

**BAR MINUTES
CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
Regular Meeting
December 19, 2023 – 5:00 PM
Hybrid Meeting (In person at City Space & virtual via Zoom)**



Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review (BAR). Due to the current public health emergency, this meeting is being held online via Zoom and in person at City Space. The meeting process will be as follows: For each item, staff will make a brief presentation followed by the applicant's presentation, after which members of the public will be allowed to speak. Speakers shall identify themselves and give their current address. Members of the public will have, for each case, up to three minutes to speak. Public comments should be limited to the BAR's jurisdiction; that is, regarding the exterior design of the building and site. Following the BAR's discussion, and before the vote, the applicant shall be allowed up to three minutes to respond, for the purpose of clarification. Thank you for participating.

Members Present: James Zehmer, Ron Bailey, Carl Schwarz, Tyler Whitney, Breck Gastinger, Cheri Lewis, David Timmerman

Staff Present: Patrick Cory, Jeff Werner, Remy Trail

Pre-Meeting:

Staff spoke with Mr. Amtmann regarding the descriptions of the materials for the Courts Project of Albemarle County and City of Charlottesville. The discussion was regarding the wording of the motion.

Regarding the districts, there was discussion on how much time to spend on each historic district.

There were re-appointments by the Council to the BAR at the City Council meeting Monday night. Staff reminded the members to turn in any trainings that have been completed by to October 1st.

Staff went over the items on the agenda for the BAR meeting tonight. The new Chair and Vice-Chair will be nominated and elected at the beginning of the meeting tonight. Ms. Lewis had a question of whether a tent is an awning.

The meeting was called to order at 5:28 PM.

A. Matters from the public not on the agenda.

No Public Comments

B. Election of new Chair and Vice-Chair

Ms. Lewis nominated James Zehmer to be Chair and Tyler Whitney as Vice-Chair. Both Mr. Whitney and Mr. Zehmer have accepted the positions. They will begin their terms with the January BAR Regular Meeting.

Mr. Bailey moved to accept the nomination of Mr. Zehmer (Chair) and Mr. Whitney (Vice-Chair). Second by Ms. Lewis. Motion passes 7-0.

- C. 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. Certificate of Appropriateness Application

BAR 23-12-03

1112 Park Street, Tax Parcel 470050000

Individually Protected Property

Owner: Margaret & Sherman Todd

Applicant: Sherman Todd

Project: Exterior, rear deck

Motion to Approve Consent Agenda – Mr. Schwarz – Second by Ms. Lewis – Motion passes 7-0. Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design and Elements, I move to find that proposed deck satisfies the BAR’s criteria and is compatible with this IPP, and that the BAR approves the application as submitted.

D. Deferred Items

No Items

E. New Items

2. Certificate of Appropriateness Application

BAR 23-12-01

350 Park Street, TMP 530109000

North Downtown ADC District

Owner: City of Charlottesville and County of Albemarle

Applicant: Eric Amtmann, DGP Architects [on behalf of Albemarle County]

Project: New courthouse building at Levy site: Color palette (bricks and trim elements)

Jeff Werner, Staff Report – CoA request for building’s material palette, including the colors of the brick and trim for the new construction related to the expansion of the City-County Courts Complex.

Eric Amimann, Applicant – We’re here to answer questions or give a quick recap. It is all tailor brick. The lower part, which is below the water table is wire cut. It is a little rougher and a blend of two colors (red and the Patriot is 15 percent brown blended). Above the water table, it is tailor brick 317 red smooth. It is the same color. It looks lighter because it is smooth instead of wire cut. All the other metal samples on top of the wall are either pre-finished for the window systems or the security windows or paint for things that are metal that need to be painted such as the columns or the parapet caps. The GRFC and cast stone are a complimentary gray color to match.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Mr. Zehmer – What is the mortar color?

Mr. Amtmann – I don’t know the name. It is in the mockup panel. It is slightly red. We were doing that instead of a buff color to distinguish it from the historic structure next to it. It is different but complimentary.

Ms. Lewis – What is the purpose in having one monochromatic color above the water line?

Mr. Amtmann – There are no cost savings involved. It is all the same manufacturer. It is all above the water table, smooth brick. It is not a cost issue. It was an aesthetic decision. We looked at some other colors to be blended in. We felt that this was the way to go. Historic brick is not a blend of different brick colors. The color range results from being in different positions in the kiln. It is slightly different temperatures creates slightly different colors. The salmons are usually in the inside. Inside of the pile of bricks, where it is a bit cooler, they don't bake quite as much at quite the highest temperature. The blacks and the purples are the ones that are furthest to the outside. They are the hardest. They get the darkest. In between is where you get the reds and the browns. Sometimes, that effect is tempted to be assimilated by taking manufactured brick (much more uniform) and blending the colors to create that look we felt that was appropriate below the water table where we were going for a heavier, darker, tonal color. We decided not to do it above.

COMMENTS FROM THE PUBLIC

No Comments from the Public

COMMENTS FROM THE BOARD

Mr. Gastinger – Walking in Court Square, I was struck by how many of those historic structures are very consistent in their brick color. When comparing it against the panel that was supplied, the top portion, which has been a subject of conversation, is in many ways more consistent with the district than below the water table. The brick pattern below the water table that was proposed would be significantly different than its context for better or worse. It would be very different. I feel that this is fully in keeping with the spirit of the project. We're going to have differences of opinion on this board. I feel that this is within the realm of aesthetic preference and probably not something that our guidelines would say is either acceptable or not acceptable. I would urge approval of the submittal as given. I welcome healthy debate and others might feel differently on that.

Mr. Zehmer – I also walked around Court Square. I agree with Mr. Gastinger in terms of the brick. Monochromatic might be the right word brick color in a lot of the buildings. Where I am struggling some is with the mortar color. Most of the buildings in the Court Square have a buff color. The Levy Building looks like it has had a red wash. That is giving it that appearance of the whole wall being red. I don't think that the Levy Building is a great example of fine brick work. That is where I am struggling. I am Ok with the brick as submitted. I am wondering if coloring the mortar to match the brick is really the right answer here in keeping with the district. I understand the intent to try and differentiate. If there is a concern that you made the buff mortar and you're trying too much to match the historic buildings. The design of the building itself is a clear departure from the historic buildings in the district. I don't think somebody is going to think it is an old building. The smoothness of the brick lends itself to that modernity that they are looking for. I would prefer to see a buffer or lighter mortar color.

Mr. Whitney – The sample as submitted is approvable. Looking at buildings in the neighboring context, the roughness of the differentiation below the water table fits with some of the neighboring site walls. I wouldn't want to see the darker brick mixed in across the whole face. The monochromatic above the water table will fit nicely with some of the neighboring context. It will be a good addition on the project. I have no issues with approving it as submitted.

Ms. Lewis – I looked at the guidelines. There isn't much for masonry on new construction. There is no guidance at all. It is a lot about repairing and maintaining current masonry and brick. I would tend to agree

that a neutral color instead of red. I haven't really noticed that the mortar was reddish. It doesn't read that to me.

Mr. Amtmann – Mr. Zehmer is correct. The Levy Building did originally have red that was on it. It was a common treatment at the time. The Eagle Tavern had the same thing. It hasn't been redone in a long time. It is on Court Square on the south side. It is basically washed off. We're not trying to simulate that effect. The intent of those kind of historic treatment was to make the brick appear more monolithic and less unitized where there was a real color contrast difference between the brick and the joining. It made them more 'stone-like.' I am not trying to mimic that. With the smoother face of the brick, with a sharper edge to the brick, and a closer color tone in the mortar, the intent is to do something different that is not so much like cream colored mortar, red brick. It is intentionally being different to appear more monolithic as a surface rather than a unitized assembly of small parts. It is a subtle effect. That is the intent. There was purpose behind it. There was an idea to have aesthetic effect. Different is good. You can walk around new construction all over downtown.

Mr. Timmerman – Was there an intention to the color? Where does the color selection come from?

Mr. Amtmann – With red brick being complimentary but a little different, we were going for a little bit of range in the lower water table combined with the texture being rougher to suggest rustication and a smoother, monolithic appearance above. It is a reference to base, middle, and top of classical architecture without being literal.

Mr. Timmerman – I am assuming that the striations that are shown in renderings are no longer happening.

Mr. Amtmann – The coursing and the Norman brick length as opposed to modular here and the one-third joint pattern, as previously approved in the CoA. You can't get the full range of colors available in the Norman brick size. The panel was built with the standard sized brick.

Mr. Timmerman – On the rendering, is there a differentiation in the face of the striations?

Mr. Amtmann – That is correct. It wasn't built with that. I think that it is a 5-to-1. It is 5 courses of brick and one recessed. That is correct as drawn. The geometry is correct as to what was approved last summer.

Mr. Timmerman – I don't have any problem with the mortar color, especially given your explanation.

Mr. Schwarz – I am going to abstain from this. Somehow, I have skipped out on every discussion that we have had on this project. With the 'polka dot effect' on the base where you have 2 colors of brick and you are interspersing a darker one periodically, I would rather see more of a range where you use a flash brick.

Mr. Amtmann – The flashing is not artificial. That is resulting from the historic process when the bricks are stacked in a beehive pattern. They are stacked so they are teaching each other. That affects how the heat from the kiln gets to the brick. Where the bricks are touching, you get a different color. That is why the flashing is irregular. The bricks are stacked in different ways.

Mr. Schwarz – If you are going to use a variation of tones on the base, I would rather see something like that. You have that rustication that you are doing. I would rather not see the 'polka dot' effect happening. I am not going to vote on this.

Mr. Bailey – I would vote to approve as submitted.

Motion – Mr. Bailey – Having considered the standards set forth within the City Code, including ADC District Design Guidelines, I move the proposed material palette, including the colors of the brick and trim, for the City/County Courts Expansion Project at the Levy site satisfies the BAR’s criteria and is compatible with the North Downtown ADC District, and that the BAR approves the application as submitted. Second by Mr. Whitney. Motion passes 6-0 with one abstention. (Mr. Schwarz)

3. Certificate of Appropriateness Application

BAR 23-12-02

625 West Main Street, TMP 320165100

West Main Street ADC District

Owner: Paul’s Rental Properties, LLC

Applicant: Mariscos El Barco

Project: Seasonal Tent (El Barco restaurant)

Jeff Werner, Staff Report – CoA request to install an approximately 30-ft x 60-ft seasonal tent at the front patio area. Note: The applicant recently installed a tent at the front patio without BAR review, see photo in staff’s attachment. This request is in response to that error.

Irma, Applicant – I am coming for the patio. It is rainy and cold. We have customers coming with their whole families, their pets. We have pets inside the restaurant. We would have more space for my customers. We really need this.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Mr. Gastinger – What months out of the year do you need the tent?

Ms. Irma – October and November are good. We would need it for July and August when it is hot. We would need it when it is cold.

Mr. Whitney – Would it come down in March?

Ms. Irma – Yes.

Ms. Lewis – Did you recently take it down? It wasn’t up today.

Ms. Irma – No, it wasn’t up. We removed it the first day of this month.

COMMENTS FROM THE PUBLIC

No Comments from the Public

COMMENTS FROM THE BOARD

Mr. Schwarz – I would be fine if approving this on a continual basis. Every winter, they can have the tent up for a maximum of 6 months, starting from the time that they want to put it up. It must come down by June 1st of each calendar year. If they put it up in January, it sets a cap on that. Also say that the side panels need to be clear and let staff handle that. We need to reconsider whether this building is contributing.

Mr. Zehmer – Six months is a good time limit. You could argue that any more than that starts to become permanent because it is more than 50 percent of the year. I do see a difference in that awnings are typically attached to a building and therefore become more permanent. From a preservation standpoint, tents are reversible. It is not a permanent structure. In the long-term history of a building, it would go away. It certainly does a service to the city to allow for this type of structure so that the use of the building and the district is more popular. The thing that we must struggle with is the one guideline that says tents are not appropriate in front of contributing buildings. I can get over the non-permanence of a tent structure.

Mr. Gastinger – This is a specific use. It is not necessarily applicable everywhere. If we were to approve this, the terraces in front of those buildings lend themselves to porch-like spaces. I agree that it brings more people to the district and more life to the street. I like this inclusion of a transparent side or no side. It contributes to the life of the street and doesn't become an opaque wall. The suggested 6-month timeframe is good. It seems like tents pop up again for graduation anyway. It seems like that it makes sense to include that in the allowable window.

Mr. Schwarz – If they take it out in March, they can get a temporary permit for a week for graduation.

Mr. Whitney – I don't think that tents are beautiful. We're used to them at this point. It is beneficial to everybody to let more patrons use these restaurants year-round. In front of this building, I don't have any issues with letting the tent go into use. We might need to look at a case-by-case basis. There is verbiage about tents not allowed on the Downtown Mall. I wonder how we would treat that differently than West Main Street. In this application, I don't have issues with it. As certain restaurants use them every year, that it would be nicer to see a permanent feature built. That won't make sense for everybody. It will be dependent owner-by-owner. I have no issues with approving on a yearly basis.

Mr. Gastinger – That makes a lot of sense. One major different between the Downtown Mall and West Main is that this is proposed on private property. The Downtown Mall is public space.

Mr. Werner – When I was asked 6 years ago in my interview, one of the questions was how I see economic development and historic preservation living together. I believe that they are interrelated and interconnected. I appreciate what you are saying about that activity. Old buildings are great. If there is nobody in those photos, that is just a picture of an old building. Mr. Schwarz, you mentioned allowing the recurring. Can we put some date on that, such that if the guidelines get revised or if Council wants something different? I don't know the legality of it.

Mr. Schwarz – I would be Ok with administrative approval into perpetuity for the tent at this location. Does that satisfy that?

Mr. Werner – What criteria would I apply? It is Ok if you said for a period. The BAR is allowed to put the limits on it, maybe say for a period of x-years.

Mr. Schwarz – As long as they are the current owners?

Mr. Zehmer – There is a differentiation there. They might be the current owners of the restaurant.

Ms. Lewis – I would extend it beyond the current business. I don't know how this restaurant, or any precursor restaurants are any different in their need to use that outdoor space. It has always been used. I wouldn't want to limit it to just to this business. Businesses come and go. I am not hoping that they flourish.

Mr. Zehmer – As long there is no change to what we approve, they can have administrative approval. A tent with marquees or writing on it, clear, or no sides, and a maximum of 6 months. If we want to go along with Mr. Schwarz’s suggestion, that it must be removed by June 1st.

Ms. Lewis – Do we want to specify that it be white or a different color?

Mr. Werner – That came up during COVID. People on the Mall asked if they could use clear tops. To address, the constraint, simply reference the current terrace design placement.

Mr. Whitney – I don’t know if we want to restrict to clear and white necessarily. There is a picture in the guidelines of a dark structure.

Mr. Werner – The intent is a single color and that it doesn’t become a sign.

Motion – Mr. Schwarz – Having considered the standards set forth within the City Code, including ADC District Design Guidelines, I move the proposed seasonal tent at 625 West Main Street satisfies the BAR’s criteria and is compatible with the West Main Street ADC District, and that the BAR approves the application as submitted with the following conditions:

- **Installation is intended for seasonal use not to exceed a continuous six-month period, provided the tent is not in place between June 1 and October 1 of each year.**
- **Tent is acceptable without side panels, but if used they must be entirely clear. [For ex, no faux windows, or decorations.]**
- **Tent installation will not alter the landscaping or site features, nor be anchored to the historic structure.**
- **The tent roof will be a solid color, without any text, signage, or logos, and no commercial signage will be installed onto the tent or suspended from the tent frame. Colors other than white require BAR staff review.**

Second by Mr. Zehmer. Motion passes 7-0.

F. Other Business

4. Preliminary Discussion

915 East High Street, Tax Parcel 530247000

Martha Jefferson Historic Conservation District

Owner: LO-HI, LLC

Applicant: Ashley Davies, Redlight Management

Project: New Construction

- Staff introduced the new and proposed development in the Martha Jefferson Conservation District.
- There are landscape components as part of this district.
- The applicant presented their proposal for the property, including landscaping and the frontage on Lexington Avenue.
- The proposal includes 192 residential units, associated amenities, a single-story commercial space facing East High, and wrapping a multi-story parking deck.
- The parking deck will serve the residences and the office building.
- The current design is to break down the scale with fenestration and doors and windows and brick colors and patterns and textures.
- Mr. Gastinger read an email from Paul Miller. These were the questions raised in the email: What is being to protect Taylor Walk and the historic home of Fairfax Taylor adjacent to the property?

- The applicant did say that they have a landscape area near Taylor Walk. Taylor Walk is not on this property. The applicant would be open to having a pathway through that landscape buffer.
- Staff is going to investigate the location of Taylor Walk.
- Paul Miller's email brought up the stormwater runoff management and tree canopy development.
- Rainwater retention system will be maintained on the site.
- Mr. Schwarz asked staff about adjusting setbacks. The setbacks on this project are significantly greater than what is currently allowed.
- The applicant is hoping to have a separate parcel that will run along Lexington Avenue. There would be no building on this parcel along Lexington Avenue.
- Members of the BAR provided comments and suggestions for breaking down the massing along Lexington Avenue.

5. Staff questions/discussion

- **410 Second Street** – Came to the BAR a couple months ago. The architect had eliminated the pergola and porch. They want to replace a vent with a window. They also wish to install skylights. Staff was unsure about how members of the BAR would feel about these changes. The BAR was fine with these changes.
- **Locust Avenue House** – House is in rough shape. Replacing windows and siding and roof. Nothing in the Conservation District Guidelines talks about what to do with houses in bad shape. Mr. Gastinger recommended the owners look at the Secretary of Interior Guidelines and Standards for restoring a historic home.

6. Design Guidelines Discussion

- Features of each ADC District

Downtown Historic District – Mr. Schwarz – Need to work on the boundaries of the district. Currently leaves out the library and the Wine Shop. Long list of buildings that should not be contributing. The ordinance did say that everything in the district is contributing. The new ordinance says what is contributing is what established on the maps. Need to talk about pavers, fountains. There have been discussions about The Mall as an individual district.

North Downtown Historic District – Mr. Gastinger – There is a lot missing in the descriptions. There are minimal descriptions of the landscaping. Court Square is underserved. There is no mention of Court Square Park and Market Square Park. Altamount Circle and Altamount Street do warrant some description. The tree canopy impact on power lines has been significant. There is the question of the district boundary lines.

Ridge Street Historic District – Mr. Timmerman – It is referred to as a residential street. Most of the introduction seems like a history that is vague. Recommended changes include that the most important feature is the distinct nature with 3 subparts. There are varying degrees of residential and commercial on Ridge Street. Description seems outdated. Call attention to the consistent setbacks and trees. Topography does play a big role in the district.

West Main Street Historic District – Ms. Lewis – This district is West Main Street and some side streets. The street is mostly flat. There are 3 subparts in this district. Subpart B is the 'canyon' with very wide sidewalks and few street trees and vegetation. Not much has changed in subparts A and C. Street is connecting significant history of the city. Has role in protecting the University and the Downtown Mall.

Wertland Historic District – Mr. Werner – It is on the national register. Our contributing structures don't correspond with the national register. This is going to be where there is the greatest pressure for the setbacks. Need to reevaluate the boundaries.

The Corner Historic District – Mr. Zehmer – There is discussion about the 'turn of the century.' The boundary is well defined. There is room for adjustment in the sub-districts. There is not too much room for improvement to be made for this district.

Oakhurst Gildersleeve Historic District – Mr. Bailey – Boundaries would be different. It is mostly student housing. Parking is in front yard and there are no sidewalks, especially on Valley Road. The University is building right up to the boundary. Focus on preserving Oakhurst Circle. Need to learn more about the history.

Rugby Road, U-Circle, and Venable Historic District – Mr. Whitney – The descriptions are fairly accurate. That area has maintained a pretty good character. There has been a lot of infill along 14th Street. The description does not mention Venable Elementary School.

Adjournment

The meeting was adjourned at 8:21 PM.