they are very small in the words of the applicant. I want to quote another page from their BAR Request #1, page 34 in the August 19th minutes. When they were asking to tear down some of the wooden structures that were added after the fact. They wrote of them, 'They don't have any redeeming architectural, historical, or community value. They would not result in a loss of historic fabric.' Even if the Board were to maybe wonder if it does not have purview to speak of community and historic fabric, the applicant thinks you do. It is mentioned in its own proposal. A proposal shall be denied if it is deemed incompatible with the historic, cultural, or architectural character of the district. We are not a historically protected district or the protected property. I have just emphasized that those protected properties are just like the neighborhood today. It is a working-class neighborhood. Those are workers cottages. We are talking about honoring workers cottages that were built as workers cottages. If we want to honor them, I saw that we put affordable housing there, rehabilitate those houses, make them affordable, make them habitable. The last meeting 2 months ago, I said that the Certificate of Appropriateness is actually a Certificate of Appropriation. That city block is a large area that is ideal for affordable housing. I know that is not in your purview. There is no Fifeville resident who will have anything to do with it. I recoil at the idea that we cannot as a governmental structure of various departments do something about that. I object to the notion of rehabilitation of structures, buildings. Everywhere else in the proposal and even by staff here, we tend to say building structures. Please keep historical designation of them as workers cottages.

**Brock Napierkowski** (614 Dice St.) – That home was refurbished in 2008 by Mike McMahon and his father. Many of you on this Board probably know him because he has brought many projects in Fifeville before this Board specifically for renovation. He, with his father, owns some properties in Fifeville, which they decided not to renovate specifically to keep the cultural and neighborhood feeling present in some respect when they found it. We have lived there since 2008. We have seen through Mike McMahon's experience and his development strategy interact with the Board of Architectural Review and establish a gentrification strategy in Fifeville of slow growth. The fact that this was keyed in on the developers by saying that Fifeville is a place where growth and change are happening is true. It is evidenced by Mike McMahon and his father's work. It is not part of a continuum for this project. It represents a discrete shift from the strategy of development, which has occurred over the last 15 years. If the Board approves this application today, it will mark a distinct shift

and change from the previous strategy, which has been unfolding over the last 15 years. I don't think it would be consistent with the way that the Board of Architectural Review has treated Fifeville up to this point. It would leave me some serious questions about what the actual philosophy of the Board is in preserving Fifeville. That is a stated goal of the Board. If the Board approves this proposal and it goes to City Council, they will have a major fight on their hands from the residents.

**Darendra Johnson** – I have been a resident of Fifeville for 56 years. There is nothing I have not seen. I am worried and concerned. I am concerned that it is an all-white Architectural Review Board. I am sick and tired of all white boards making decisions on things that are going to impact predominantly black neighborhoods. You don't live there. You don't know nothing about it. You are going by what you read. You must live there. That is going to affect that neighborhood in a major way. It has already been subjected to gentrification. \$300,000 homes are resold \$700,000. Who did that affect? People that look like me. We are tired. I know that I am tried. You should not approve this. It would be horrible because it is going to affect the people that look like me. It is terribly wrong. For them to come in here with these lies and with this message that you are talking, that is not true. You should be ashamed of yourselves. Stop coming into our neighborhoods, taking advantage of people that look like me, and bringing in luxury apartments for rich, white people. That is who it is for, those rich, white students at UVA and their rich parents. Who is that going to be beneficial to? It is not going to be beneficial for me. If I had a child going to UVA, they would not be able to afford to live there. Who is it going to be beneficial for? Enough. Think about it and think about it hard and strong. Try to do something to correct appointing a more diverse Architectural Review Board.

**Wendy Gau** – I wanted to ask everyone who is here this evening to support Fifeville and its black history to please stand up. I wanted you to feel the community presence in this space and everybody who showed up tonight to defend this community and its history. I have a question for the developers that they can answer later. They said in their presentation that their project will not displace homeowners. I am not sure that is true. As many have already said, because of the violent process of dispossession called gentrification. The standard is already perpetuating it in 10th & Page thanks to these developers. The BAR has been given an impossible task of considering the design plans for these 2 cottages without considering anything else. You cannot divorce architecture or design from history. Buildings exist in space. Spaces and places are shaped by the social-political context in which they arise and that they exist in. When you are considering these 2 IPPs built by James Hawkins, you cannot ignore the fact that after he built them, he sold them to working-class black families. You also cannot ignore that those black families and others lived in Fifeville because Fifeville was a former slave plantation named after the Fife family. I want everyone to sit with that. The land that this building will be built on was a former plantation with enslaved human beings. That is the history and the immense violence that this city is grappling with and that you all are reckoning with, whether Council intended you all to or not. In so far as they have asked you to consider design and architecture, you cannot consider architecture without considering the history. The history of these 2 IPPs and this black community and the black families who own homes and lived in them are shaped by the legacy of slavery and white supremacy. You all have an obligation to repair this historical injustice and deny this building from being built.

**Shante Levy (708 Nalle St.)** – I really appreciate the comments and share a lot of the feelings that have been expressed. I want to focus on a few things. It has been emphasized a lot how limited your purview is. I would like to speak about scale. I think it is 205 7th Street, which is the northern IPP. It is 0.09 acres. Most of the lots in Fifeville are 0.09 to 0.14 acres. When you see that and how tiny it looks relative to the massing, it is a perfect diagram and representation of how disjunctured this proposal is with the rest of our neighborhood. When I see the plan, which shows that the place where the massing isn't the place where they cannot be making money from the rental units is the luxury amenity of a pool, spa, and terrace area rather than landscape space that we might be able to access as the public. What is currently a forest, they are removing 45 large trees and many smaller trees, and proposing to replace them with large trees that cannot fit in the space that they are showing. There is a 10 percent canopy requirement that they are showing that they will meet by including

canopy counts that are too large for the space that would fit in that area. When the only 2 examples that we have in central Charlottesville that include an entire city block that you cannot penetrate as a pedestrian are The Standard and The Flats. Those are not the precedents that we want to continue as we are developing the city. The examples that the architects showed in their August presentation about protected IPPs are surrounded by larger projects. When you look at those, all their precedents were at least half the size of the lot that this project does. The protected buildings were about double the size. The scale disruption is so much more extreme in this instance. I would say that those have mixed success. The one that is probably the most successful is The Doyle. It does provide that space that anybody can walk through and move through as part of the city fabric. We have an interesting moment here where we have these whole blocks that can be purchased and developed at a single time. It makes the fabric of the city locked into a market moment.

**Lacshme Fjord** (709 Nalle St.) – I am 2 blocks from this proposed land. I will be able to see it. It was a studied picture that was used. I am impacted. I am more concerned about the historic issues and the cultural issues and the site appropriateness. We must think, not just of this moment, about going forward. Once this is built, a design that was for another part of the city that has many lanes of traffic. Instead, we have a single lane of traffic on the streets that would be the cut-throughs to this. 7 ½ is one of them. We all know that Fifeville has one lane, one-way streets. How is this appropriate? The building is far too large and impenetrable. It is not going to be anything but a silo of people, who are in the same age grouping. It is too tall, too wide, and too dense. Once they live off campus and have their own car, where are all those cars going to go. Even though that is not part of your purview, the historic district is the streets. The streets are part of the historic district. They cannot be separated out. To put a building that is perhaps appropriate at Stonefield, it is not appropriate to do a one size fits all design with a few alterations in a historic place with one-lane roads that will not be able to support it. The people living there will have no intention or part of their life to interact with the rest of the community. They will go to school and maybe bring friends. We will have more cars and more sense of this closed-off structure. I would ask that you deny this CoA.

**Michael Payne** – I wanted to remark on the bigger picture. City Council made a mistake in allowing 7 to 11 stories of student housing by-right in areas throughout Fifeville, 10th & Page, and Rose Hill. We removed special use permits and full Board of Architectural Review authority to review these projects. Everyone on the BAR tonight recognizes the absurdity of the fact that the concerns that we are hearing from Fifeville residents are about: Can they afford to stay in their homes? Can they afford rent? Do their children have a future in Fifeville? Will their children want to have a future in Charlottesville if the only businesses are by and for UVA students? The only meeting people can talk about those concerns is your meeting tonight about 2 individually protected properties where you are discussing textures and building materials. That is not your fault. That is City Council's fault. That is the core issue. A similar thing is going to happen with the LV Collective project. We don't want special use permits everywhere that stop all change. There are areas where it is the right thing to do. It is the only way communities can have a voice and could get community benefits agreements to have the city be more ambitious in what we want to see happen in terms of community development to create businesses that people in the neighborhood want to go to that will offer community wealth building opportunities. Our zoning does not reflect that. That is something I hope City Council can understand the impact of the mistake we made and correct it. Regardless of what everyone's intentions are, the way city government is treating Charlottesville's black community and Charlottesville's working-class community is not right. At this meeting, there is a specific thing in front of you. As I read the guidelines, there is the authority to deny it. Whatever decision you make, it will surely be appealed to City Council. I think City Council will look at whatever decision you make.

## QUESTIONS & COMMENTS FROM THE BOARD

**Mr. Werner** – I did receive several emails. There is a lot about traffic and things that are not your purview. I highlight so that it is in the record the comments. Mr. Aguero noted the architecture. The scaling and massing

of the proposed development are out of line with the IPPs. I have communicated with them a lot over the course of this. ‘Minimizing Charlottesville’s history, as represented by the Hawkins Cottages and placing them in the shadow of a towering development is, not only massive in height, but in depth. It dwarfs the cottages. I want to see development that genuinely respects these cottages and this neighborhood. You should apply the highest standards to protect Charlottesville’s historic resources.’ Tracy Love commented relative again to your purview. ‘A 7-story building would dwarf surrounding homes on Delavan, 7th, and 5th Street. Please vote to deny this project or, at a minimum, require substantial reduction in scale, and a development approach that prioritizes historic preservation.’ Joey Conover sent a note earlier. ‘The exterior should be respectful of the surrounding buildings. The new building should be in scale with the neighboring area.’ Elizabeth Weisel wrote, ‘the 2 buildings at 204 and 208 7th Street Southwest are IPPs. The scope of this project does not compliment, relative to size, or honor the historic nature of these 2 buildings. It does not compliment or honor the culture and history of Fifeville.’ Those were the specific comments that fall under the design purview.

**Mr. Zehmer** – I wanted to start with some of the questions that came from the public that are within our purview. Can we require an archaeological review before construction begins?

**Mr. Werner** – With Phase I, you certainly can. There have been differing opinions on that. If an applicant sees that as an unacceptable condition, they can appeal it. I don’t know how to answer the question. We know it was going on in the ‘tower’ site. It was the Charlottesville Ice Company. It was a railroad repair yard. Everything there was associated. I would not be surprised if the people that lived in these brick houses is where they worked. We are talking about the 2 IPPs. 202 7th Street is not one of the IPPs.

**Mr. Zehmer** – That requirement could only be limited to the IPPs.

**Mr. Werner** – I don’t know.

**Mr. Zehmer** – The laydown question is a little bit means and methods. I would assume it would have to be on the property.

**Mr. Werner** – That is all part of when something is constructed.

**Mr. Zehmer** – If this was approved and moved to construction, where would the laydown area be?

**Ms. Creasy** – It is part of the site plan process. They will have to provide that. It will have to be acceptable.

**Ms. Lewis** – Would any part of the streets be used for that? I only ask because 8th Street was closed for about a year for private construction. We don’t have 1-lane streets. We basically have 2 lanes with a parking lane. It was disruptive to that block, especially as busy as High Street gets. Would the city allow the developer to take up any part of the street during construction? That would impact the neighborhood.

**Ms. Creasy** – If a request was made, it would be evaluated by the traffic engineer.

**Mr. Zehmer** – There have been a lot of questions about traffic. That is not within our purview. Is there a place where traffic is reviewed for a project like this?

**Ms. Creasy** – There is a review that will be required. That is one of a few of the comments that are included in the document that you all have seen.

**Ms. Lewis** – On page 3 of the first part of your submission, the Executive Summary, you said that there are 3 purposes of this submission, to get our permissions to demolish the non-contributing additions in the back of

the IPPs and to get our permission to allow construction on those same parcels. Isn't the 3rd purpose to get our permission to rehabilitate and renovate the IPPs as well? You presented materials for that. I thought it was interesting that you did not include that as a third purpose. It is why we are here.

**Mr. Matthews** – I thought that was included in the original application.

**Mr. Wong** – We are very much interested in fully rehabilitating these 2 houses. They are very important. We are not just going to let them slide. They are being rehabilitated which means the purpose is for adaptive reuse. It will not be used as single-family houses. It will be used in an active way. There will be alterations so that it can be more accessible, and it can be used for a contemporary important use. We don't have that spelled out. There will be enough changes to allow that to happen. As we mentioned, they are under progressive failure. If nothing happens soon, things will start to collapse beyond rehabilitation.

**Ms. Lewis** – By way of information for the public, the applicant did submit about 8 to 10 pages of detailed description of their plans for rehabilitation with a lot of notations about materials.

**Mr. Wong** – We are serious about doing it well.

**Mr. Werner** – It would also be helpful to emphasize to people that the word 'rehabilitation' is a precise term used in the preservation world. It is not preservation, restoration, or re-creation. It is adapting a building or adapting a structure to a use.

**Mr. Zehmer** – The Secretary of the Interior's Standards for historic preservation are an upper echelon guideline to our own. It is preservation, rehabilitation, restoration, and reconstruction that are the 4 categories under the Historic Preservation Act. Rehabilitation is the process of returning a property to a state of utility through repair, alterations, or additions, which makes possible the efficient contemporary use while preserving those portions and features of the property, which are significant to its historic architectural and cultural value. Rehabilitation means that they are going to stabilize the structure. They are going to fix it. It does not mean that it is going to be a single-family home again.

**Ms. Tabony** – Thank you everybody for speaking up. It means a lot to us for you to speak and let us again hear your concerns. One thing that is under our purview is materiality, scale, and massing of a building. I believe that this is out of character. It is not appropriate. This is not an appropriate architectural response to these IPPs.

**Mr. Zehmer** – One thing I have been concerned about is that this is an opportunity to save these IPPs. They are in a bad state. They are the reason we are reviewing this application. It is because of those Individually Protected Properties. We have had large projects like this come before us where Individually Protected Properties have been demolished against the BAR's recommendation. They were not in such a bad state. They were perfectly good homes that people could live in. They were allowed to be torn down. I do see this one silver lining. It would save these houses that are culturally significant. I worry that if something is not done, they will be lost forever. I tend to agree that the scale and massing is not compatible with the IPPs.

**Mr. Birle** – There has been a lot of talk about purview. I am going to stick to what our design guidelines say. Chapter 3-New Additions, Exterior Alterations, or Related New Construction shall not destroy historic materials. You could make an argument that they are not actually destroying. In fact, they are rehabilitating. The new work shall be differentiated from the old. They have done that. They shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. That is where I get hung up. They have made great strides compared to the first things that we

saw. They are small steps. In general, it is not compatible, massing, size, and scale-wise. Reducing just 1 story is not enough to satisfy that paragraph in our design guidelines.

**Mr. Bailey** – What we have come up against is those guidelines, our contradiction to the zoning. I don't know how we can resolve that here. That is the real problem. If the citizens of the city do not want that zoning, we are the wrong people to talk to about that. City Council is who you should talk to about that. I don't know how we are going to resolve this given these guidelines. I know those buildings are individually protected. Nobody is going to save them now. These applicants are prepared to do something about that. I want to make sure that we also consider as part of our consideration when we are thinking about this project. Those buildings will not be preserved otherwise. They are not going to be workers housing ever again.

**Mr. Timmerman** – I hope that you all get a sense that nobody up here wants probably wants to be up here right now. There is a reason for that. Every colleague of mine has touched on that. I am going to read something that I wrote everybody after our previous meeting. I am going to read that because it sums up how I feel about it as far as the struggles that we are feeling as part of this board, volunteers, and people that are concerned about our city, the cultural legacy. Nobody up here is against the cultural legacy. We all have an interest in the historic propriety of Charlottesville. We know it is a special place. That is part of the reason why we are here. We are struggling. I am going to suggest that the struggles that we are feeling right now in our response is because this submission, like a few others over the past year, is an anomaly as far as other submissions that we have seen prior to the new zoning. We are all aware that we have a problem. Our guidelines, in some ways and many ways are out of line with the new zoning. Many of the hard decisions that we have made in the past year are a direct result of this friction. In this case, I am struggling in determining how this project is appropriate given its massing and is out of scale with one of the more historic neighborhoods in the city. We don't have many. We don't have a big city. I found it difficult to provide clear direction on what is appropriate per the guidelines and given the misalignment that we are seeing. We can talk all we want about how appropriate a fence is. I personally enjoy talking about that as part of this board and ways that we can contribute to making our city better. You cannot overlook the difference between a fence and the massive impact this project will have on our surroundings. This is a huge project. It is precedent setting. We must assume that these conversations are not going to be easy. They are also highlighting perhaps some areas of the new zoning that might need another look. The public opinion that I was hearing that night in October led me to believe that the new zoning might need some amendments with perhaps overlays for these sensitive and historic areas. I am a strong proponent of adding density to our city. I am in some ways a proponent of our new zoning. I would also hope that our zoning works in concert with our BAR guidelines and the historic legacy that we are trying to promote here. I don't think it is fair to vilify the developers and architect. They have done a great job in coming to us and responding in spades to our comments. It is not fair to vilify them in this case. There have been some rather strong comments. They are simply doing their job. They are responding to the zoning that is by-right. I want you to think about that. If you want to address this, you must address this in appropriate avenues. With the meeting that we had in October, a lot of the people that attended were educated in that regard. As one of the members of this board, I am deeply interested in promoting the legacy of the BAR. It is an important public forum. It is an important way for everybody to let their voices be heard. I want to find a way to cultivate the historic fabric and the historic legacy that we are here to maintain.

**Mr. Rosenthal** – I want to thank Councilor Payne for his opening comments about recognizing part of the problems of the zoning and the purview of the BAR. These need to be addressed by City Council. I want to thank all the people who have shown up here. I would like this project to go to City Council so that you can say what you have said here and talk to them directly and have this done in an appropriate forum. We are so limited. There are so many things that you have talked about that are beyond our purview that need to be discussed publicly. It will need to be resolved politically at City Council.

**Ms. Lewis** – I wanted to thank every member of the public who commented, not just this meeting, but also in October and in August. I have taken notes. As Mr. Timmerman said, none of us want to be up here making this decision. We are not a political body. None of us ran for election. We are not paid to do this. This is a political decision in some way. It is not fair to the applicant. They applied under a zoning ordinance that was duly passed by our City Council. There were objections to it, but it went through. There was a lot of public input. I have taken responsibility for this being passed. A lot of other people might want to take responsibility too. A lot of us checked out. It was a ‘train’ that we could not catch. The applicant has applied as they are entitled to. They have been responsive to our comments. They do want to take care of these IPPs. This is not the perfect future for them but a very good future to make sure that those buildings don’t continue to fall down. It is obvious that they have not been lived in for a long time. If the owners could find a new owner or had the resources to rehabilitate them, it would have been done by now. That just has not happened. I do have to thank the developer for their plan in rehabbing those 2 properties. We are in a bad place. Three of us reapplied for our positions. Council has not voted whether they are going to reappoint us or not. I publicly wonder whether the vote tonight is hinged one way or the other on a reappointment. I applied in September to be reappointed to this position. Two other colleagues have applied as well. We have a 4th vacancy. If they do not reappoint the 3 of us, we have 4 vacancies on this BAR. Because of this zoning ordinance, we are having to make a decision that is political that we are not set up to do. This is not our expertise. You have more comfortable things to do during the holidays than to be sitting in this room at 8:40 at night. We are all in an uncomfortable position. The words of Ms. Levi stuck with me. This would be a scale disruption for the neighborhood. Our guidelines need to be updated. They need to be more compatible with the zoning ordinance. We can find places where density and growth can happen. This is a radical disruption in this neighborhood. It is Council’s duty to update the guidelines. It is not our job. It is their legislative action, their guidelines, and their approval. If we had done it before now and we had these new guidelines, I am not sure this decision is found any differently than it would be tonight. We would still have a neighborhood like it is with a historic fabric that is Fifeville with the same people in this room saying the same thing. Our guidelines are not old creaky. They need to be updated. This city is what the city is. This neighborhood is what the neighborhood is. This does not belong in the neighborhood because of its scale, massing, and its impact on the neighborhood. I don’t think I can support a CoA here. I thank the applicant. We have been put in this horrible place. It is nobody’s fault. We all shoulder some blame. I cannot support this this evening.

**Ms. Tabony** – Our guidelines don’t talk about symbolism. Architecture is inherently symbolic. Everything that we do is symbolic. I strongly believe those architectural moves in the project are symbolically all wrong.

**Hamilton Reynolds, Applicant** – I appreciate all your time today and everyone’s comments tonight. I have heard them all. It sounds like most of you have made up your mind. I do want to reiterate what Mr. Zehmer and Mr. Timmerman said regarding the rehabilitation. These houses are crumbling right now. It is a significant undertaking to rehabilitate them. To do that, unless someone has a couple million dollars, they want to spend on this, you need an economic driver behind that. I know that nobody wants to talk about the economics of this. That is what it takes to rehabilitate something like this.

**Mr. Matthews** – When Mr. Hamilton says that number, it is not just the cost of the rehabilitation. The land cost is in there. The people are not giving those properties for free. The total cost is significant. I agree. I appreciate all the comments. They were helpful. We obviously disagree with some of the comments. I am glad Mr. Payne is here. We do want to touch on the economic component. This project is contributing \$4 million to the city and another million in increased tax revenue. With the first year, we are going to have an extra \$5 million. I don’t think we should take that for granted. That is a significant amount of money that goes to the city. I am not sure how to explain this convincingly without images. With many projects, there has been this same outcry about projects being too big for the neighborhood. You may recall the monster garage issue where all the people in the Lewis Mountain neighborhood came out with signs. They were complaining about how it is going to ruin the neighborhood. It did not happen. It just was not an issue. There are probably dozens more

examples of that where the neighborhood rightfully so is absolutely concerned. They are projecting an image of a project and the result of a project that often does not happen. It does not eventuate. There is this sense that this project is going to have incredibly detrimental effects on the city. We don't believe it will. When we talk about the neighborhood, we understand Fifeville. We just worked on a big project there for the University. We want it to work for the neighborhood. We are not looking to put a project in Fifeville. If someone looked at a map of Fifeville, I don't know how you can argue it is not in Fifeville. It is in the center of Fifeville. We want it to work. It is no good if this project just works for us. We want it to work for Fifeville. We are serious about it. It does not work for us. We work in this city, and we have for decades. We don't want to be thought of as building inappropriate buildings. I think about the almost hysteria about the negative impacts about this building are a little overblown. There are plenty of examples where that has been the case in the past. There are plenty of other comments that we would challenge. What I would like to know, if possible, is a straw poll. We know a few people have been against it from the beginning. We understand that. We would like to know if we were asking you, what we need to do to make it more acceptable. Can you tell us? Is that taking a floor off, 2 floors off, cutting the building in half? We have been working on this for a year. You have been helping us. We appreciate that support for the last 6 or 8 months. What would we need to do to get your support? It is a reasonable question. We need to understand what we need to do if we go back to the drawing board. We are certainly not going to make everyone happy. We are going to continue to try.

**Mr. Zehmer** – That is a reasonable question. It seems to me hearing my colleagues speak that the biggest issue is the size and scale of the building. You have done a lot positive to break down the massing. I like the brick lower level. I like the materiality of the brick because it complements the 2 IPPs. It is within their scale. Overall, I think it is the height that is the biggest issue. I don't know if there is a magic number of acceptable stories. I don't know if it helps to make it a broken-up building instead of one giant building. It taking up a whole block did resonate with me in comparison some of the other properties on West Main that put these huge chunks in. You raised a good point of concern, Ms. Levy. We could end up with these monster blocks that nobody can cut through or walk through or engage with. You are working for the owner. That is a valid question of if you are still going to try and work with us. How can you be successful? Making things smaller and affordable to people in the neighborhood as well might be another way to gain some positivity. I don't know if cutting the building in half makes sense.

Mr. Schwarz did submit an email for the record with his comments regarding this project. Mr. Zehmer did read the email into the record.

**Mr. Rosenthal** – At the previous meeting, you had said that if we required you to get rid of 1 story, it would become economically unfeasible. You came back getting rid of a lot of 1 story. It seems difficult for us to say to go smaller and make it economically feasible for your developer.

**Mr. Matthews** – I am not sure I fully understand. Initially, at the first meeting, you asked us to step it back and put the height at the back of the building. We did that. We are not removing entire floors. We are moving partial areas of the building and moving it around. We are losing many units. An entire floor would make it unfeasible. The thinking was that if you don't see the massing, it is not an issue. If we moved it out of sight, the perception is that it is not there. We moved it towards the back of the site. Am I answering your question? We did lose a lot of units. We did not take entire floors off. Taking a floor off where you cannot see it from the public realm is wasted in our opinion. Nobody would see it unless you are in a helicopter. That was the idea there.

We are required by zoning to build. There is a build-to zone. We must build within that zone. We would have to get an exception to move out of that zone. I think that is what Mr. Schwarz was suggesting. We are huge tree lovers and supporters. I agree with Mr. Schwarz 100 percent. We want to put as many trees in as we possibly can. They must be viable.

**Cheval Oldaker, Applicant Architect** – You asked us at the last presentation in October to create more planting spaces for these trees on both streets. We increased the areas, minimum 6 feet and 10 feet. The trees can be planted and can thrive in these areas. We also asked for a document or a diagram that showed these. We did an enlargement that is included in your set. Those items (species of the plants, the trees, the size) were addressed.

**Ms. Tabony** – The trees are being planted 3 ½ feet off the face of the building. Is that right?

**Mr. Oldaker** – In some cases, street trees are as close to the sidewalk in between the spaces of the building. It could 3 to 4 feet at some point.

**Mr. Timmerman** – Looking at this with a totally different perspective, do we just need to do this? Do we just need to take this level off? Do we need to put this material on? I think it is more fundamental. From what I am getting here is that the community, the architect, and the developer are like 2 ships passing in the night. You are seeing this in completely different ways. You think it is appropriate. Everybody else in the neighborhood think that it is not appropriate. What I might encourage you to do is to figure out what are the things that they might think that it is appropriate. I don't know how you do that if there is a public forum or a neighborhood forum. Maybe it is a personal revelation of going in and trying to understand what makes Fifeville so special. There are elements that you can identify. Sometimes it is a collective. Whatever that thing is, try to identify what those core issues, elements, and architectural features are. Try to assimilate that into the project.

**Mr. Matthews** – There were several people who got up and said the comments that you are hearing are not representative of everybody in Fifeville. That was clear. There are a lot more people in Fifeville than showing up here. I am saying that there is another opinion out there that I assume you guys are balanced enough to realize that there are other people that feel differently. You would expect that. I agree with many of the comments. We are just trying to do a good job. We did have a community meeting. We met in Fifeville. We have gone through that.

**Mr. Zehmer** – The other thing that resonates with me that I think people need to understand is the new zoning ordinance. There was a map shown that was part of the application. It is important for people to understand that most of the parcels that are along the southside of the railroad tracks are zoned RX-5. Most of those parcels don't happen to have an Individually Protected Property on them. If the applicant wanted to move his project a few feet, he could build this thing without coming to us. It would have to go through the regular city channels. If there is a community effort to push back against a large-scale development like this, you need to look at the zoning map and talk to City Council and express that concern. The only reason this is before us tonight is because of those 2 little buildings. That was a decision that was made for the Planning Commission. Mr. Matthews, you had animated that that was already zoned that way. I am not sure about the history there. It is something to keep in mind. This strip along that south side of the train track per the zoning ordinance of the city of Charlottesville is intended to have this sort of growth and development.

**Mr. Bailey** – I agree with Ms. Lewis. This is a political decision. I am going to suggest that we should go ahead and decide whether to vote on this and move it along to City Council.

**Mr. Zehmer** – We have several choices of how and what we can vote on. We can vote to defer this to the January 21st BAR meeting. At that point, we would have to vote on it.

**Mr. Werner** – The challenge there would be if you are unable to meet for whatever reason. It would be counted as an approval. That is the risk there. It does not give much time for an applicant to change anything.

**Mr. Zehmer** – That is one choice. Another choice is that the applicant can request a deferral to a later date. That gives them more time. It would not have to be the next month if the applicant wanted to do that. We would need to approve that request. We can deny the CoA. If we do that, we need to make sure that we are clear in listing the reasons for the denial. We can approve the CoA as submitted. We can approve the CoA as submitted with conditions. Those are the choices before us.

**Mr. Matthews** – Mr. Zehmer, you gave the points or items that you thought would be needed to gain your support. I would be happy if I heard that generally or just concurrence with your thoughts, so I understand where we are going. Once we hear that, I can tell you what we would prefer to do.

**The Meeting was recessed at 8:01 PM for a 5-minutes recess. The meeting was reconvened at 8:11 PM.**

**Mr. Zehmer** – Everyone understands how a challenging a project this is for us. This is a challenging thing to struggle through. The BAR at its root and core is not only to help guide good architecture in the city, but there is a preservation aspect to the Board of Architectural Review. It is one of the things I have been struggling the most with on this project. Part of our charge is to try and preserve and save these individually protected properties. They are special for their own right. The tricky part with this project is at what cost. This is a chance to save these buildings. It requires building a large structure behind them that I would argue is not appropriate and not compatible to those individually protected properties. That is the crux of it. That is what is so difficult. Mr. Werner's guidance to us early on was that we look at the IPPs through the lens of a district and the guidelines surrounding a district. Ultimately, it is not a checklist. We don't have to check every single little box one way or the other. It is what it sounds like. It is a Certificate of Appropriateness. Is something appropriate or not? This is what it really boils down to. I don't think I can support this development as appropriate to this site. It is too large. The scale is too big. The massing of it takes up a whole city block. I worry that this might mean we end up losing these IPPs. That might be the death nail of them. Weighing the 2 sides of it, the scale and size of this is too big for me to support it. I don't think we are going to go through a round of suggestions of what might make it acceptable. That is another whole design review iteration. I would like to go back to the question I asked before the recess. Does the applicant want to request a deferral?

**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 development at the 200 block of 7th Street SW does not satisfy the BAR's criteria and guidelines for being compatible with the two IPPs, and the BAR denies the application [by referencing] City Code, Div. 5.2.7.D.1.A and the following criteria:

- i. 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 applicable District [District being the IPPs];
- iv. The effect of the proposed change on the adjacent building or structures;
- vi. Whether the proposed method of construction, renovation, or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures.

Second by Mr. Rosenthal. Motion passes 6-1 (Mr. Bailey with the objection).

## **E. Other Business**

### **5. Staff Questions/Discussion**

- Update on workplan for review of design guidelines
- Questions TBD
  - 627 Cabell Avenue

## **F. Adjourn**

**Adjournment**

The meeting was adjourned at 8:39 PM.