

Mess, Camie

From: Werner, Jeffrey B
Sent: Monday, November 26, 2018 2:23 PM
To: Mess, Camie
Subject: FW: BAR Action - November 20, 2018 - Downtown Mall Tree Removal

From: Werner, Jeffrey B
Sent: Wednesday, November 21, 2018 12:35 PM
To: Ronayne, Michael P. <ronaynem@charlottesville.org>
Subject: BAR Action - November 20, 2018 - Downtown Mall Tree Removal

November 21, 2018

Certificate of Appropriateness Application
BAR 18-11-04
Downtown Mall
City of Charlottesville (Parks and Rec), Owner/Applicant
Tree removal

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on November 20, 2018. The following action was taken:

Motion: Gastinger moved having considered the standards set forth within the City Code, including City Design Guidelines for Public Design and Improvements, I move that removing this tree satisfies the BAR's criteria and is compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application as submitted with the following conditions:

- **The tree be replaced with a willow oak of 2" diameter or bigger**
 - **Management of the surrounding trees to give the new tree the opportunity for success**
- Schwarz seconded. Approved (6-1, with Miller opposed).**

If you would like to hear the specifics of the discussion, the meeting video is on-line at:

http://charlottesville.granicus.com/MediaPlayer.php?view_id=2&clip_id=1331

This certificate of appropriateness shall expire in 18 months (May 20, 2020), unless within that time period you have either: been issued a building permit for construction of the improvements if one is required, or if no building permit is required, commenced the project. You may request an extension of the certificate of appropriateness before this approval expires for one additional year for reasonable cause. (See City Code Section 34-280. *Validity of certificates of appropriateness.*)

If you have any questions, please contact me at 434-970-3130 or wernerjb@charlottesville.org.

Sincerely yours,
Jeff Werner

Jeff Werner, AICP
Historic Preservation and Design Planner
City of Charlottesville
Neighborhood Development Services
City Hall | P.O. Box 911
610 East Market Street
Charlottesville, VA 22902
Phone: 434.970.3130
Email: wernerjb@charlottesville.org

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
November 20, 2018**



Certificate of Appropriateness Application

BAR 18-11-04

Downtown Mall

City of Charlottesville, Owner/City Parks and Rec, Applicant

Tree removal



Background

The Downtown Pedestrian Mall was designed by Lawrence Halprin Associates from 1973-76. The first five blocks of East Main Street were pedestrianized in 1976. In 1980 the mall was extended by two blocks on West Main Street. The west end (at the Omni) was completed in 1985. The east end completed in 2006 with construction of Transit Center, Freedom of Expression wall, and the Amphitheater.

Application

Application Submitted:

- Mike Ronayne (City's Urban Forester) submittal dated October 31, 2018: application page, tree risk assessment (page 2), photos of existing condition of the tree (page 3-4)

Request to remove the 18" Willow Oak on the downtown mall (at east elevation of Omni hotel)

Recommendations and Discussion

Mr. Ronayne's report suggests two options: 1) tree removal or 2) continue to monitor the tree. The Design Guidelines for Public Design, Street Trees and Plantings, (E.2) recommends replacement of damaged or missing street trees with appropriate species. However, given the ages, sizes and canopy condition of adjacent trees, BAR should discuss with applicant the viability of planting a replacement, including tree species and size.

BAR options:

- Approve the request with the condition that a replacement tree be planted. (Species and size to be stated.)
- Approve the request with the acknowledgement that the tree will not be replaced.
- Deny the request, stating the reasons.
- Defer—or accept deferral—with a request for additional information, etc.

Suggested Motions

Having considered the standards set forth within the City Code, including City Design Guidelines for Public Design and Improvements, I move that removing this tree satisfies the BAR's criteria and is compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application as submitted.

...as submitted with the following conditions [or modifications]...

Having considered the standards set forth within the City Code, including City Design Guidelines for Public Design and Improvements, I move that the removing this tree does not satisfy the BAR's criteria and is not compatible with this property and other properties in the Downtown ADC district, and that the BAR denies the application as submitted for the following reasons:...

Criteria, Standards, and Guidelines

Review Criteria Generally

Sec. 34-284(b) of the City Code states that,

In considering a particular application the BAR shall approve the application unless it finds:

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec.34-288(6); and
- (2) The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.

Pertinent Standards for Review of Construction and Alterations include:

- 1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;
- 2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;
- 3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of
- 4) Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
- 5) The effect of the proposed change on the historic district neighborhood;
- 6) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;
- 7) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
- 8) Any applicable provisions of the City's Design Guidelines.

Pertinent Design Review Guidelines for Public Design and Improvements

B. PLAZAS, PARKS & OPEN SPACES

- 1) **Maintain existing spaces and important site features for continued public use consistent with the original design intent.**
- 2) **Maintain significant elements in a historic landscape: grave markers, structures, landforms, landscaping, circulation patterns, boundaries, and site walls.**
- 3) Design new spaces to reinforce streetscape and pedestrian goals for the district. These areas offer the opportunity to provide visual focal points and public gathering spaces for the districts.
- 4) New landscaping should be historically and regionally appropriate, indigenous when possible, and scaled for the proposed location and intended use.

...

E. STREET TREES & PLANTINGS

- 1) Maintain existing plantings in public rights of way.
- 2) **Replace damaged or missing street trees with appropriate species. New street trees should be planted in appropriate locations. Consult the City-approved plant list.**

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Board of Architectural Review (BAR) Certificate of Appropriateness

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3130

Please submit ten (10) hard copies and one (1) digital copy of application form and all attachments.
Please include application fee as follows: New construction project \$375; Demolition of a contributing structure \$375;
Appeal of BAR decision \$125; Additions and other projects requiring BAR approval \$125; Administrative approval \$100.
Make checks payable to the City of Charlottesville.
The BAR meets the third Tuesday of the month.
Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 3:30 p.m.

Owner Name City of Charlottesville Applicant Name Mike Ronayne, Urban Forester
Project Name/Description Remove one declining tree on DT Mall Parcel Number N/A (right of way)
Project Property Address Downtown Pedestrian Mall

Applicant Information

Address: City Dept of Parks and Recreation
Email: ronaynem@charlottesville.org
Phone: (W) 434-970-3587 (C) _____

Property Owner Information (if not applicant)

Address: City of Charlottesville
Email: _____
Phone: (W) _____ (C) _____

Do you intend to apply for Federal or State Tax Credits for this project? No

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

[Signature] 10/30/18
Signature Date

Mike Ronayne 10/30/18
Print Name Date

Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to its submission.

[Signature] 10/30/18
Signature Date

DOUG ENMAN, PARKS Dir. Mgr 10/30/18
Print Name Date

Description of Proposed Work (attach separate narrative if necessary):

Remove one declining willow oak (Quercus phellos) tree at planter near the SE elevation of the Omni Hotel

List All Attachments (see reverse side for submittal requirements):

Photo, tree location, arborist's report.

For Office Use Only

Received by: _____

Fee paid: _____ Cash/Ck. # _____

Date Received: _____

Revised 2016

Approved/Disapproved by: _____

Date: _____

Conditions of approval: _____

Tree Risk Assessment for 18" DBH willow oak on downtown Mall (Behind the Omni Hotel)

By Mike Ronayne

Tree Condition

This Tree Risk Assessment was performed on August 9th 2018. I observed the tree to be in state of decline, showing very limited and sparse new growth for the second year in a row. This tree had been pruned February 14, 2016 and most recently February 9, 2018. Aside from the tree's loss in vigor in recent years the decay at the base is most concerning. The base of the tree at the root flare has fungal fruiting bodies and response growth to compensate for strength loss. By striking the base of the tree with a sounding mallet also indicates a dull or hollow sound suggesting decay. These signs indicate interior rot at the most critical part of the tree but the extent of the rot is unknown without further analysis. The tree also has some new dead limbs since it was last pruned.

Targets and Site

This part of the downtown Mall behind the Omni Hotel is used a thoroughfare for pedestrians. Many people walk under this tree throughout the day and evening. There are no benches or sitting places for people to congregate for any length of time. This tree is the middle of three trees in a row and is part of a landscaped flower bed. The landscaped sloped is mulched and is somewhat steep on the Omni side. Whole tree failure at the defect would put the Omni building and pedestrians at risk. Dead limbs in the tree also pose some risk as well.

Tree Risk Rating and Mitigation Options

The Tree Risk Assessment revealed that the tree poses a moderate risk to the building and a low risk to people. There are limited mitigation options for decay at the base of a tree. One option is tree removal which will cease the risk. The other option is to retain and monitor the tree which will leave the residual risk as moderate.



