



Legislation Text

File #: RES. 2021-R042, **Version:** 1

To modify two decisions of the Commission of Architectural Review, which approved with conditions two certificates of appropriateness for the permanent removal of certain monuments on Monument Avenue and in Libby Hill Park, by removing from each of such certificates the condition that the City retain all pieces of each removed monument for a period of two years in a manner that they are available to the community for reuse.

WHEREAS, on May 25, 2021, the Commission of Architectural approved with conditions two applications of the City of Richmond identified as Certificate of Appropriateness Application No. COA-091354-2021 for the permanent removal of certain monuments on Monument Avenue directed to be removed by Ordinance No. 2020-154, adopted August 3, 2020, and Certificate of Appropriateness Application No. COA-091355-2021 for the permanent removal of a monument in Libby Hill Park directed to be removed by Ordinance No. 2020-154, adopted August 3, 2020; and

WHEREAS, on June 7, 2021, pursuant to section 30-930.8 of the Code of the City of Richmond (2020), as amended, the City filed an appeal with the City Clerk concerning the Commission of Architectural Review's attachment to each of these two certificates of appropriateness a condition that the City retain all pieces of each removed monument for a period of two years in a manner that they are available to the community for reuse; and

WHEREAS, pursuant to section 30-930.8 of the Code of the City of Richmond (2020), as amended, the Council may reverse or modify a decision appealed, in whole or in part, by resolution when it is satisfied that the decision of the Commission of Architectural Review is in error, or, by taking no action, the Council may affirm such decision of the Commission; and

WHEREAS, the Council believes that the aforementioned condition purports to illegally restrict the Council's sole authority under section 15.2-1812 of the Code of Virginia (1950), as amended to finally dispose of the removed monuments at a time of its choosing; and

WHEREAS, due to this illegality, the Council is satisfied that the Commission's decision is in error under Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That, the Council hereby modifies the decisions of the Commission of Architectural Review to approve certificates of appropriateness for the permanent removal of certain monuments on Monument Avenue in the Monument Avenue Old and Historic District as described in Certificate of Appropriateness Application No. COA-091354-2021 and the permanent removal of a monument in Libby Hill Park in the St. John's Church Old and Historic District as described in Certificate of Appropriateness Application No. COA-091355-2021 by removing from each of such certificates the condition that the City retain all pieces of each removed monument for a period of two years in a manner that they are available to the community for reuse.