



City of Richmond

City Hall
900 East Broad Street

Meeting Minutes Commission of Architectural Review

Tuesday, January 12, 2021

6:00 PM

5th Floor Conference Room of City Hall

Quarterly Meeting. This meeting will be held through electronic communication means.

This meeting will be held through electronic communication means pursuant to and in compliance with Ordinance No. 2020-093, adopted April 9, 2020. This meeting will be open to participation through electronic communication means by the public and closed to in-person participation by the public. Less than a quorum of Richmond City Commission of Architectural Review members will assemble for this meeting in the 5th Floor Conference Room of City Hall at 900 East Broad Street in Richmond, Virginia 23219, and most Commission members and other staff will participate by teleconference/videoconference via Microsoft Teams.

Special Guidelines for Public Access and Citizen Participation:

To access or participate, or both, in the Commission of Architectural Review Quarterly meeting on Tuesday, January 12th, 2021 at 6:00 PM, you have several options outlined in the following document:

[PDRPRES](#) Public Access and Participation - COMMISSION OF
[2020.078](#) ARCHITECTURAL REVIEW

Attachments: [Public Access and Participation Instructions -COMMISSION OF](#)
[ARCHITECTURAL REVIEW](#)

Audio of the meeting will be streamed live online at the following web address:

<https://richmondva.legistar.com/Calendar.aspx>. To listen to the meeting's live stream at the web address provided, find and click the link that reads, "In Progress" in the farthest right hand column entitled, "Video".

Interested citizens who wish to speak will be given an opportunity to do so by following the outlined in the Public Access and Participation Instructions - Commission of Architectural Review document. Citizens are encouraged to provide their comments in writing to

carey.jones@richmondgov.com in lieu of speaking through audio or video means during the meeting. When submitting your comments by email, be sure to include in your email (i) your full legal name, (ii) any organizations you represent, and (iii) any economic or professional relationships that would be affected by the approval of the application on which you are commenting. The person responsible for receiving written comments is Carey L. Jones, Secretary to the Commission of Architectural Review. All written comments received via email prior to 12:00 p.m. (noon) on Tuesday, January 12th, 2021, will be provided to all members of the Commission of Architectural Review prior to the beginning of the meeting and will be included in the record of the meeting.

Call to Order

Commission Chair Neville Johnson called the January 12 Quarterly Meeting of the Commission of Architectural Review to order at 6:01 pm.

Secretary to the Commission, Carey L. Jones, read the announcement for virtual public

meetings. This meeting of the Commission of Architectural Review was held as an electronic meeting pursuant to and in compliance with Ordinance 2020-093 due to the disaster represented by the spread of COVID-19. The public has been notified of this meeting and how to participate by a notice in the Richmond Times Dispatch, and an instruction sheet posted with the agenda on the Legistar website. Public comment will be heard for each item on the agenda after the applicant has responded to staff recommendations.

Roll Call

Commission members are electronically present using Microsoft Teams, none were physically present in City Hall. Commission staff present: Carey Jones, Kevin Vonck, Chelsea Jeffries, Matthew Everett

Present -- 7 - * Commissioner James W. Klaus, * Commissioner Neville C. Johnson Jr., * Commissioner Ashleigh N. Brewer, * Commissioner Kathleen Morgan, * Commissioner Sean Wheeler, * Commissioner Lawrence Pearson and * Commissioner Coleen Bulter Rodriguez

Excused -- 2 - * Commissioner Sanford Bond and * Commissioner Mitch Danese

1. Updates

Senior Planner Chelsea Jeffries announced that she has accepted a position with the Virginia Department of Historic Resources, and that this would therefore be her last Commission of Architectural Review meeting. Ms. Jeffries will be conducting Section 106 reviews, as she currently does, but at the State level rather than for the City.

Ms. Jones announced that Planning staff had moved forward with a Notice of Pending Prosecution for the sign posted by VUU at 1500 Lombardy Street. VUU responded by applying for a Special Use Permit to allow the signs. This SUP is now under review by other City agencies; Zoning staff have been informed that the sign application was denied by CAR, and that the appeal of that decision was denied by the City Council.

Ms. Jones stated that the City position for Secretary to the Urban Design Committee has been posted on the City's website and is open until January 17. Another PDR planning position, having to do with larger-scale City-wide zoning, is also open.

Mr. Klaus stated that he was glad about the forward movement in response to the VUU application, but expressed surprise that this violation, against a large institution, is being followed up by the City Attorney, while some others persist for a long time without being resolved. Mr. Klaus gave the example of an inappropriate paint job on Allen Avenue which has been in place for several years and sets a problematic example for other homeowners. Ms. Jones stated that she would follow up about this.

Commissioner Klaus asked if it was normal for minutes to be approved at Quarterly Meetings. Ms. Jones confirmed that it is.

Commissioner Wheeler noted that he had submitted a small edit to the November minutes to Ms. Jones, which would be incorporated.

Ms. Brewer joined the meeting at this point (approximately 6:10 PM).

2. Approval of Minutes

a. November 24, 2020

A motion was made by Commissioner Morgan, seconded by Commission Chair Johnson, that the November 24, 2020 Meeting minutes be approved. The motion carried by the following vote:

- Aye --** 6 - Commissioner James W. Klaus, Commissioner Neville C. Johnson Jr., Commissioner Kathleen Morgan, Commissioner Sean Wheeler, Commissioner Lawrence Pearson and Commissioner Coleen Bulter Rodriguez
- Excused --** 2 - Commissioner Sanford Bond and Commissioner Mitch Danese
- Abstain --** 1 - Commissioner Ashleigh N. Brewer

b. December 15, 2020

A motion was made by Commissioner Wheeler, seconded by Commission Chair Johnson, that the December 15, 2020 Meeting minutes be approved. The motion carried by the following vote:

- Aye --** 7 - Commissioner James W. Klaus, Commissioner Neville C. Johnson Jr., Commissioner Ashleigh N. Brewer, Commissioner Kathleen Morgan, Commissioner Sean Wheeler, Commissioner Lawrence Pearson and Commissioner Coleen Bulter Rodriguez
- Excused --** 2 - Commissioner Sanford Bond and Commissioner Mitch Danese

3. Priorities 2021

Ms. Jones stated that augmenting staff is a major priority. On a temporary basis, existing Planning and Development Review staff, including Will Palmquist, Marianne Pitts, and Alex Dandridge will be utilized to handle tasks which are currently Ms. Jeffries' responsibilities.

In terms of Guidelines update goals for 2021, Ms. Jones cited the need for more guidance for larger building projects, such as multi-family developments.

Ms. Jones also pointed out that accessory dwelling units are becoming more popular, and are allowed in more zoning districts than previously, so administrative approval guidelines for those would be useful also. Ms. Jones stated that interested Commission members could form a team to consider additional guidelines, and that since the Commission is the decision-making body, staff want to make sure that the administrative approval guidelines reflect the Commission's wishes.

Commission Chair Johnson stated that the Commission could work on this over the next few months, get input from all Commissioners, and develop an outline.

4. Project Update

Ms. Jones provided an update for the 3101- 3105 East Marshall Street project. She stated that Commission staff has had ongoing conversations with Matt Ebinger from the Land Use division, the project applicant, and Kevin Vonck, the new Deputy Director of Planning and Development Review, about next steps for this project and to address the Commission's approval conditions while also updating the project in light of the Special Use Permit which is now moving forward.

Commissioner Wheeler asked about projected scheduling of online meetings. Ms. Jones stated that the online meeting ordinance was recently extended through June.

Commissioner Johnson asked about the best ways to contact Ms. Jones during this time; she responded that she is working from her City Hall office most days and is available via phone, email, and by appointment via MS Teams.

Commissioner Rodriguez asked if the City had any sort of planning session or other means by which large-scale goals are imparted to staff. Ms. Jones stated that the Richmond 300 Master Plan lays out the really big goals for the department to work towards, and there are also priorities that individual departments are working toward, which are tied to the department's budget.

Ms. Jones stated that priorities for the department are discussed on about a weekly basis in management meetings, and that the most recent priority document she completed had to do with getting staffing levels and training staff.

Deputy Director Kevin Vonck stated that the priorities for Planning and Preservation division, as well as Land Use and Zoning, will be driven by the recently adopted Richmond 300 plan, and that next steps will include figuring out implementation of the plan and ways to do things as efficiently as possible.

Mr. Vonck continued that this relates to administrative approvals, in that enabling staff to manage those will free up the Commission to focus on bigger historic preservation questions and stated that it is everyone's interest to allow staff to administratively approve applications when appropriate. Mr. Vonck stated that the CAR Quarterly Meetings will provide a good opportunity for PDR leadership and staff to provide updates to the Commission.

Commissioner Klaus stated that an area where the Commission receives a lot of push-back from neighborhoods is density in new construction where residents often feel that houses should be built at small sizes, e.g., two stories in an area that has historically had two-story houses. He further stated that this is a struggle for the Commissioners, who have in mind the Richmond 300 Plan's imperative to increase housing density and numbers of housing units, which does not go against the Commission's historic mandate since this is new construction.

Commissioner Klaus stated that when reviewing new projects he always keeps in mind the desirability of making residential buildings somewhat larger so as to increase density, affordability, and general urban livability.

Commissioner Klaus cited the example of a recently reviewed project in Union Hill, which could have been three stories tall but received a great deal of community pressure to be limited to two stories.

Commissioner Klaus suggested that the Guidelines in some way address the need to increase residential density, which the Commissioners are generally aware of but which is not currently mentioned in the Guidelines. It would be helpful, if the Commissioners are correct in feeling that they should be supportive of increased density, to have an adjustment to the Commission's mandate which they can point to when community members object to new construction which is larger than the historic buildings.

Commissioner Klaus pointed out that this issue arises at nearly every meeting, and that some neighborhood association members are extremely frustrated with the Commission about it.

Commission Chair Johnson expressed agreement with Commissioner Klaus, and pointed out that the Zoning ordinance also will allow building sizes that may be greater than what some residents think is appropriate.

Commissioner Rodriguez expressed agreement with the need for density, but expressed concern not so much about the larger projects, which tend to receive greater scrutiny, but the gradual erosion of historic fabric through smaller projects, which are being done against the Guidelines and without being submitted for review by either staff or the Commission.

Commission Chair Johnson expressed agreement and encouraged Commissioner Rodriguez to bring such infractions to Ms. Jones' attention, so that they can be investigated.

Commission Chair Johnson stated that it is the Commission's obligation to make its purpose and the extent and limitations of its authority understood to the community at large, and to find common ground with developers who are often trying to improve a neighborhood.

Responding to Commissioner Rodriguez' comments, Commissioner Klaus stated that the projects she is witnessing must be being done illegally without building permits, since if they are being done in a City Old and Historic District, they cannot get a building permit until after they have been approved by the Commission or Staff. And that it is not unusual for the City, when notified of such work, to put in a Stop-Work order, which can be done within days.

Commissioner Klaus stated that all Commissioners tend to be on the lookout for such infractions, and pointed out that the Stop-Work order gives the Commission increased leverage to bring projects in line with the Guidelines.

Commissioner Morgan stated that a recurring issue for her is side yard setbacks, especially where there are multiple vacant lots. Zoning requirements for a 3-foot setback on each side can compel the Commission to require houses to be drastically narrower than their initially proposed dimensions. This in turn changes the character of the block, as the setbacks make these houses look very different from their neighbors.

Commissioner Morgan stated that she did not know if this is something that can be changed through the Zoning ordinance, or if there is an existing process to change it with a Zoning variance, but that changing the setback requirements for new construction seems like something that could be beneficial, without harming anyone.

Commissioner Pearson stated that he does not perceive this to be a problem from the CAR perspective, as his understanding is that CAR could reject such a project if they felt that the side yard setbacks were not in keeping with historic standards.

Commissioner Morgan stated that she did not disagree, but wondered if, if the Zoning ordinance could provide greater flexibility so that an applicant would not have to come before the Commission in order to be told that the side yard setbacks are historically inappropriate, this could be beneficial to many people.

Mr. Vonck stated that Building Code is generally what is driving requirements such as the ones for side yard setbacks, and that he thinks that PDR has been getting better about Zoning code and allowing historic neighborhoods to be rebuilt in the manner that they were, with small or minimal setbacks. The building code kicks in and requires the

three-foot setbacks when houses are built which are not fire-rated.

Mr. Vonck stated that allowing, or requiring, that a house be built up to the property line would cause the owner to incur costs in order to make the house fire-rated.

Mr. Vonck suggested that a conversation with Ms. Jones could be had after this meeting to go through the Guidelines and look at the possibility of allowing greater side setbacks toward the rear of buildings, where they are less visible, while maintaining historic setback patterns for the façade and other more visible portions.

Mr. Vonck suggested that, for items that are being caught by Zoning regulations, it would be worthwhile to look for alternatives that are allowed within the Building Code.

Commissioner Morgan expressed agreement with Mr. Vonck's suggestion.

Commissioner Wheeler stated that there are Zoning designations, such as R-63, which include not only setback requirements but also height limits. This occurs a great deal in Union Hill, where the Commission tends to allow higher buildings when they are on the fringes of the neighborhood, or located in corner lots. CAR and Zoning requirements constitute two "hoops" that an applicant must jump through, and to get around the side yard setback requirements on a skinny lot, an applicant must go to the Board of Zoning Appeals.

Commissioner Wheeler stated that he was not sure of a way around this, other than rewriting the Zoning Code, and asked if this was planned. Ms. Jones confirmed that it is.

Ms. Jones stated that the Planning and Development Review Zoning Planner position is currently open, and that an omnibus rewrite of the Zoning Code is a major priority for the coming year. Ms. Jones stated that she and Mr. Vonck had already discussed some small changes to the Zoning ordinance, such as definitions that might be lacking, and tweaks to the public notice requirements.

Commissioner Wheeler suggested that, rather than addressing each property individually by Zoning ordinance, there should be regulations that permit omission of setbacks on properties that have historically not had them, or in neighborhoods in which the prevalent tendency is to build from one property line to the next property line.

Ms. Jones stated that there are other localities which have guidelines similar to what Commissioner Wheeler suggested. If historic evidence of the building footprint can be found – typically a Sanborn fire insurance map – then an applicant can build accordingly.

Ms. Jones stated that, as mentioned, the building codes for fire safety are a factor, and that she likes the idea of maintaining historic setback in the front where it is visible, and then having a deeper setback toward the rear, a kind of configuration often found in historic buildings.

Ms. Jones stated that meanwhile, before the Zoning code is revised, planning staff can talk with applicants about some of the points made at this meeting. Ms. Jones stated that she has been informed that the Commission cannot require applicants to design a building that will in turn require additional approvals, for example a waiver from the Board of Zoning Appeals.

Ms. Jones suggested that in these instances there could be a staff-level waiver, so that applicants do not have to go before the BZA.

Mr. Vonck stated that Zoning codes often do not treat already-developed areas and developing areas separately, which they should, since the difference is between an already-existing built environment and green fields / gray fields.

Mr. Vonck stated that it will take some time to rewrite the whole Zoning code, but that important changes, such as the setback issues under discussion, can also be made incrementally.

Commission Chair Johnson stated that it would be helpful if there were ways to let members of the public know their different options.

5. Proposed Administrative Approval Guidelines

Green Roof Guidelines

Ms. Jones stated that there is an ordinance from 2012-2013 which has a streamlined review calendar for Green Roofs, which the ordinance defines as both vegetative roofs and solar panels. CAR staff have been administratively approving solar panels and has not yet received an application for a vegetative roof; but there are not actually Green Roof administrative approval guidelines for staff to follow when giving these approvals. Having guidelines for specific approvals is helpful in dealing with applicants, as it provides something which can be pointed towards to explain what can and cannot be approved by staff.

Ms. Jones stated that she had sent Commissioners a draft of the Green Roof guidelines, and that Commissioner Klaus had given some feedback already. Ms. Jones stated that she would be happy to discuss with Commissioner Klaus either here in the meeting or separately.

Commission Chair Johnson stated that the ordinance and the general administrative approval guidelines allow for a quite rapid turnaround time on approvals, and that staff is unlikely to encounter applications for vegetative roofs due to the structural supports they tend to require. Commission Chair Johnson stated that, if staff has any doubts about an application, they will still send it to the Commission for full review, whilst informing applicants about what is or is not likely to be approved.

Commissioner Klaus stated that he was fine with the substance of the draft guidelines – essentially, allowing a green roof if it is not visible from the right of way, if it is not taking away historic structure, and if it is not changing the roof line – but that in the text the use of the term “green roofs” is confusing as it is unclear if this is referring only to vegetative roofs, or if solar panels are always meant as well. Commissioner Klaus proposed that the “Green Roofs” guidelines should include “solar panels” in the name, so people who are looking for this information will find it. “Green roof” on its own would seem to denote a vegetative roof, not necessarily one with solar panels.

Commissioner Klaus cited the example of Holton School as a solar panel installation that required Commission review, since it was on the front of the building and that approval was given based on the building and the roof being determined not to be historic (since it is new construction). Commissioner Klaus stated that, had the installation been to the rear of the building, he would have been fine with it being administratively approved.

Commissioner Rodriguez suggested either “sustainable” or “eco-friendly” as alternative terms to use for Green Roof installations.

Commissioner Morgan suggested providing a definition of “green roof” at the top of the page. Commissioner Morgan stated that she generally is fine with the draft as it is, and appreciates that it is general enough to allow other energy-efficient options not yet invented or proposed that could go on a roof. Commissioner Wheeler stated that it [meaning green roof elements] need not be only on roofs, but can also be free-standing or on south-facing walls.

Commissioner Klaus stated that, whatever terminology is used, “green roof” should be avoided because it is already in use for the very specific purpose of denoting a vegetative roof. Commissioner Klaus expressed agreement with Commissioner Rodriguez’s suggestions and the general, all-encompassing nature of that language, and pointed out that options could even include a windmill, or something else as yet unimagined.

Ms. Jones stated that another option would be to expand this set of guidelines to include more energy-efficient items in general, if that is a direction the Commission would like to head in especially since energy efficiency is one of the big items being promoted in the new Richmond 300 master plan.

Ms. Jones stated that there is a fairly large and recently increasing amount of solar panel applications coming in, so it would be great to have guidelines staff can use for those. It would also be beneficial to have guidelines to address energy efficiency, as this comes up frequently for both new construction and rehabilitations.

Commission Chair Johnson reminded Commissioners to email Ms. Jones any suggestions or comments they have about the Guidelines for Operable Windows, so that these can be drafted in time for the next meeting.

Ms. Jones stated that no one has as yet applied for CAR approval for operable windows or doors, but that she has seen examples already installed, in neighborhoods that are not local historic districts, and would be happy to provide photos of these examples.

6. Open Q&A

None

Adjournment

The meeting was adjourned at 6:56 pm.