

HERITAGE ARTS ::::

April 26, 2021

Mr. David James
Historic Fredericksburg Foundation, Inc.
1200 Caroline St.
Fredericksburg, VA 22401-3702

RE: HFFI Engagement Observations

Dear David and members of the HFFI Board of Directors:

It has been a pleasure to meet and work with you and other passionate members of Fredericksburg's preservation community. As outlined in our agreement, this letter presents my observations and recommendations.

To recap, I was retained to:

- review background information to gain an understanding of the City of Fredericksburg's historic preservation program, as well as the community's preservation dynamic;
- review Design Guidelines draft, Historic Handbook draft, and Preservation Plan draft that is replacing the City Comprehensive Plan Chapter 8 as amended; and
- provide a specific assessment of the Design Guidelines draft and more broadly the City of Fredericksburg's preservation program within which it will be used.

Disclaimer: My expert opinion is derived from forty-four years of continuing education and experience in the fields of architectural design, historic preservation, non-profit management and land use planning. I am not a licensed architect, engineer or attorney, and any opinions expressed here are my own and are not offered as practice in these professions. Before acting on any of my recommendations, you should obtain advice from professionals licensed in Virginia. Most particularly, the City Attorney should be consulted regarding City procedures.

I began my work with a review of state statutes for preservation and readily available materials on the City website and as provided by HFFI, including the comprehensive plan, preservation plan(s), preservation ordinance, commission organization and bylaws, process materials like application forms, current guidelines, etc., ARB agenda packets including staff reports for agenda items, and meeting minutes. A 1.5 hour virtual meeting with your selected participants provided me with additional understanding of local issues and concerns through a Strengths, Weaknesses, Opportunities, and Threats (SWOT) discussion framework.

This letter of evaluation consolidates my high-level impressions, observations, and recommendations. Complementary to it are mark-ups of the numerous documents I reviewed, which contain more detailed information specific to that topic. As I have read through these

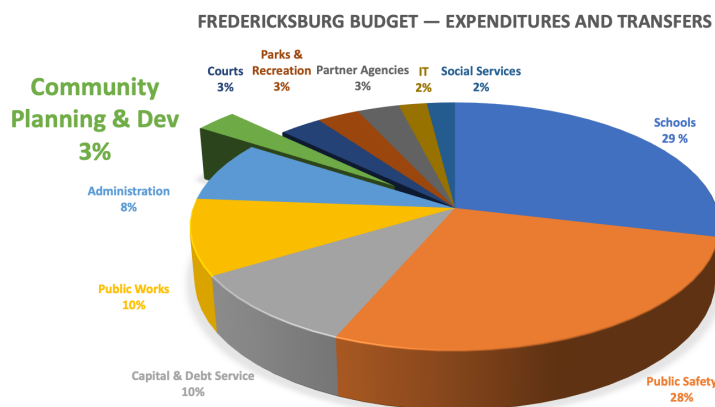
300 FAYETTEVILLE ST. #1412 :::: RALEIGH, NC :::: 27602
FEDERAL BUILDING :::: 1874 :::: A RALEIGH HISTORIC LANDMARK

documents, I have highlighted much of the preservation specific language simply to note that it is there. I have added commentary where I've seen fit, for things that are to be applauded, things that might be missing, ideas to consider, etc. The mark-ups can be downloaded from this Dropbox link: <https://www.dropbox.com/sh/1xeomsjh1hc8qqg/AAC3iytfmjQd613pPhdsgMZqa?dl=0>

Role Clarity

Role clarity is critical for effective community partnerships. The following brief notes undergird my view of the relationship between a municipality and a historic preservation non-profit advocacy group.

- **City:** The City is responsible for the formal identification and protection of the cultural resources of Fredericksburg through policy and regulatory frameworks. The City's preservation education activities are best directed toward informing citizens about preservation regulatory procedures and celebrating the wealth of Fredericksburg's identified resources.
- **HFFI:** The non-profit organization's role is to demonstrate a constituency among the citizenry supporting the development of robust policies and regulations that effectively protect cultural resources, and to demonstrate how a strong preservation program can advance multiple goals and objectives of the community beyond a simplistic view of "saving the old stuff" for its own sake. The slice of budgetary pie that the City allocates to preservation is a small portion of the total needs that elected officials must navigate. Showing how preservation can positively leverage other goals and objectives in the community can provide a rational justification for the allocation of additional scarce resources to the preservation program, and increase the size of the slice of preservation pie. HFFI can demonstrate that preservation is a beneficial investment with a positive return on the dollar; it is something more than a program cost.



City Policies & Planning Documents

My overall impression is that Fredericksburg has some of the most impressive and extensive policy language in support of historic preservation that I have seen for any municipal government. It is exceptional. From the vision statement where preservation is one of only eight priority visions, to the integration of historic preservation language throughout the comprehensive plan, there is a consistent recognition of preservation's value to advancing many areas of city governance. The status reporting is intentional, thorough, and speaks of a strong ethic of accountability in the organization.

I get the sense from our dialog and my review that there is some frustration with the actual execution and follow-through on all of this strong policy language. However, my brief engagement is a snapshot in time, and I cannot judge if this frustration is the result of a few

instances of problems (the demolitions, permit issues, demo by neglect concerns) but that overall, people generally feel the preservation program is performing well on their behalf; or, whether these instances are a symptom of a larger issue of not "walking the talk" in a very broad way throughout many aspects of the City organization.

From a theoretical aspect, and you may already be doing these things, to me the substantive action for resolving these issues is to start the conversation with that policy language in every single interaction with an issue. The City Council has adopted these strong policies for historic preservation in multiple documents, reinforcing the holistic importance of preservation to the city's present and future fortunes. It is the Administration's responsibility to ensure that the breadth of the organization is carrying out the adopted policies of the City Council. Where that falls short, it is the City Manager's job to ensure that department heads and the line staff are reinforcing these policies and executing them to the standard that the documents express: near perfection...it is that important to the City of Fredericksburg — that preservation not be "a thing we do because we have to," but because it is in fact central to much of what the city does on behalf of its citizens in realizing its vision. So it's not a bad place to start any dialog with City Council members, the City Manager, department heads, and staff by reminding them of the adopted policies that are being short-changed in a particular instance. You have great policy to lean on; hammer it home. If you are not aware of [William \(Bill\) Schmickle's trilogy of books](#) on local preservation politics, I highly recommend them to you. Trained as a political scientist, he is very insightful, and the books are easily-digestible quick reads.

I want to highlight the importance of an action plan matrix to the draft Chapter 8 preservation plan, which I don't see in the draft. Plans are useless without a firm commitment to implementation. There is a lot of great policy, goals, and intentions in the draft, but what specifically is going to be done to achieve those things? Who will lead them and be accountable? Who are the catalytic partners key to the effort? What is the partners' buy-in? What is the specific timeframe for these actions? I will say that the vague timelines that are in all the current action plan matrices do allow some wiggle room. On the other hand, the two-year cycle of reviewing progress on council priorities puts some backbone into the action plan items, so on the whole, it appears that methodology is working for the City. But I would urge that the action plan matrix be included in the plan adoption, and not left for later. Otherwise, you don't really know what you are getting in the way of commitment.

Documents reviewed in this area were:

- Fredericksburg City Council 2036 Vision Statement
- Final Report: Progress and Action on City Council Priorities 2018 - 2020 (Phase Two)
- Comprehensive Plan
 - Action Plan (implementation matrix) in Appendix B
- Area 7 Plan
- Chapter 8 Preservation Plan Update
 - Action Plan (implementation matrix)?

Economic Development

Innumerable studies conducted nationwide continue to demonstrate that preservation makes good economic development policy, including focused studies in Virginia for heritage tourism and rehabilitation tax credit performance that can be located with an internet search. While not a priority of my review, my impression is that the City's economic development policies and priorities are not as supportive of the preservation vision as they could be; they still have the appearance of traditional business and industrial recruitment. Preservation-related initiatives are well down the economic priority lists outlined in various documents. Sponsorship of a broad preservation economic impact study focused on Fredericksburg (not just tourism and tax credits, but assessing overall economic activity generated by preservation activities) would be expected to provide important empirical data to support greater investment in preservation funding, financial tools, and incentives.

Given that the Main Street America program was birthed by the National Trust for Historic Preservation and naturally has a strong focus on historic preservation design among its Four Points for Community Transformation Strategies (Design, Organization, Economic Vitality, and Promotion), I find it surprising that the Main Street Fredericksburg web site contains literally no specific content regarding the importance of historic preservation to Downtown. I would expect that HFFI and Main Street Fredericksburg would be strong collaborators for preservation, leveraging each other's programs to create synergy greater than each alone.

Two important resources for preservation economics are worth exploring—

- Joe Minicozzi, Urban3: Joe Minicozzi's presentations available on YouTube regarding zoning and economic development are eye-opening for land valuation relative to the property tax base. Big Box development does not provide the return that the small footprint buildings of downtown do, and do so much more efficiently for the City's investment in infrastructure. https://www.youtube.com/results?search_query=joe+minicozzi
- National Trust for Historic Preservation's Research & Policy Lab: The overall thrust of the Comprehensive Plan's Economic Development Strategic Plan is still largely oriented toward new development. There is not much here in the way of incentivizing local small businesses in historic structures. The National Trust's "Older, Smaller, Better" report provides impressive evidence for the economic efficacy of smaller buildings hosting local businesses. There are additional excellent research reports on the page linked above.

State Statutes & City Ordinances

The bulk of my comments in this area are contained in the mark-ups. Documents reviewed include:

- VA statute 15.2-2306
- Virginia Existing Building Code, Chapter 9, Historic Buildings (reviewed but not marked-up; not included in downloadable package of mark-ups): This is an important resource that aids practical rehabilitation of historic buildings while ensuring that life safety remains paramount. I could not determine from my review whether the Building Official is taking full advantage of the principles outlined in this chapter.
- 10-51 et seq. Architectural Review Board
- 66-171 Historic Areas and Resources

- 66-191 et sec. Infrastructure Improvements on City Property in Historic District
- 72-23 Design Review
 - Inordinate Hardship: I want to call out this specific area of concern. The ordinance does not contain any guidance as to what evidence the ARB requires in order to make its determination "...that rehabilitation of the building or structure is impractical." It is critical that such evidentiary requirements be defined. While North Carolina statutes do not include a provision for economic hardship relative to the issuance of Certificates of Appropriateness, it does include safeguards for economic hardship in its demolition by neglect authority. The resources outlined in the DBN discussion immediately below provide an example of such an evidentiary list in the City of Raleigh's DBN ordinance.
- 72-34 Overlay Zoning Districts
 - Demolition by Neglect: During our discussions, there was a desire expressed that programs should be available to provide gap financing, incentives, and other assistance to prevent the demolition by neglect of historic resources. That is always the preferable approach. However, in the event of an uncooperative owner, it is sometimes necessary to apply a regulatory procedure to resolving the issue. Raleigh implemented the first such DBN ordinance in North Carolina after DBN authority was added to the state's preservation statutes. Two items are included in the downloadable mark-up package: the first is an article I authored for the National Alliance of Preservation Commissions' publication *The Alliance Review* (TAR). The end of the article includes a link to the City's DBN ordinance, which includes the economic hardship procedures. (Recognize that this is a "big city" program and the ordinance procedures are likely more complex than what would be designed for Fredericksburg.) The second is a slide deck for a presentation prepared for the 2018 Minnesota Statewide Preservation Conference that is more focused on the critical principles and practical procedures of running a DBN program. You won't get the voice-over and stories, but you can at least review the main points.

Ease of Use

A key standard I used in reviewing the City preservation program and the Historic Handbook and Design Guidelines was ease of use for everyone—city staff, property owners and applicants, designers and builders, etc.

City Preservation Program

The number of design review cases in an active program like Fredericksburg is a high workload for a staff of one preservation specialist in a small planning department, especially where they are also involved in city-wide planning activities (which is a good thing!). My suggestions in this area are intended to eliminate or reduce low-value "rote-work" in order to free-up limited resources for other activities that will have greater impact in advancing important preservation goals. Substantive professional preservation work is always more satisfying than the extensive administrative and due process work that is required in shepherding quasi-judicial design review cases. Improvements in the ease and speed for citizens to navigate the COA process will yield greater satisfaction with the program among the public. It is your greatest "public relations" tool.

- Web Site: Recognizing that every web site content management system has its strengths and weaknesses (mostly the latter in my experience), it is very difficult to find preservation

information on the City web site. Information is split into different places, including a buried [Feature Links > History Corner > Historic District](#) page that can only be accessed through a web search. The [primary historic district page](#) requires the viewer to read through text to find links to important and necessary forms and information required to obtain COAs. To aid public "self-service," I would rethink the structure of this page, and add quick links to the left-hand navigation column for important things like the COA form, meeting schedule, etc.

- **Effective Deployment of Limited Resources:** Due process and documentation requirements for conducting quasi-judicial public hearings are extremely resource intensive. The more COAs that can be issued administratively without the encumbrance of public hearing requirements, the more that limited resources can be redirected to other tasks.
 - Administrative Review List: As noted in the mark-ups, it appears that state statute authorizes only the ARB to issue COAs. While that unfortunately provides some limitation on how quickly you can process administrative review items, the timeframes outlined in the ordinance could still be tightened up. It should take no more than 30 days to obtain an administrative COA. Strong consideration should be given to expanding [the list of staff approval items](#) dramatically. You have a very short list.
 - Staff report: There is a lot of information in the staff reports that is not directly related to the review of exterior changes and the application of the design guidelines to reach a decision. For example, the extensive recitation of the building's history, architectural features, etc., is not really necessary. You do not have to prove that the building or structure is worthy of design review on a case-by-case basis. That was determined at the time of designation of the historic district, and it is now a simple fact that can be stated: the building or structure is in the historic district and is thus regulated. I would look at the staff report content carefully and strip out all the information that is not required for the purpose of determining whether a change meets the design guidelines. Implementing a numbering system in the design guidelines for specific guidelines would allow the report to reference simple guideline citations, eliminating the need to repeat the text of the guideline in the staff report. There are other refinements that could also be implemented.
 - Activate duties of 10-52.B. (1) - (4): Reducing the number of cases that require the full-blown quasi-judicial review process and making the review more efficient will allow more time to be devoted to these important duties that are currently not receiving much attention.
- **Quasi-judicial Design Review Procedures:** The current practice of citing the staff report in making decisions, but not constructing and recording a specific motion for findings of fact and conclusions of law fails to create a strong defensible record of the decision. Having such specific motions is critical on appeal as they lay out the rationale for the decision to the City Council and ultimately the courts. When the reasons for a decision are made specific and transparent, the impetus for overturning an ARB decision is reduced.
 - Staff Reports: While generally the pieces necessary to fulfill the requirements for an evidentiary record are included in the current staff reports, the reconfiguring of the reports should structure them in a way that provides the ARB with the form of a motion for findings of fact and conclusions of law. This will reduce confusion when the time

comes for board members to place a motion on the floor; they will already have a draft motion in front of them courtesy of the staff report..

- Minutes/Record: While the staff report does become part of the record, the minutes as presently constructed are in my view inadequate to reflect the basis of the ARB's decision. They document what the decision was, but not the basis for that decision.
- See [recent agendas and minutes from Raleigh](#) to explore examples of staff reports and minutes working together to set the stage for the public hearing. The format of the staff reports is then transformed into the minutes (with the addition of the information provided during the public hearing), creating an explicit documentation of the case connecting evidentiary facts with the applicable design guidelines to reach conclusions of law and a decision. The beauty of staff reports constructed in this manner is that often two-thirds of the meeting minutes are already prepared before the meeting; only simple additions are necessary afterward to document the decision.

Historic Handbook & Design Guidelines

The focus of my review was primarily directed to the usability of the document for the audiences it serves in the regulatory arena: city staff, preservation board members, and property owners and applicants. I did not look too closely at the technical content of the actual guidelines. I have not been party to the public engagement that is needed to determine the right spot for regulation on the continuum ranging from one pole of simplistic "make it look pretty" to the other pole of sophisticated NPS pure museum perfection of preservation. Given Fredericksburg's long history and amazing resources, my sense is that Fredericksburg is higher up the scale toward NPS than most places, especially in aspiration if not in execution. So understand that I have not closely read the actual items of guidelines that would be used to define whether a change is appropriate. I gave them a quick skim to get their tenor, but it was not a close read.

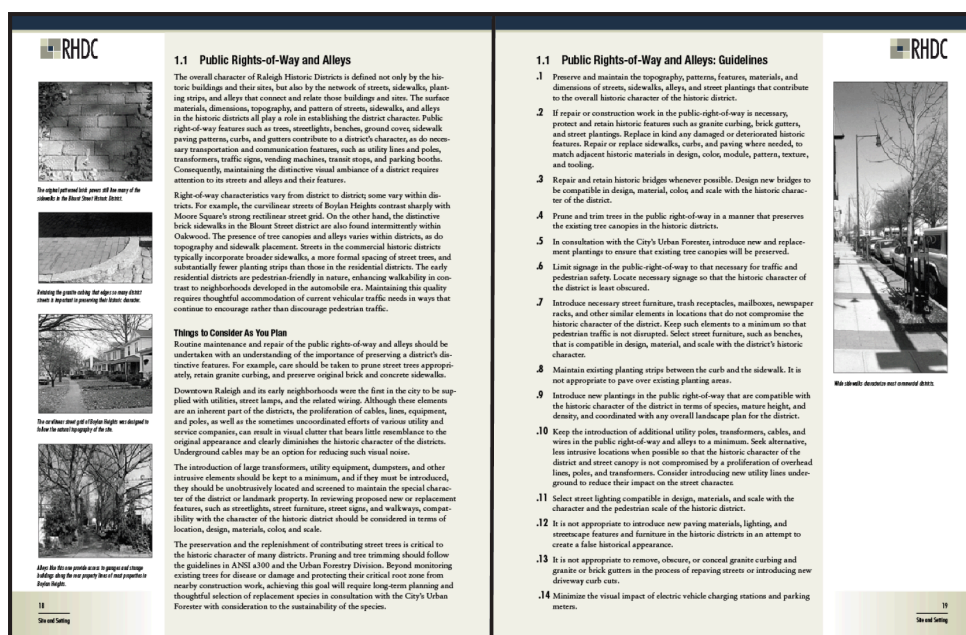
The document contains a great deal of really helpful advisory content for owners and practitioners that care to act as good stewards for the resources. As a guidelines document, I judge it as average. The City Council Vision Statement says that Fredericksburg aspires to be "A Proven Leader in Historic Preservation." I don't think this document is quite that.

Details of my review are contained in the downloadable marked-up document package. Note that where I saw typos and such, I highlighted them, but I was not proofreading the draft document for publication.

Here are my general thoughts, in no particular order:

- At 223 pages, it will be really long and intimidating to a member of the general public seeing it for the first time. It contains a lot of very useful, helpful information about preservation practices, and historical interest, etc. that is not necessarily related to the regulatory requirements of design review and standards to be followed. This is not unusual in many guidelines documents; it's pretty typical actually. But my somewhat contrarian view is this:
 - Keep it as short and concise as you possibly can. People are busy; they just want the answer. They want to find it easily and have it be clear. They don't want to wade

- through a lot of cruft to find what they need to do to get what they want to get from the city: a COA.
- It's primarily for design review. A lot of the educational material that doesn't relate to design can be provided through other mediums than through a design guidelines book. Trying to stuff everything you want to say into one document blurs the purpose of each type of information. You lose focus and it sags into muddiness.
 - the vast majority of work in the district is changes and additions to existing buildings. I would move the chapters that relate to that in front of the new construction guidance. Put the information that most people need most frequently toward the front; less frequently used information by fewer people toward the back.
- It's very blurry as to what is trying to be helpful information and what is regulatory requirement. In a quasi-judicial regulatory setting, you need to have clearly established standards against which the proposal is being judged for conformance. The regulatory do's and don'ts in this document are inconsistently presented to some extent.
 - Part of the problem goes to the graphic design of the booklet. It is a flat page of text interspersed with photos and images placed in somewhat random locations, depending on the space available surrounding the text and pagination. There is not a rigid page template that provides a strong framework for the content, where you know that here is where you find helpful hints but that are not a requirement, and here are the things you really have to meet in a regulatory fashion in order to get your COA. [Raleigh's design guidelines](#) provide an example.



left page: planning

right page: guidelines

A page template that provides a strong framework for the content

- Nothing is done graphically to distinguish between different subsections other than to capitalize a subheading. It would be helpful to have a hierarchy of graphical cues in the page template that make clear when the content is shifting gears. The overall graphic effect of the booklet pages lacks boldness and differentiation. As a result, it comes across as something to be waded through to find what you need, not as a focused document leading you to what you need.
- Critically important, the regulatory do's and don'ts need to have a consistent numerological hierarchy so that they can be cited quickly, easily, and definitively as the basis for a decision. Which goes to my next observation:

The guidelines are only a piece of the puzzle in program effectiveness. I view these in the framework of the city preservation program, where they interface with the code, the city operating procedures for design review meetings and administrative review, etc. For the guidelines to be their best, it's also important that they fit into the system. My recommendations for meeting procedures, staff reports, and minutes can save time for staff; improve the public's experience of going through design review, the feeling of being treated equitably, and understanding better what is going on during a meeting; and, create a more defensible record should a case be appealed to City Council and the courts. Finally, a strong, clear record can really help the City Council support the ARB's decisions.

Additional Services

If there is interest on the part of the City in exploring improvements to its preservation program procedures and documents, I can work with staff to provide specific recommendations for process improvements, ordinance adjustments, etc. This is a focus area of my training materials that can be brought to bear in working with city staff and the preservation commission to strengthen the effectiveness of the program, both in structure and in practice.

This concludes my letter form commentary. Please let me know when you would like to schedule the final deliverable of our engagement: an oral discussion of my work during a virtual meeting. I suggest that the focus of this discussion be primarily to answer questions and respond to the group's reactions to my recommendations, rather than a rehash of this letter. You should allow sufficient time for persons to review the letter and complementary mark-ups in setting a date.

Sincerely,



Dan Becker