

Packet Guide
City of Charlottesville
Board of Architectural Review
Regular Meeting
September 17, 2024, 5:30 p.m.
Hybrid Meeting (In-person at CitySpace and virtual via Zoom)



Pre-Meeting Discussion

Regular Meeting

- A. Matters from the public not on the agenda [or on the Consent Agenda]**
- B. Consent Agenda**
 - 1. Approval of Meeting minutes:** [September 17, 2024](#) (Navigate via link to view document.)
- C. Deferred Items**

n/a
- D. New Items**
 - 2. [Certificate of Appropriateness](#)**

BAR # 24-10-01
1301 Wertland Street, TMP 040303000
Wertland Street ADC District
Owner: Roger and Jean Davis, Trustees
Applicant: Kevin Schafer/Design Develop, LLC
Project: Apartment building. Modifications to approved CoA (January 2023).
 - 3. [Certificate of Appropriateness](#)**

BAR # 24-10-02
1609 Gordon Avenue, TMP 050063100
Rugby Road-University Cir.-Venable ADC District
Owner: Brice Craig/1609 Gordon Avenue, LLC
Applicant: Kevin Schafer, Design Develop, LLC
Project: Three-story apartment building
- E. Other Business**
 - 4. Staff questions/discussion**
 - 5. [Work Session:](#)** Café Space Design Guidelines. Action: Recommendation to City Council RE: Adoption of proposed revisions.
- F. Adjourn**

Certificate of Appropriateness Application

BAR # 24-10-01

1301 Wertland Street, TMP 040303000

Wertland Street ADC District

Owner: Roger and Jean Davis, Trustees

Applicant: Kevin Schafer/Design Develop, LLC

Project: Apartment building. Modifications to approved CoA (January 2023).

Application components (please click a bookmark below to go directly to report pages):

- [Staff Report](#)
- [Application Submittal \[Set 1 dated 9.24.24\]](#)
- [Application Submittal \[Set 2 received by staff 10.9.24\]](#)

Certificate of Appropriateness Application

BAR # 24-10-02

1609 Gordon Avenue, TMP 050063100

Rugby Road-University Cir.-Venable ADC District

Owner: Brice Craig/1609 Gordon Avenue, LLC

Applicant: Kevin Schafer, Design Develop, LLC

Project: Three-story apartment building

Application components (please click a bookmark below to go directly to the report pages):

- [Staff Report](#)
- [Application Submittal](#)
- [Historic Survey](#)

October Work Session: Downtown Mall Café Spaces

Session components (please click a bookmark below to go directly to the item):

- [Staff Report](#)
- [Proposed Guidelines Revisions](#)
- [Catenary Lights Policy](#)
- [ADC District Guidelines- Ch. 5](#)
- [City Code Article VI. Sidewalk Cafés](#)
- [Charlottesville City Cafés Dashboard](#)

**City of Charlottesville
Board of Architectural Review
Staff Report
October 15, 2024**



Certificate of Appropriateness

BAR # 24-10-01

1301 Wertland Street, TMP 040303000

Wertland Street ADC District

Owner: Roger and Jean Davis, Trustees

Applicant: Kevin Schafer/Design Develop, LLC

Project: Modifications to previous CoA - New apartment building.



Background

Year Built: [Likely] 1842. (c1815 or c1830, not confirmed.)

District: Wertland Street ADC District

Status: Contributing structure

Built for the Wertenbaker family in the first half of the 19th-century, the historic house adjacent to the proposed new construction (CoA approved January 2023) is noted for its brick work and elaborate stick-style front porches. The January 2023 submittal with all attachments is linked below.

Prior BAR Reviews: (See appendix for complete list.)

January 18, 2023: #22-09-03. BAR approved CoA (7-0) for the proposed new building at and related alterations to the existing house and property, see motion below.

- Meeting Video: [\(55:54\): BAR Meeting January 18, 2023](#)
- Submittal: [1301 Wertland St - BAR Submittal January 2023](#)
- Motion to approve: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed new building at, and related alterations to, 1301 Wertland Street satisfy the BAR's criteria and are compatible with this property and other properties in the Wertland Street ADC District, and that the BAR approves the application with the following conditions [as amended by the Chair, with references to the AR's discussion]:
 - [Complete] a Phase I archeological investigation of the site.
 - [Per staff 's proposed language.] Protect the existing structure by consulting with an engineer to develop a preservation and protection plan for the Wertenbaker House and submit the preservation plan for the BAR record.
 - [Per staff 's proposed language.] Lighting will be dimmable, have a Color Temperature not exceeding 3,000K, and a Color Rendering Index not less than 80, preferably not less than 90.

And should there be concerns expressed later related to glare, the owner will work with NDS to find a reasonable solution.

- Landscaping:
 - Final location of plantings be adapted to better frame and ensure visibility of the Wertenbaker House from Wertland Street, which may include the moving or removal of serviceberries;
 - include landscape species selection incorporate a large-scale canopy tree where possible as close to Wertland [Street] as possible;
 - the sweetgum variety replaced with a seedless variety, a an approve tree from the City Tree list, or an appropriate native tree of similar scale;
 - [revised landscape plan will be revised and submitted for BAR record].
- Roof top equipment be screened by a method in accordance with BAR guidelines.

Application

- Submittal: Design Develop *Proposed Amendments to COA for 1301 Wertland Street*, dated September 24, 2024 (Set 1: 13 sheets and Set 2: 6 sheets.).

CoA request for proposed alterations to the design and materials approved by the BAR in January 2023:

- Alternate brick and mortar selections.
- Alternate balcony railings: Trex Signature Aluminum Railing. Color: “Charcoal Black”.
- East and west (side) elevations:
 - Replace brick at 1st and 2nd floor balcony and stairwell walls with painted, cement-board panels.
 - Reduce width of sliding doors from 6-feet to 5-feet.
- North (rear) elevation:
 - Replace twin windows and doors with single units.
 - Building wall: Replace brick with painted, cement-board panels.
 - Alternate railing: Trex Signature Aluminum Railing. Color: “Charcoal Black”.
 - Retaining wall: Replace brick with finished concrete.

Discussion & Recommendations

Staff has no issues with proposed modifications to the railings, windows, doors, and rear retaining wall and the proposed use of cement panels in lieu of brick at sections of the east, west, and north elevations. Individually, these would likely be OK’d by staff as routine changes typical when a project moves toward construction. However, viewed cumulatively with the requested change to the brick and mortar, staff determined formal review by the BAR was necessary.

To assist with the BAR’s discussion, during the BAR’s January 18, 2023 review of the initial CoA, the following questions and comments focused on the masonry:

Questions:

- BAR - Was your intention to try to match the brick of the house or to create a bit of contrast? In the renderings, the new building looks like it is a little redder/slightly darker.
- Mr. Schafer – The thought process was that it is a handmade brick on the existing structure. Matching it perfectly is not going to be possible. We did want to propose a high quality brick that had the same materiality quality to it. It is a similar shade. Matching the shade would be

pretty challenging as well. The grout is able to get much closer. The goal was to compliment but not try to replicate.

Comments:

- BAR - One detail is the brick. I appreciate the brick study and the thought behind that. How do you take this new building and relate it in some way to the historic context? I am relieved to hear that you're not going for an exact replica. I don't think that is quite the way to do it nor is it feasible. A little contrast is good; having an intention behind it makes all of the difference.
- BAR - I looked at the brick selection. I guess it was Windsor you were looking at. They didn't have it on the website. You might need to check in with your brick rep. You might have to alter your selection. What you have talked about is right; trying to find something complimentary to the historic structure. That is important. I do feel that this is a big building. It is close to the historic house.

Suggested Motions

Approval: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed modifications to the approved design (ref CoA #22-09-03) for new construction at 1301 Wertland Street satisfy the BAR's criteria and are compatible with this property and other properties in the Wertland Street ADC District, and that the BAR approves the application [as submitted].

Or, [... as submitted] with the following conditions:

Denial: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed modifications to the approved design (ref CoA #22-09-03) for new construction at 1301 Wertland Street do not satisfy the BAR's criteria and are not compatible with this property and other properties in the Wertland Street ADC District, and that for the following reasons the BAR denies the application as submitted: [...].

Criteria, Standards and Guidelines, under Major Historic Review

Per Chapter 34, Div. 5.2.7. C.2:

- a. In considering a particular application the BAR will approve the application unless it finds:
 - i. That the proposal does not meet specific standards set forth within this Section or applicable provisions of the City's design guidelines; and
 - ii. The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the IPP that is the subject of the application.
- b. The BAR will approve, approve with conditions, or deny applications for Certificates of Appropriateness in accordance with the provisions of this Section.
- c. The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and character of the Architecture Design Control District, Individually Protected Property, or Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations: [Not germane to this request.]

Per Chapter 34, Div. 5.2.7. D.1:

- a. Review of the proposed construction, reconstruction, alteration or restoration of a building or structure is limited to exterior architectural features, including signs, and the following features and factors:
 - i. 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 District;
 - ii. The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs, and signs;
 - iii. The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
 - iv. The effect of the proposed change on the adjacent building or structures;
 - v. The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls, and walks;
 - vi. Whether the proposed method of construction, renovation, or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
 - vii. When reviewing any proposed sign as part of an application under consideration, the standards set forth within Div. 4.11. Signs will be applied; and
 - viii. Any applicable provisions of the City's design guidelines.

Pertinent ADC District Design Guidelines

Chapter III – *New Construction and Additions*

Link: [Chapter 3 New Construction and Additions](#)

I. Windows and Doors

- 1) The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent historic facades.
 - a. The majority of existing buildings in Charlottesville's historic districts have a higher proportion of wall area than void area except at the storefront level.
 - b. In the West Main Street corridor in particular, new buildings should reinforce this traditional proportion.
- 2) The size and proportion, or the ratio of width to height, of window and door openings on new buildings' primary facades should be similar and compatible with those on surrounding historic facades.
 - a. The proportions of the upper floor windows of most of Charlottesville's historic buildings are more vertical than horizontal.
 - b. Glass storefronts would generally have more horizontal proportions than upper floor openings.
- 3) Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the historic districts as opposed to designing openings that are flush with the rest of the wall.
- 4) Many entrances of Charlottesville's historic buildings have special features such as transoms, sidelights, and decorative elements framing the openings. Consideration should be given to incorporating such elements in new construction.
- 5) Darkly tinted mirrored glass is not an appropriate material for windows in new buildings within the historic districts.
- 6) If small-paned windows are used, they should have true divided lights or simulated divided lights with permanently affixed interior and exterior muntin bars and integral spacer bars between the panes of glass.

- 7) Avoid designing false windows in new construction.
- 8) Appropriate material for new windows depends upon the context of the building within a historic district, and the design of the proposed building. Sustainable materials such as wood, aluminum-clad wood, solid fiberglass, and metal windows are preferred for new construction. Vinyl windows are discouraged.
- 9) Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.

M. Materials and Textures

- 1) The selection of materials and textures for a new building should be compatible with and complementary to neighboring buildings.
- 2) In order to strengthen the traditional image of the residential areas of the historic districts, brick, stucco, and wood siding are the most appropriate materials for new buildings.
- 3) In commercial/office areas, brick is generally the most appropriate material for new structures. "Thin set" brick is not permitted. Stone is more commonly used for site walls than buildings.
- 4) Large-scale, multi-lot buildings, whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings, can have varied materials, shades, and textures.
- 5) Synthetic siding and trim, including, vinyl and aluminum, are not historic cladding materials in the historic districts, and their use should be avoided.
- 6) Cementitious siding, such as Hardi Plank boards and panels, are appropriate.
- 7) Concrete or metal panels may be appropriate.
- 8) Metal storefronts in clear or bronze are appropriate.
- 9) The use of Exterior Insulation and Finish Systems (EIFS) is discouraged but may be approved on items such as gables where it cannot be seen or damaged. It requires careful design of the location of control joints.
- 10) The use of fiberglass-reinforced plastic is discouraged. If used, it must be painted.
- 11) All exterior trim woodwork, decking and flooring must be painted, or may be stained solid if not visible from public right-of-way.

N. Paint [Color palette]

- 1) The selection and use of colors for a new building should be coordinated and compatible with adjacent buildings, not intrusive.
- 2) In Charlottesville's historic districts, various traditional shades of brick red, white, yellow, tan, green, or gray are appropriate. For more information on colors traditionally used on historic structures and the placement of color on a building, see Chapter 4: Rehabilitation.
- 3) Do not paint unpainted masonry surfaces.
- 4) It is proper to paint individual details different colors.
- 5) More lively color schemes may be appropriate in certain sub-areas dependent on the context of the sub-areas and the design of the building.

O. Details and Decoration

- 1) Building detail and ornamentation should be consistent with and related to the architecture of the surrounding context and district.
- 2) The mass of larger buildings may be reduced using articulated design details.
- 3) Pedestrian scale may be reinforced with details.

Appendix

Previous BAR Reviews:

February 15, 2022: BAR held a preliminary discussion for this project.

Meeting video (01:22:00): [BAR Meeting Feb 15 2022](#)

Submittal: [1301 Wertland St - BAR Submittal February 2022](#)

March 15, 2022: BAR held a preliminary discussion for this project.

Meeting video (00:08:46): [BAR Meeting March 15 2022](#)

Submittal: [1301 Wertland St - BAR Submittal March 2022](#)

September 20, 2022: BAR discussion; accepted applicant's request for deferral.

Meeting video (01:22:00): [BAR Meeting Sept 20 2022](#)

Submittal: [1301 Wertland St - BAR Submittal September 2022](#)

October 18, 2022: BAR discussion; accepted applicant's request for deferral.

Meeting video (0:55:00): [BAR Meeting October 18 2022](#)

Submittal: [1301 Wertland St - BAR Submittal October 2022](#)

1301 WERTLAND ST.
PARCEL 040303000
PROPOSED AMENDMENTS TO COA
PRESENTED BY



DESIGN
DEVELOP

09 | 24 | 2024

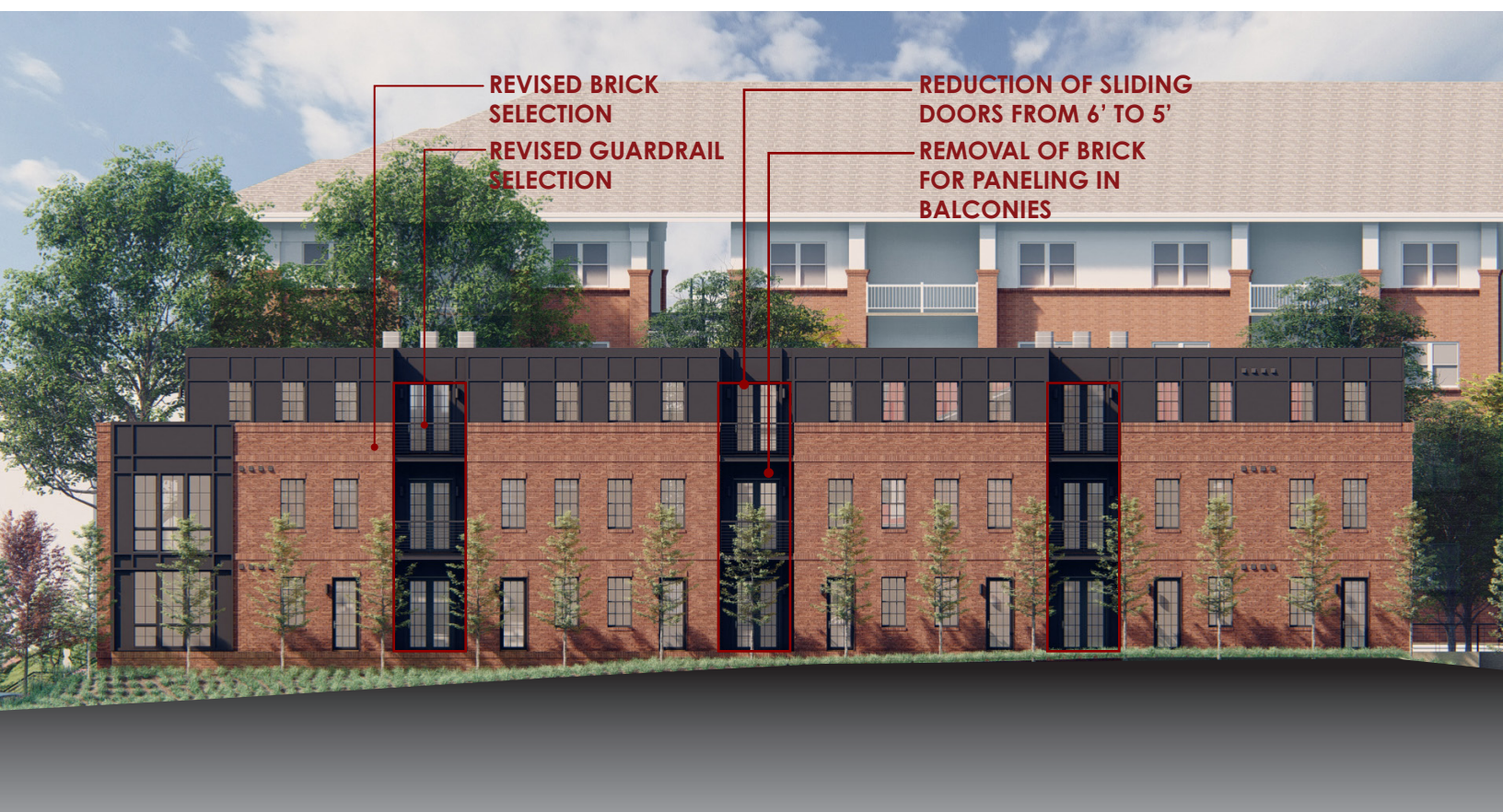
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13	GUARDRAIL PRODUCT



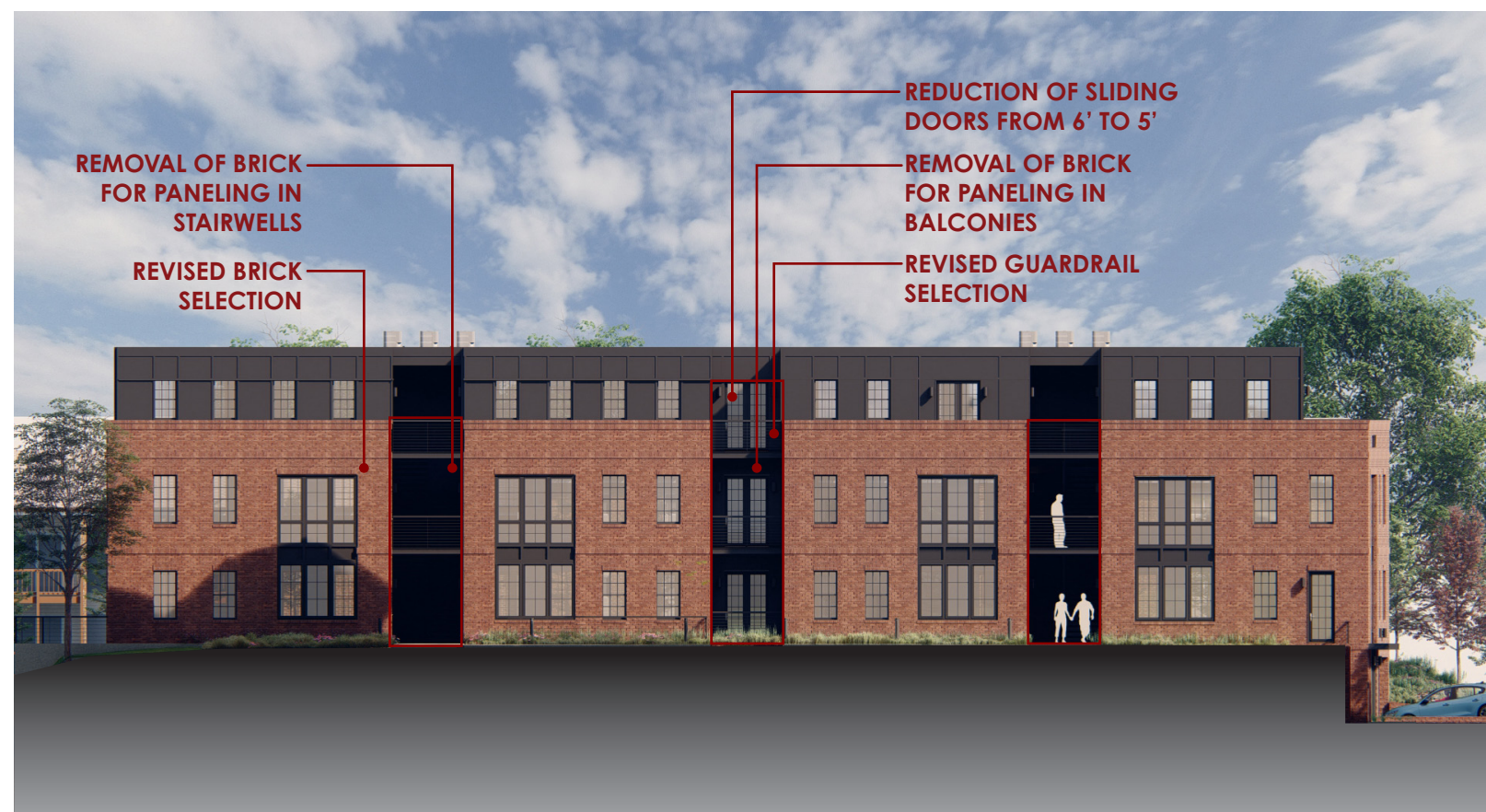
PREVIOUS EAST ELEVATION



PREVIOUS WEST ELEVATION



PROPOSED EAST ELEVATION



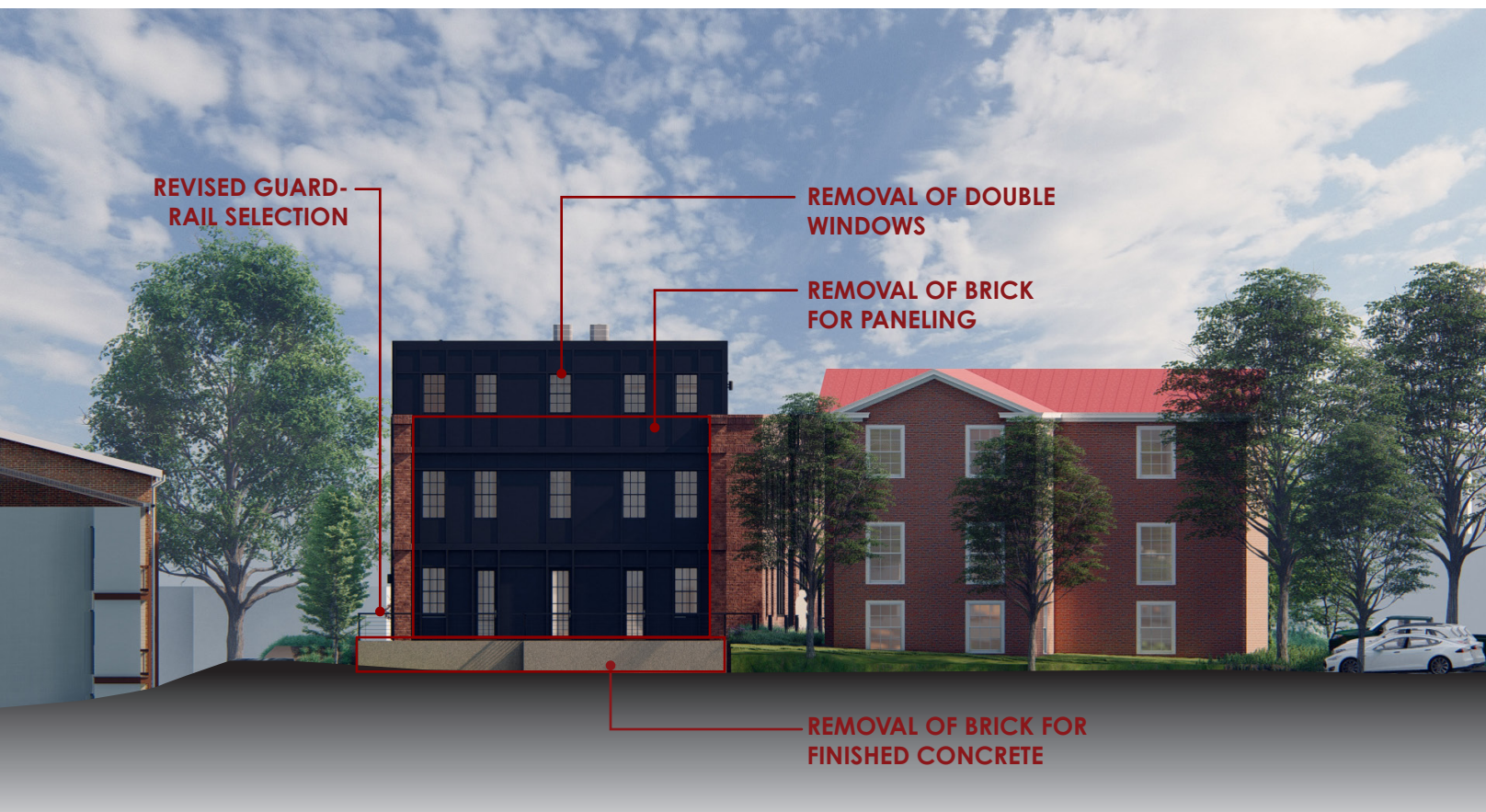
PROPOSED WEST ELEVATION



PREVIOUS NORTH ELEVATION



PREVIOUS SOUTH ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED



1301 WERTLAND ST.
CHARLOTTESVILLE, VA

PROPOSED PERSPECTIVE FROM 13TH STREET

PROPOSED AMENDMENT
SEPTEMBER 24TH, 2024



EXISTING

1301 WERTLAND ST.
CHARLOTTESVILLE, VA

PROPOSED PERSPECTIVE FROM WERTLAND STREET

PROPOSED AMENDMENT
SEPTEMBER 24TH, 2024



1301 WERTLAND ST.
CHARLOTTESVILLE, VA

PROPOSED PERSPECTIVE ON WERTLAND ST.

PROPOSED AMENDMENT
SEPTEMBER 24TH, 2024



1301 WERTLAND ST.
CHARLOTTESVILLE, VA

CENTRAL PEDESTRIAN AXIS
9

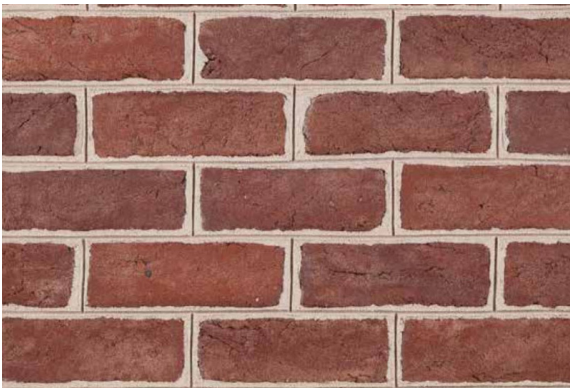
PROPOSED AMENDMENT
SEPTEMBER 24TH, 2024



1301 WERTLAND ST.
CHARLOTTESVILLE, VA

COURTYARD PERSPECTIVE
10

PROPOSED AMENDMENT
SEPTEMBER 24TH, 2024



PREVIOUS BRICK:
OLD CAROLINA BRICK COMPANY
HANDMADE BRICK IN "WINDSOR"

POTENTIAL ALTERNATIVES:



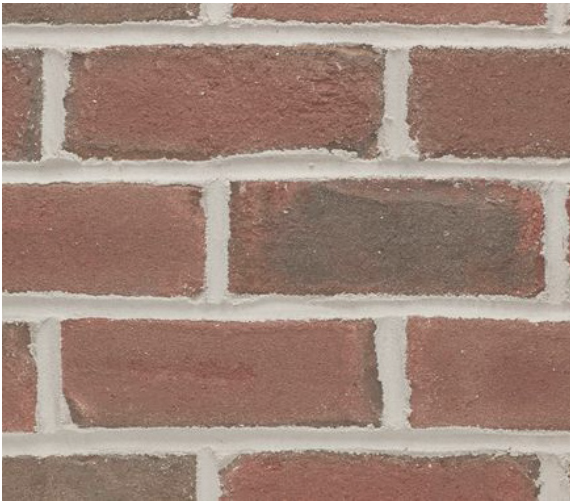
GLEN-GERY BRICK IN
"DANISH 1776"



WATSON TOWN BRICK IN
"PALISADES PARK"



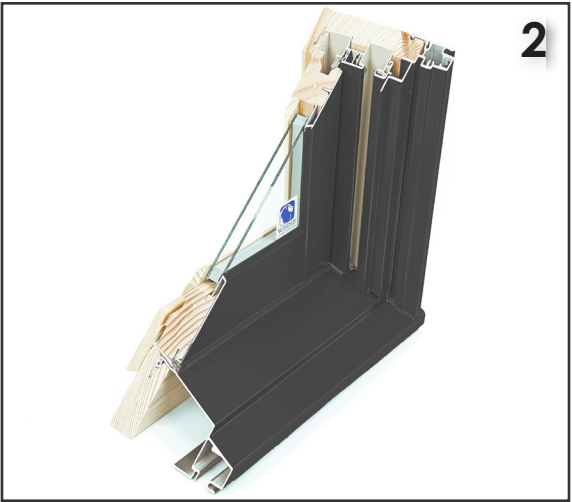
PINE HALL BRICK IN
"OLD YORKTOWN"



GENERAL SHALE BRICK IN
"JEFFERSON WADE TUDOR"



TREX ENHANCED NATURAL DECKING
"COASTAL BLUFF"



WINDSOR PINNACLE ALUMINUM
CLAD WOOD WINDOWS IN "SABLE"



SMOOTH FIBER CEMENT TRIM
BENJAMIN MOORE "MIDNIGHT OIL"



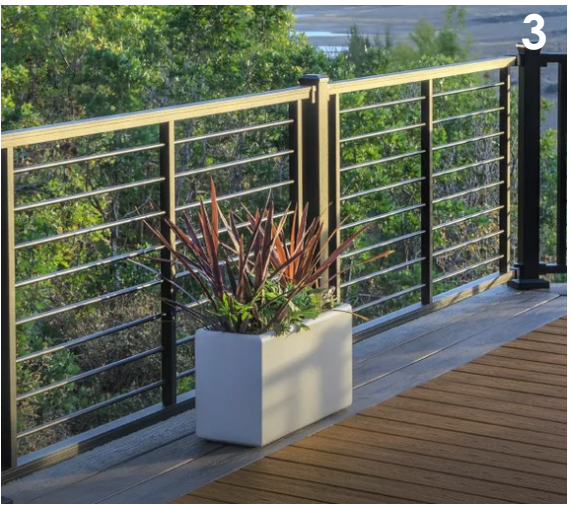
JAMES HARDIE VERICAL BOARD AND
BATTEN SIDING PAINTED BENJAMIN
MOORE "MIDNIGHT OIL"



BRICK, PER PREVIOUS PAGE



ARGOS "SAN TAN" MORTAR

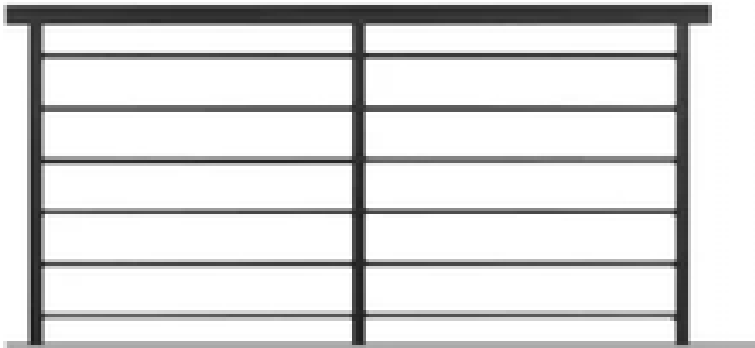


TREX SIGNATURE ALUMINUM RAILING
IN CHARCOAL BLACK



TREX SIGNATURE ALUMINUM RAILING

SQUARE BALUSTER WITH ROD RAIL INFILL, 42" HEIGHT



1301 WERTLAND ST.
PARCEL 040303000
PROPOSED AMENDMENTS TO COA
PRESENTED BY



DESIGN
DEVELOP

09 | 24 | 2024

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PREVIOUSLY APPROVED SELECTION



PREFERRED ALTERNATIVE: PINEHALL BRICK
OLD YORK TOWN O/S TUMBLED
(WEST FACADE)



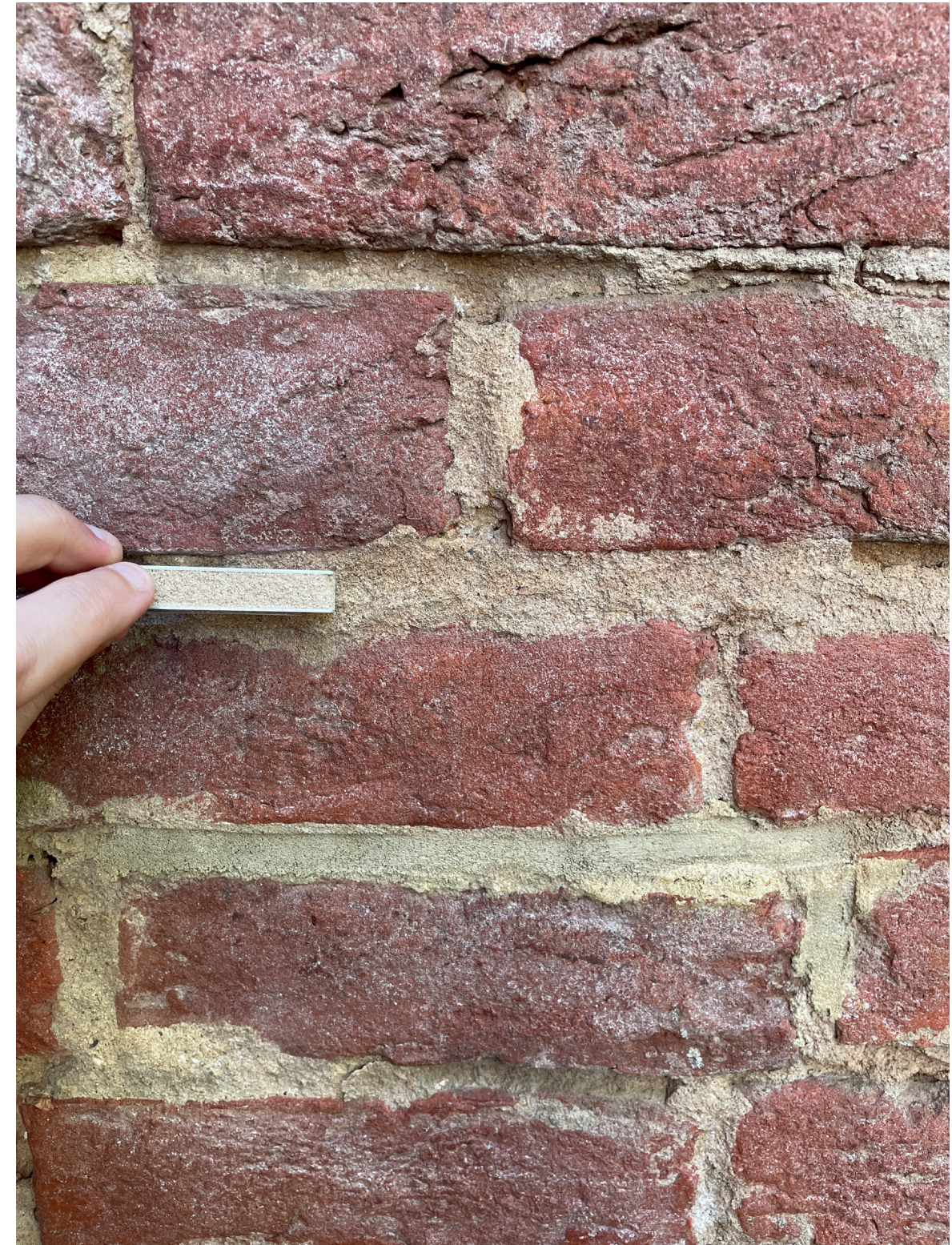
PREFERRED ALTERNATIVE IN FULL SUN
(SOUTH FACADE / MID-AFTERNOON)



PREFERRED MORTAR: WORKRITE "MORNING MIST"
WR2247A



PREFERRED ALTERNATIVE IN SHADOW
(NORTH FACADE)

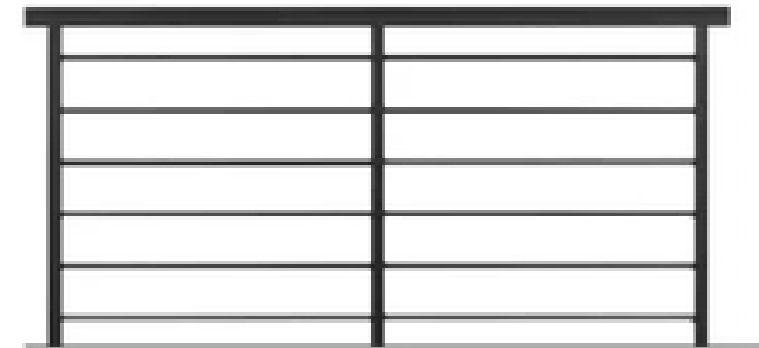


PREFERRED MORTAR: WORKRITE "MORNING MIST"
IN SHADOW (NORTH FACADE)



TREX SIGNATURE ALUMINUM RAILING

SQUARE BALUSTER WITH ROD RAIL INFILL, 42" HEIGHT



**City of Charlottesville
Board of Architectural Review
Staff Report
October 15, 2024**



Certificate of Appropriateness

BAR # 24-10-02

1609 Gordon Avenue, TMP 050063100

Rugby Road - University Cir - Venable ADC District [non-contributing]

Owner: Brice Craig / 1609 Gordon Avenue, LLC

Applicant: Kevin Schafer, Design Develop

Project: Three-story apartment building



Background: Existing two-story apartment building, to be razed.

Year Built: 1963

District: Rugby Road-University Circle-Venable Neighborhood ADC District

Status: Non-contributing (No CoA required for demolition.)

Prior BAR Reviews

Preliminary discussion, February 21, 2024.

Media links: [Staff Report](#) (pg. 57 of 134), [Meeting minutes](#) and [video](#) (46:54).

Application

- Submittal: Design Develop, LLC drawings: *1609 Gordon Ave BAR Submission*, dated October 15, 2024 (30 sheets).

Request CoA for construction of a three-story apartment building with internal parking.

Note: The parcel is zoned RX-5. Sheet 4 of the submittal incorrectly refers to RX-3 zoning; however, that error does not affect the CoA.

Discussion

For a summary of how this building compares to the characteristics of nearby structures, see pages 2, 3 and 4 of the staff report for the February 21, 2024 preliminary discussion. (See PDF pages 59-61 at: [Staff Report](#)). In the appendix (end of this report) are five recent examples of new construction and large additions approved in this ADC district.

The design presented for this CoA reflects the BAR's comments during the preliminary discussion. (See the applicant's summary on sheet 15 of the submittal.)

Note: Staff recommended the applicant anticipate the following questions from the BAR, suggesting they have that information available for the October 15 meeting.

- Consider better screening of the roof-top mechanical units. Either by location, unit sizes, or higher parapet.
- Provide sections for, or describe the details at, the eaves, the overhang at the podium, and the ceilings below the balconies.

Otherwise, staff recommends approval of the CoA with the conditions noted below:

- All exterior lighting and fixed lighting within the garage that produces light visible outside (that is, excluding vehicle headlights), will have lamping that is dimmable, have a Color Temperature [CCT] not exceeding 3,000K, and have a Color Rendering Index [CRI] not less than 80, preferably not less than 90.
- The EIFS material will be a drainable, exterior wall covering consisting of sheathing, air and moisture barrier, insulation board, reinforcing fabric, base coat, finish coat, adhesive and mechanical fasteners as applicable, and where installed in areas adjacent to pedestrian traffic or prone to damage [for ex, at the balconies and stairwells] it will be reinforced or a Class PM system and/or a high-impact resistant system.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened.
- Meters and panel boxes for utilities, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened.
- Applied grilles are allowed on insulated glass windows, provided they have internal space bars.

Suggested Motions

Approval: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed apartment building at 1609 Gordon Avenue satisfies the BAR's criteria and is compatible with this property and other properties in the Rugby Road - University Circle - Venable ADC District, and that the BAR approves the application [as submitted with the conditions recommended by staff].

Or, [... as submitted with the following conditions]: ...

Denial: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find proposed apartment building at 1609 Gordon Avenue does not satisfy the BAR's criteria and is not compatible with this property and other properties in the Rugby Road - University Circle - Venable ADC District, and that for the following reasons the BAR denies the application as submitted: [...].

Criteria, Standards and Guidelines of the City Code, under Major Historic Review

Review Criteria Generally

Per Chapter 34, Div. 5.2.7. C.2:

- a. In considering a particular application the BAR will approve the application unless it finds:
 - i. That the proposal does not meet specific standards set forth within this Section or applicable provisions of the City's design guidelines; and
 - ii. The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the IPP that is the subject of the application.
- b. The BAR will approve, approve with conditions, or deny applications for Certificates of Appropriateness in accordance with the provisions of this Section.

- c. The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and character of the Architecture Design Control District, Individually Protected Property, or Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations: [not germane to this request.]

Standards for Review and Decision

Per Chapter 34, Div. 5.2.7. D.1:

- a. Review of the proposed construction, reconstruction, alteration or restoration of a building or structure is limited to exterior architectural features, including signs, and the following features and factors:
 - i. 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 District;
 - ii. The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs, and signs;
 - iii. The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
 - iv. The effect of the proposed change on the adjacent building or structures;
 - v. The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls, and walks;
 - vi. Whether the proposed method of construction, renovation, or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
 - vii. When reviewing any proposed sign as part of an application under consideration, the standards set forth within Div. 4.11. Signs will be applied; and
 - viii. Any applicable provisions of the City's design guidelines.

Pertinent ADC District Design Guidelines

Links

[Chapter 1 Introduction \(Part 1\)](#)

[Chapter 1 Introduction \(Part 2\)](#)

[Chapter 2 Site Design and Elements](#)

[Chapter 3 New Construction and Additions](#)

[Chapter 4 Rehabilitation](#)

[Chapter 5 Signs, Awnings, Vending, and Cafes](#)

[Chapter 6 Public Improvements](#)

[Chapter 7 Demolition and Moving](#)

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Chapter II – *Site Design and Elements*

B. Plantings

- 1) Encourage the maintenance and planting of large trees on private property along the streetfronts, which contribute to the “avenue” effect.
- 2) Generally, use trees and plants that are compatible with the existing plantings in the neighborhood.
- 3) Use trees and plants that are indigenous to the area.
- 4) Retain existing trees and plants that help define the character of the district, especially street trees and hedges.

- 5) Replace diseased or dead plants with like or similar species if appropriate.
- 6) When constructing new buildings, identify and take care to protect significant existing trees and other plantings.
- 7) Choose ground cover plantings that are compatible with adjacent sites, existing site conditions, and the character of the building.
- 8) Select mulching and edging materials carefully and do not use plastic edgings, lava, crushed rock, unnaturally colored mulch or other historically unsuitable materials.

C. Walls and Fences

- 1) Maintain existing materials such as stone walls, hedges, wooden picket fences, and wrought-iron fences.
- 2) When a portion of a fence needs replacing, salvage original parts for a prominent location.
- 3) Match old fencing in material, height, and detail.
- 4) If it is not possible to match old fencing, use a simplified design of similar materials and height.
- 5) For new fences, use materials that relate to materials in the neighborhood.
- 6) Take design cues from nearby historic fences and walls.
- 7) Chain-link fencing, split rail fences, and vinyl plastic fences should not be used.
- 8) Traditional concrete block walls may be appropriate.
- 9) Modular block wall systems or modular concrete block retaining walls are strongly discouraged but may be appropriate in areas not visible from the public right-of-way.
- 10) If street-front fences or walls are necessary or desirable, they should not exceed four (4) feet in height from the sidewalk or public right-of-way and should use traditional materials and design.
- 11) Residential privacy fences may be appropriate in side or rear yards where not visible from the primary street.
- 12) Fences should not exceed six (6) feet in height in the side and rear yards.
- 13) Fence structures should face the inside of the fenced property.
- 14) Relate commercial privacy fences to the materials of the building. If the commercial property adjoins a residential neighborhood, use a brick or painted wood fence or heavily planted screen as a buffer.
- 15) Avoid the installation of new fences or walls if possible in areas where there are no fences or walls and yards are open.
- 16) Retaining walls should respect the scale, materials and context of the site and adjacent properties.
- 17) Respect the existing conditions of the majority of the lots on the street in planning new construction or a rehabilitation of an existing site.

D. Lighting

- 1) In residential areas, use fixtures that are understated and compatible with the residential quality of the surrounding area and the building while providing subdued illumination.
- 2) Choose light levels that provide for adequate safety yet do not overly emphasize the site or building. Often, existing porch lights are sufficient.
- 4) Do not use numerous “crime” lights or bright floodlights to illuminate a building or site when surrounding lighting is subdued.
- 7) Consider motion-activated lighting for security.

E. Walkways and Driveways

- 1) Use appropriate traditional paving materials like brick, stone, and scored concrete.
- 2) Concrete pavers are appropriate in new construction, and may be appropriate in site renovations, depending on the context of adjacent building materials, and continuity with the surrounding site and district.

- 3) Gravel or stone dust may be appropriate, but must be contained.
- 4) Stamped concrete and stamped asphalt are not appropriate paving materials.
- 5) Limit asphalt use to driveways and parking areas.
- 6) Place driveways through the front yard only when no rear access to parking is available.
- 7) Do not demolish historic structures to provide areas for parking.
- 8) Add separate pedestrian pathways within larger parking lots, and provide crosswalks at vehicular lanes within a site.

F. Parking Areas and Lots

- 1) If new parking areas are necessary, construct them so that they reinforce the street wall of buildings and the grid system of rectangular blocks in commercial areas.
- 2) Locate parking lots behind buildings.
- 3) Screen parking lots from streets, sidewalks, and neighboring sites through the use of walls, trees, and plantings of a height and type appropriate to reduce the visual impact year-round.
- 4) Avoid creating parking areas in the front yards of historic building sites.
- 5) Avoid excessive curb cuts to gain entry to parking areas.
- 6) Avoid large expanses of asphalt.
- 7) On large lots, provide interior plantings and pedestrian walkways.
- 8) Provide screening from adjacent land uses as needed.
- 9) Install adequate lighting in parking areas to provide security in evening hours.
- 10) Select lighting fixtures that are appropriate to a historic setting.

H. Utilities and Other Site Appurtenances

1. Plan the location of overhead wires, utility poles and meters, electrical panels, antennae, trash containers, and exterior mechanical units where they are least likely to detract from the character of the site.
2. Screen utilities and other site elements with fences, walls, or plantings.
3. Encourage the installation of utility services underground.
4. Antennae and communication dishes should be placed in inconspicuous rooftop locations, not in a front yard.
5. Screen all rooftop mechanical equipment with a wall of material harmonious with the building or structure.

Chapter III – *New Construction and Additions*

A. Introduction

3. Building Types within the Historic Districts

When designing new buildings in the historic districts, one needs to recognize that while there is an overall distinctive district character, there is, nevertheless, a great variety of historic building types, styles, and scales throughout the districts and sub-areas that are described in Chapter 1:

Introduction. Likewise, there are several types of new construction that might be constructed within the districts the design parameters of these new buildings will differ depending on the following types:

b. Residential Infill

These buildings are new dwellings that are constructed on the occasional vacant lot within a block of existing historic houses. Setback, spacing, and general massing of the new dwelling are the most important criteria that should relate to the existing historic structures, along with residential roof and porch forms.

B. Setback

- 2) Use a minimal setback if the desire is to create a strong street wall or setback consistent with the surrounding area.
- 3) Modify setback as necessary for sub-areas that do not have well-defined street walls.
- 10) Keep residential setbacks within 20 percent of the setbacks of a majority of neighborhood dwellings.

C. Spacing

- 1) Maintain existing consistency of spacing in the area. New residences should be spaced within 20 percent of the average spacing between houses on the block.
- 3) In areas that do not have consistent spacing, consider limiting or creating a more uniform spacing in order to establish an overall rhythm.
- 4) Multi-lot buildings should be designed using techniques to incorporate and respect the existing spacing on a residential street.

D. Massing and Footprint

- 2) New infill construction in residential sub-areas should relate in footprint and massing to the majority of surrounding historic dwellings.

E. Height and Width

- 1) Respect the directional expression of the majority of surrounding buildings. In commercial areas, respect the expression of any adjacent historic buildings, which generally will have a more vertical expression.
- 2) Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.
- 5) Reinforce the human scale of the historic districts by including elements such as porches, entrances, storefronts, and decorative features depending on the character of the particular sub-area.

F. Scale

- 1) Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.

G. Roof

- 1) Roof Forms and Pitches
 - e. Shallow pitched roofs and flat roofs may be appropriate in historic residential areas on a contemporary designed building.
- 2) Roof Materials: Common roof materials in the historic districts include metal, slate, and composition shingles.
 - a. For new construction in the historic districts, use traditional roofing materials such as standing-seam metal or slate.
- 3) Rooftop Screening
 - a. If roof-mounted mechanical equipment is used, it should be screened from public view on all sides.
 - b. The screening material and design should be consistent with the design, textures, materials, and colors of the building.
 - c. The screening should not appear as an afterthought or addition the building.

H. Orientation

- 1) New commercial construction should orient its façade in the same direction as adjacent historic buildings, that is, to the street.
- 2) Front elevations oriented to side streets or to the interior of lots should be discouraged.

I. Windows and Doors

- 1) The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent historic facades.
 - a. The majority of existing buildings in Charlottesville's historic districts have a higher proportion of wall area than void area except at the storefront level.
- 2) The size and proportion, or the ratio of width to height, of window and door openings on new buildings' primary facades should be similar and compatible with those on surrounding historic facades.
 - a. The proportions of the upper floor windows of most of Charlottesville's historic buildings are more vertical than horizontal.
- 3) Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the historic districts as opposed to designing openings that are flush with the rest of the wall.
- 4) Many entrances of Charlottesville's historic buildings have special features such as transoms, sidelights, and decorative elements framing the openings. Consideration should be given to incorporating such elements in new construction.
- 5) Darkly tinted mirrored glass is not an appropriate material for windows in new buildings within the historic districts.
- 6) If small-paned windows are used, they should have true divided lights or simulated divided lights with permanently affixed interior and exterior muntin bars and integral spacer bars between the panes of glass.
- 7) Avoid designing false windows in new construction.
- 8) Appropriate material for new windows depends upon the context of the building within a historic district, and the design of the proposed building. Sustainable materials such as wood, aluminum-clad wood, solid fiberglass, and metal windows are preferred for new construction. Vinyl windows are discouraged.
- 9) Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.

Note: In August 2018, the BAR clarified this recommendation as follows: BAR concluded that VLT 70 should remain the preference relative to clear glass. However, they acknowledged the case-by-case flexibility offered in the Design Guidelines; specifically, though not exclusively, that this allows for the consideration of alternatives—e.g. VLTs below 70--and that subsequent BAR decisions regarding glass should be guided by the project's location (e.g. on the Downtown Mall versus a side street), the type of windows and location on the building (e.g. a street level storefront versus the upper floors of an office building), the fenestration design (e.g. continuous glass walls versus punched windows), energy conservation goals, the intent of the architectural design, matching historical glass, and so on.

J. Porches

- 1) Porches and other semi-public spaces are important in establishing layers or zones of intermediate spaces within the streetscape.

K. Street-Level Design

- 1) Street level facades of all building types, whether commercial, office, or institutional, should not have blank walls; they should provide visual interest to the passing pedestrian.
- 11) A parking garage vehicular entrance/exit opening should be diminished in scale, and located off to the side to the degree possible.

L. Foundation and Cornice

- 1) Distinguish the foundation from the rest of the structure through the use of different materials, patterns, or textures.
- 2) Respect the height, contrast of materials, and textures of foundations on surrounding historic buildings.
- 3) If used, cornices should be in proportion to the rest of the building.
- 4) Wood or metal cornices are preferred. The use of fypon may be appropriate where the location is not immediately adjacent to pedestrians.

M. Materials and Textures

- 1) The selection of materials and textures for a new building should be compatible with and complementary to neighboring buildings.
- 2) In order to strengthen the traditional image of the residential areas of the historic districts, brick, stucco, and wood siding are the most appropriate materials for new buildings.
- 3) In commercial/office areas, brick is generally the most appropriate material for new structures. "Thin set" brick is not permitted. Stone is more commonly used for site walls than buildings.
- 4) Large-scale, multi-lot buildings, whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings, can have varied materials, shades, and textures.
- 5) Synthetic siding and trim, including, vinyl and aluminum, are not historic cladding materials in the historic districts, and their use should be avoided.
- 6) Cementitious siding, such as HardiPlank boards and panels, are appropriate.
- 7) Concrete or metal panels may be appropriate.
- 8) Metal storefronts in clear or bronze are appropriate.
- 9) The use of Exterior Insulation and Finish Systems (EIFS) is discouraged but may be approved on items such as gables where it cannot be seen or damaged. It requires careful design of the location of control joints.
- 10) The use of fiberglass-reinforced plastic is discouraged. If used, it must be painted.
- 11) All exterior trim woodwork, decking and flooring must be painted, or may be stained solid if not visible from public right-of-way.

N. Paint

- 1) The selection and use of colors for a new building should be coordinated and compatible with adjacent buildings, not intrusive.
- 2) In Charlottesville's historic districts, various traditional shades of brick red, white, yellow, tan, green, or gray are appropriate. For more information on colors traditionally used on historic structures and the placement of color on a building, see Chapter 4: Rehabilitation.
- 3) Do not paint unpainted masonry surfaces.
- 4) It is proper to paint individual details different colors.
- 5) More lively color schemes may be appropriate in certain sub-areas dependent on the context of the sub-areas and the design of the building.

O. Details and Decoration

- 1) Building detail and ornamentation should be consistent with and related to the architecture of the surrounding context and district.
- 2) The mass of larger buildings may be reduced using articulated design details.
- 3) Pedestrian scale may be reinforced with details.

Appendix

Examples of recently approved new construction or large-scale alterations within the Rugby Road - University Circle - Venable Neighborhood ADC District:

- 1532 - 1534 Virginia Avenue – new four-story apartment building
- 503 Rugby Road – three-story sorority house; reconstruction of exterior walls
- 485 14th St. NW – two-story rear addition
- 517 Rugby Rd. – rear addition
- 605 Preston Place – new three-story apartment building



1532-1534 Virginia Avenue



503 Rugby Road



485 14th Street, NW



517 Rugby Road



605 Preston Place

1609 GORDON AVE
PARCEL 050063100
BAR SUBMISSION

PRESENTED BY



10 | 15 | 2024

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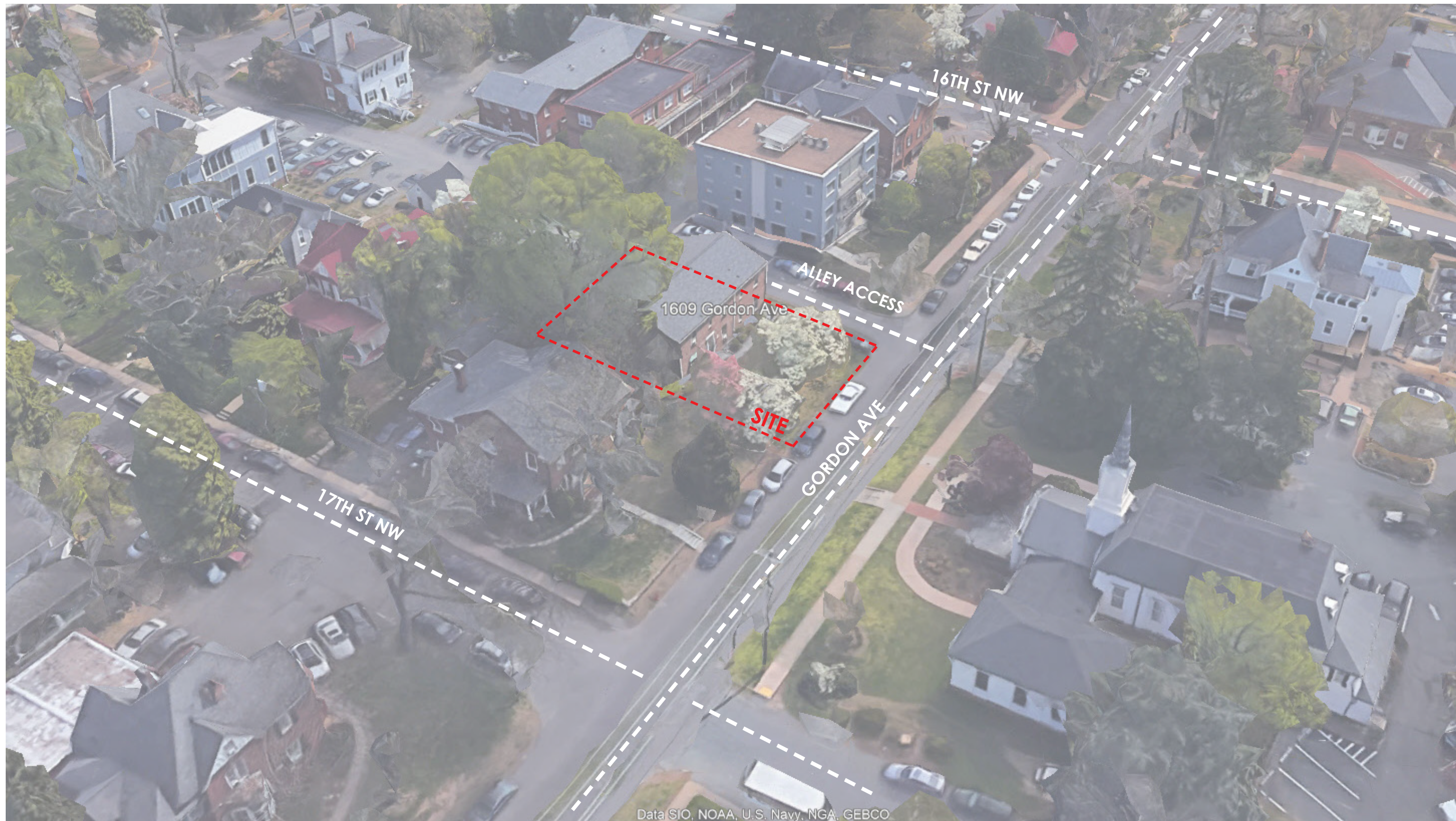
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1609 Gordon Ave



1618 Gordon Ave

Existing landscaping acts
as visual screening



Gordon Ave

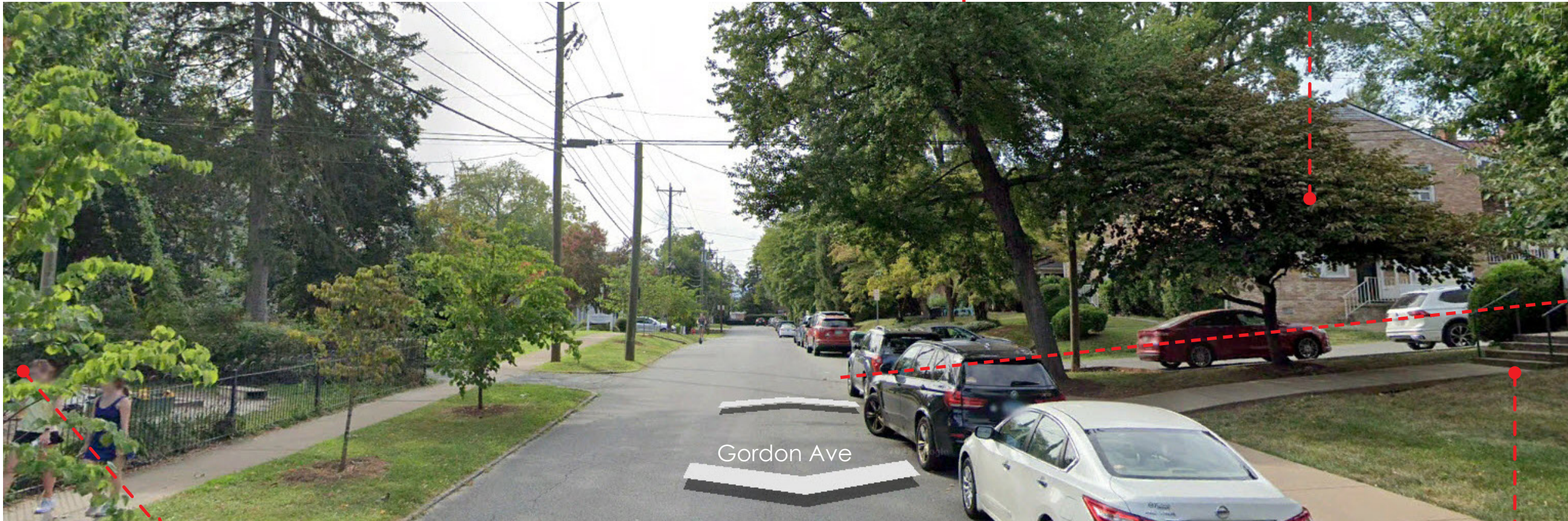


1621 Gordon Ave



1609 Gordon Ave

Existing landscaping acts
as visual screening

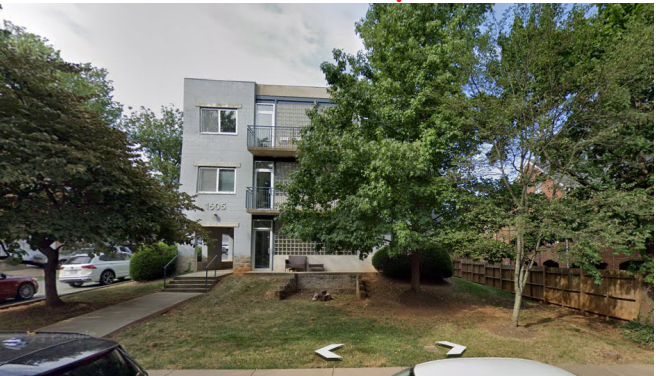


Alley
Access

Gordon Ave



1602 Gordon Ave



1605 Gordon Ave



1605 GORDON AVE (EAST ADJACENT)



1621 GORDON AVE (WEST ADJACENT)



503 16TH ST



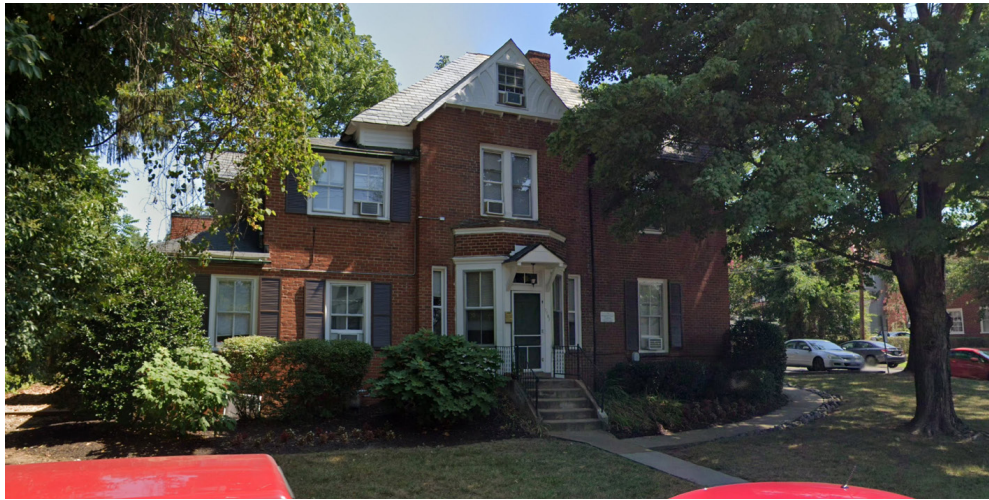
1618 GORDON AVE



1600 GORDON AVE



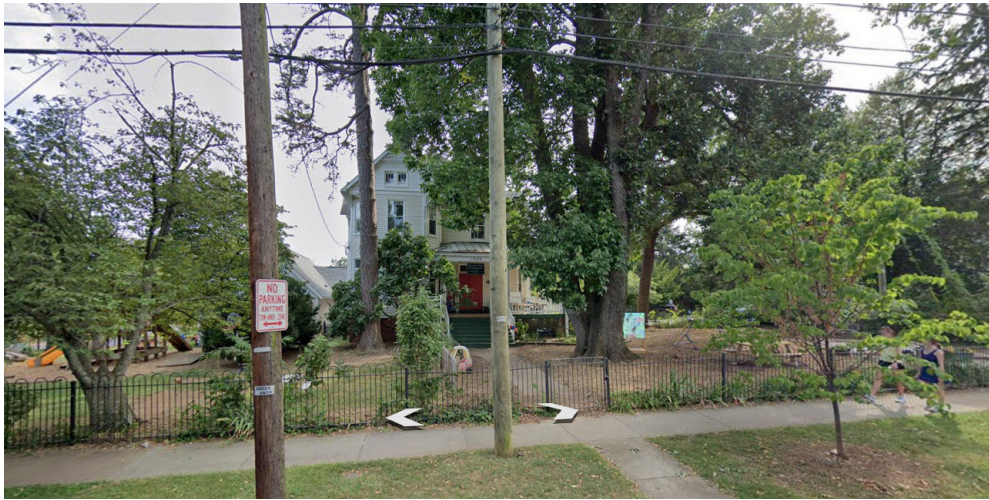
503 16TH ST



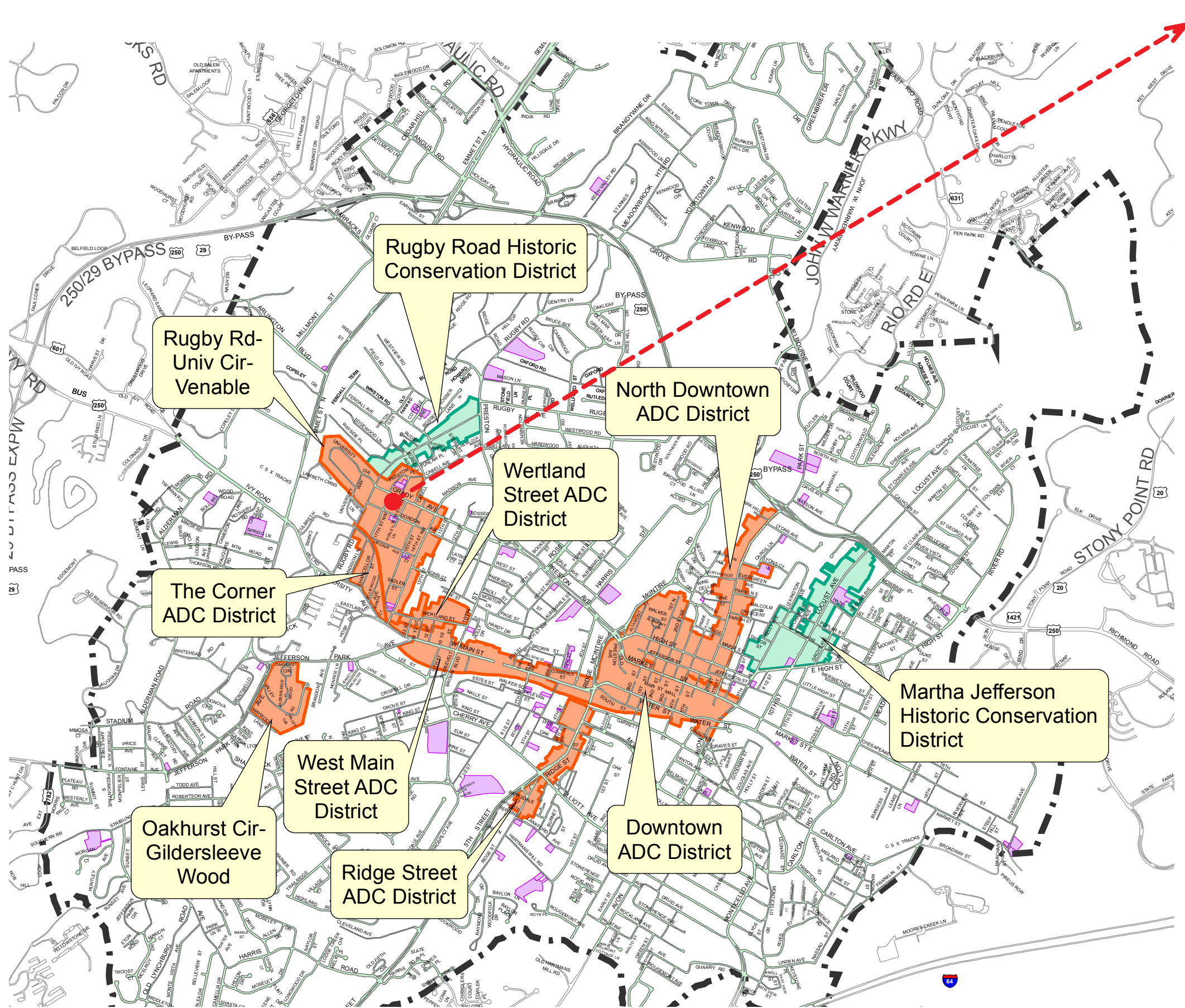
1702 GORDON AVE



1702 GORDON AVE



1602 GORDON AVE



ADC DISTRICT
Rugby Rd./ University Circle/ Veneble

ADC DISTRICT CONTEXT



1500 GRADY AVE



1601 GRADY AVE

1609 GORDON AVE
CHARLOTTESVILLE, VA

ADC CONTEXT

BAR SUBMISSION
OCTOBER 15, 2024



1534 VIRGINIA AVE



301 15TH ST NW



1704 GORDON AVE



1533 VIRGINIA AVE



10 UNIVERSITY CIRCLE



326 15TH ST NW



1609 GORDON AVE

ADC DISTRICT

RUGBY RD./ UNIVERSITY CIRCLE/ VENEABLE

SIGNIFICANCE TO DISTRICT FROM CITY SURVEY

THIS 2-STORY, 5-BAY, NEO-COLONIAL STYLE BRICK VENEERED APARTMENT BUILD WAS BUILT IN 1963.

“ALTHOUGH IT MAINTAINS THE SCALE OF THE DISTRICT”, IT DOES NOT CONTRIBUTE TO ITS VISUAL APPEAL AND ADDITIONALLY, THE BUILDING IS NON-CONTRIBUTING TO THE DISTRICT BECAUSE OF ITS AGE.

A. INTRODUCTION: (PG 6) OFTEN NEW COMMERCIAL, OFFICE, OR MULTI-USE BUILDINGS WILL BE CONSTRUCTED ON SITES MUCH LARGER THAN THE TRADITIONALLY SIZED LOTS 25 TO 40 FEET WIDE. MANY SITES FOR SUCH STRUCTURES ARE LOCATED ON WEST MAIN STREET AND IN THE 14TH AND 15TH STREET AREA OF THE VENABLE NEIGHBORHOOD. THESE ASSEMBLED PARCELS CAN TRANSLATE INTO NEW STRUCTURES WHOSE SCALE AND MASS MAY OVERWHELM NEIGHBORING EXISTING STRUCTURES. **THEREFORE, WHILE THIS BUILDING TYPE MAY NEED TO RESPOND TO THE VARIOUS BUILDING CONDITIONS OF THE SITE, IT ALSO SHOULD EMPLOY DESIGN TECHNIQUES TO REDUCE ITS VISUAL PRESENCE. THESE COULD INCLUDE VARYING FACADE WALL PLANES, DIFFERING MATERIALS, STEPPED-BACK UPPER LEVELS, AND IRREGULAR MASSING.**

B. SETBACK: (PG 7) CONSTRUCT NEW COMMERCIAL BUILDINGS WITH A MINIMAL OR NO SETBACK IN ORDER TO REINFORCE THE TRADITIONAL STREET WALL. USE A MINIMAL SETBACK IF THE DESIRE IS TO CREATE A STRONG STREET WALL OR SETBACK CONSISTENT WITH THE SURROUNDING AREA. **KEEP RESIDENTIAL SETBACKS WITHIN 20 PERCENT OF THE SETBACKS OF A MAJORITY OF NEIGHBORHOOD DWELLINGS. AT TRANSITIONAL SITES BETWEEN TWO DISTINCTIVE AREAS OF SETBACK, FOR INSTANCE BETWEEN NEW COMMERCIAL AND HISTORIC COMMERCIAL, CONSIDER USING SETBACKS IN THE NEW CONSTRUCTION THAT REINFORCE AND RELATE TO SETBACKS OF THE HISTORIC BUILDINGS.**







C. SPACING: (PG 8) **MAINTAIN EXISTING CONSISTENCY OF SPACING IN THE AREA.** NEW RESIDENCES SHOULD BE SPACED WITHIN 20 PERCENT OF THE AVERAGE SPACING BETWEEN HOUSES ON THE BLOCK. IN AREAS THAT DO NOT HAVE CONSISTENT SPACING, CONSIDER LIMITING OR CREATING A MORE UNIFORM SPACING IN ORDER TO ESTABLISH AN OVERALL RHYTHM.

D. MASSING AND FOOTPRINT: (PG 9) NEIGHBORHOOD TRANSITIONAL BUILDINGS SHOULD HAVE SMALL BUILDING FOOTPRINTS SIMILAR TO NEARBY DWELLINGS.

1. IF THE FOOTPRINT IS LARGER, THEIR MASSING SHOULD BE REDUCED TO RELATE TO THE SMALLER-SCALED FORMS OF RESIDENTIAL STRUCTURES.
2. TECHNIQUES TO REDUCE MASSING COULD INCLUDE **VARYING THE SURFACE LANES OF THE BUILDINGS, STEPPING BACK THE BUILDINGS AS THE STRUCTURE INCREASES IN HEIGHT, AND BREAKING UP THE ROOF LINE WITH DIFFERENT ELEMENTS TO CREATE SMALLER COMPOSITIONS.**

E. HEIGHT AND WIDTH: (PG 10) RESPECT THE DIRECTIONAL EXPRESSION OF THE MAJORITY OF SURROUNDING BUILDINGS. ATTEMPT TO KEEP THE HEIGHT AND WIDTH OF NEW BUILDINGS WITHIN A MAXIMUM OF 200 PERCENT OF THE PREVAILING HEIGHT AND WIDTH IN THE SURROUNDING SUB-AREA. **REINFORCE THE HUMAN SCALE OF THE HISTORIC DISTRICTS BY INCLUDING ELEMENTS SUCH AS PORCHES, ENTRANCES, STOREFRONTS, AND DECORATIVE FEATURES DEPENDING ON THE CHARACTER OF THE PARTICULAR SUB-AREA.**

F. SCALE: (PG 11) IN CHARLOTTESVILLE, THERE IS A VARIETY OF SCALE. **REINFORCE THE SCALE AND CHARACTER OF THE SURROUNDING AREA, WHETHER HUMAN OR MONUMENTAL.**

-  ... TAKE CUES FROM THE ADJACENT CONTEXTUAL STRUCTURES ALONG GORDON AVE AND THE ARCHITECTURAL DESIGN CONTROL DISTRICT. THE VARIOUS, IRREGULAR MASSES THAT MAKE UP THE STRUCTURE ALLOW FOR THE VISUAL PRESENCE OF THE BUILDING TO BE REDUCED
- ... DIFFERING MATERIALS ALLOW FOR THE BUILDING TO BE REDUCED, AS ATTENTION IS DRAWN TO THE STREET LEVEL
- ... EXISTING LANDSCAPING ACTS AS A VEGETATIVE SCREEN TRAVELING EASTBOUND ON GORDON AVE.
-  ... REACT AND RESPOND TO ADJACENT STRUCTURES AND MAINTAIN TRADITIONAL STREET WALL. PLANNED SETBACK RESPONDS TO THE NEIGHBORHOOD DWELLINGS OF THE RESIDENTIAL NEIGHBORHOOD.
- ... ACCESS TO GROUND FLOOR PARKING THROUGH THE EAST ALLEY FITS WITH THE STREET WALL CONTEXT.
-  ... REINFORCE THE ESTABLISHED SPACING BETWEEN BUILDINGS FOUND ON THE BLOCK.
-  ... REDUCE LARGER MASSING TO SMALLER-SCALED FORMS BY BREAKING UP THE ROOF LINE, AND VARYING THE SURFACE OF THE BUILDING.
- ...BY ALLOWING STAIRS TOWERS AND BALCONIES TO CREATE VISUAL SLOTS IN THE MASS, THE OVERALL MASS APPEARS SMALLER SCALED WHILE STILL ADDING NEEDED DENSITY TO THE DISTRICT.
-  ... RESPECT THE DIRECTIONAL EXPRESSION OF THE SURROUNDING BUILDINGS BY ESTABLISHING A DIRECTIONAL RELATIONSHIP BETWEEN THE OLD AND NEW CONSTRUCTION.
- ... ADD TO THE DISTRICT BY THE REMOVAL OF THE EXISTING STRUCTURE IN PLACE OF A MORE TIMELESS AND THOUGHTFUL DESIGN
-  ... ACKNOWLEDGE THAT THIS DISTRICT HAS VARYING SCALES, ARCHITECTURAL STYLES, USES, AND TECHNIQUES IN DEALING WITH SCALE. REINFORCE THIS VARIATION BY PROVIDING A THOUGHTFULLY COMPOSED AND COHESIVE EXTERIOR THAT DIRECTLY REFERENCES THE SCALE OF THE ADJACENT HISTORIC STRUCTURE. INTRODUCE DETAILING ELEMENTS TO REINFORCE THE HUMAN SCALE.

G. ROOF: (PG 12) **LARGE-SCALE, MULTI-LOT BUILDINGS SHOULD HAVE A VARIED ROOF LINE TO BREAK UP THE MASS OF THE DESIGN USING GABLE AND/OR HIPPED FORMS.** SHALLOW PITCHED ROOFS AND FLAT ROOFS MAY BE APPROPRIATE IN HISTORIC RESIDENTIAL AREAS ON A CONTEMPORARY DESIGNED BUILDING.



...PROVIDE A VARIED ROOF LINE TO BREAK UP THE MASSING. UTILIZE THE VOIDS CREATED BY STAIRS, BALCONIES, AND BUILDING FORMS TO PROVIDE A VARIED ROOF LINE. UTILIZE PARAPETS IN LIEU OF LARGE OVERHANGS TO SHIELD MECHANICAL EQUIPMENT WHILE REDUCING THE VISUAL IMPACT OF THE ROOF LINE.

H. ORIENTATION: (PG 14) **NEW COMMERCIAL CONSTRUCTION SHOULD ORIENT ITS FAÇADE IN THE SAME DIRECTION AS ADJACENT HISTORIC BUILDINGS, THAT IS, TO THE STREET.**



... FRONT ORIENTATION MAINTAINS STREET CONDITION, ORTHOGONAL TO THE EAST ALLEY AND GORDON AVE

I. WINDOWS AND DOORS: (PG 15) **THE RHYTHM, PATTERNS, AND RATIO OF SOLIDS (WALLS) AND VOIDS (WINDOWS AND DOORS) OF NEW BUILDINGS SHOULD RELATE TO AND BE COMPATIBLE WITH ADJACENT HISTORIC FACADES.** THE SIZE AND PROPORTION, OR THE RATIO OF WIDTH TO HEIGHT, OF WINDOW AND DOOR OPENINGS ON NEW BUILDINGS' PRIMARY FACADES SHOULD BE SIMILAR AND COMPATIBLE WITH THOSE ON SURROUNDING HISTORIC FACADES.



...PROVIDE APPROPRIATELY PROPORTIONED WINDOWS THAT RELATE TO AND ARE COMPATIBLE WITH ADJACENT HISTORIC FACADES. RESIDENTIAL SCALED, PUNCHED OPENINGS ARE PROPOSED IN A MORE TRADITIONAL AND RATIONAL ORDER ARRANGEMENT.

K. STREET-LEVEL DESIGN: (PG 17) **STREET LEVEL FACADES OF ALL BUILDING TYPES, WHETHER COMMERCIAL, OFFICE, OR INSTITUTIONAL, SHOULD NOT HAVE BLANK WALLS;** THEY SHOULD PROVIDE VISUAL INTEREST TO THE PASSING PEDESTRIAN. NEIGHBORHOOD TRANSITIONAL BUILDINGS IN GENERAL SHOULD NOT HAVE TRANSPARENT FIRST FLOORS, AND THE DESIGN AND SIZE OF THEIR FAÇADE OPENINGS SHOULD RELATE MORE TO NEIGHBORING RESIDENTIAL STRUCTURES.



... ELIMINATE BLANK WALLS THROUGH CHANGE IN MATERIALS, BALCONIES, PORCHES, CIRCULATION CORE ELEMENTS, AND APPROPRIATE AMOUNTS OF GLAZING. UTILIZE PORCHES AND ENTRANCES TO BREAK DOWN BLANK WALLS.

L. FOUNDATION & CORNICE: (PG 18) FACADES GENERALLY HAVE A THREE-PART COMPOSITION: A FOUNDATION OR BASE THAT RESPONDS AT THE PEDESTRIAN OR STREET, THE MIDDLE SECTION, AND THE CAP OR CORNICE THAT TERMINATES THE MASS AND ADDRESSES HOW THE BUILDING MEETS THE SKY



... PEDESTRIAN STREET LEVEL MAINTAINS BRICK FACADE IN ORDER TO RESPOND TO THE STREET LEVEL TRAFFIC AND HISTORIAL CONTEXT.

M. MATERIALS & TEXTURES: (PG 19) **THE SELECTION OF MATERIALS AND TEXTURES FOR A NEW BUILDING SHOULD BE COMPATIBLE WITH AND COMPLEMENTARY TO NEIGHBORING BUILDINGS.** IN ORDER TO STRENGTHEN THE TRADITIONAL IMAGE OF THE RESIDENTIAL AREAS OF THE HISTORIC DISTRICTS, BRICK, STUCCO, AND WOOD SIDING ARE THE MOST APPROPRIATE MATERIALS FOR NEW BUILDINGS. LARGE-SCALE, MULTI-LOT BUILDINGS, WHOSE PRIMARY FACADES HAVE BEEN DIVIDED INTO DIFFERENT BAYS AND PLANES TO RELATE TO EXISTING NEIGHBORING BUILDINGS, CAN HAVE VARIED MATERIALS, SHADES, AND TEXTURES.



... SELECT HIGH-QUALITY, LOW MAINTENANCE MATERIALS THAT ARE IN KEEPING WITH ADJACENT ESTABLISHED MATERIAL CHOICES. THE PROPOSED MATERIALS ARE BRICK AND FIBER-CEMENT PANELIZED SIDING (I.E. HARDIEPANEL)

N. PAINT: (PG 20) THE SELECTION AND USE OF COLORS FOR A NEW BUILDING SHOULD BE COORDINATED AND COMPATIBLE WITH ADJACENT BUILDINGS, NOT INTRUSIVE.



... PROPOSAL AVOIDS BRIGHTLY COLORED OR INTRUSIVE PAINT COLORS

O. DETAILS AND DECORATIONS: (PG 21) **MORE SUCCESSFUL NEW BUILDINGS MAY TAKE THEIR CUES FROM HISTORIC IMAGES AND REINTRODUCE AND REINTERPRET DESIGNS OF TRADITIONAL DECORATIVE ELEMENTS** OR MAY HAVE A MODERNIST APPROACH IN WHICH DETAILS AND DECORATION ARE MINIMAL.



... PROVIDE A HOLISTIC COMPOSITION THAT IS DEFERENTIAL TO ITS HISTORIC CONTEXT. TAKE CUES FROM ADJACENT BRICK DETAILING IN HEADERS, SILLS, SOLIDER COURSING, AND CORNICES. TAKE CUES FROM CORNICE LINE HEIGHTS AND BUILDING PROPORTIONS.



REVISIONS BASED ON BOARD'S COMMENTS:

1. RESIDENTIAL STANDING SEAM METAL ROOF DETAIL TO REPLACE COMMERCIAL STANDING SEAM METAL ROOF RIDGE CAP.

2. EIFS SYSTEM TO REPLACE HARDIE PANELS TO PROVIDE A MORE SEAMLESS LOOK AND TO EMPHASIZE WINDOW ORGANIZATION THROUGH A RATIONAL ORGANIZATION OF JOINTS.

3. ELIMINATE VISUAL ODITY OF “FLOATING” BRICK OVER LARGE SCALE OPENINGS BY REPLACING IT WITH HARDIE SIDING.

4. SCREENING ADDED AT GARAGE TO FURTHER REDUCE THE IMPACT OF TUCK-UNDER PARKING.

5. FURTHER DEVELOPMENT OF LANDSCAPING, PEDESTRIAN ACCESS, AND AMENITY SPACE.

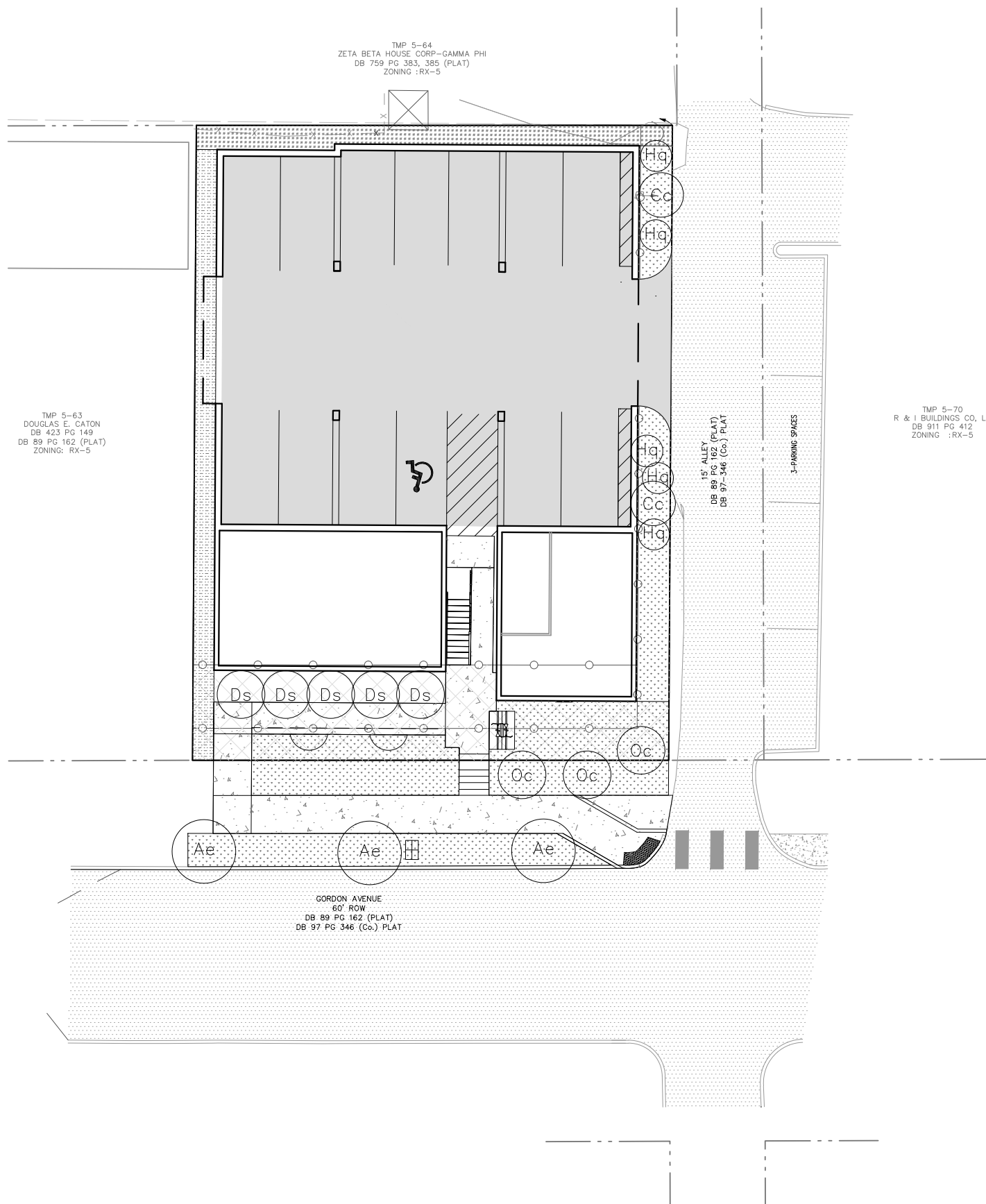
6. EMPHASIZE THE GABLE FORM AND ADDRESS THE STREET WITH CANTILEVERED VOLUME.











LANDSCAPE SCHEDULE							
Plant Symbol	Planting Type	Botanical Name	Common Name	Caliper/ Gallon Size	Quantity	Canopy SF	Total Canopy SF
Cc	Ornamental Tree	Cornus Kousa	Kousa Dogwood	5" Gallon	2	49	98
Hq	Deciduous Shrub	Hydrangea arboresence	Wild Hydrangea		5	0	0
Ds	Powerline-Compatible	Arborea	Downy Serviceberry	3" Gallon	5	78	390
Ae	Large Street Tree	Americana	American Elm -Princeton/Jefferson	2" Caliper	3	105	315
Oc	Small Street Tree	X Incamp	Okame Cherry	5" Gallon	3	78	234
						TOTAL SF:	1037

	Mowed Lawn
	Grass and perennial mix (thredleaf bluestar, panicum, virgatum shenendoah switchgrass;swamp milkweed;hyssop (purple haze))
	Virginia Creeper ivy (at garage openings and screens)





1609 GORDON AVE
CHARLOTTESVILLE, VA

PERSPECTIVE FROM GORDON AVE
22

BAR SUBMISSION
OCTOBER 15, 2024



1609 GORDON AVE
CHARLOTTESVILLE, VA

PERSPECTIVE FROM GORDON AVE
23

BAR SUBMISSION
OCTOBER 15, 2024









SOUTH ELEVATION



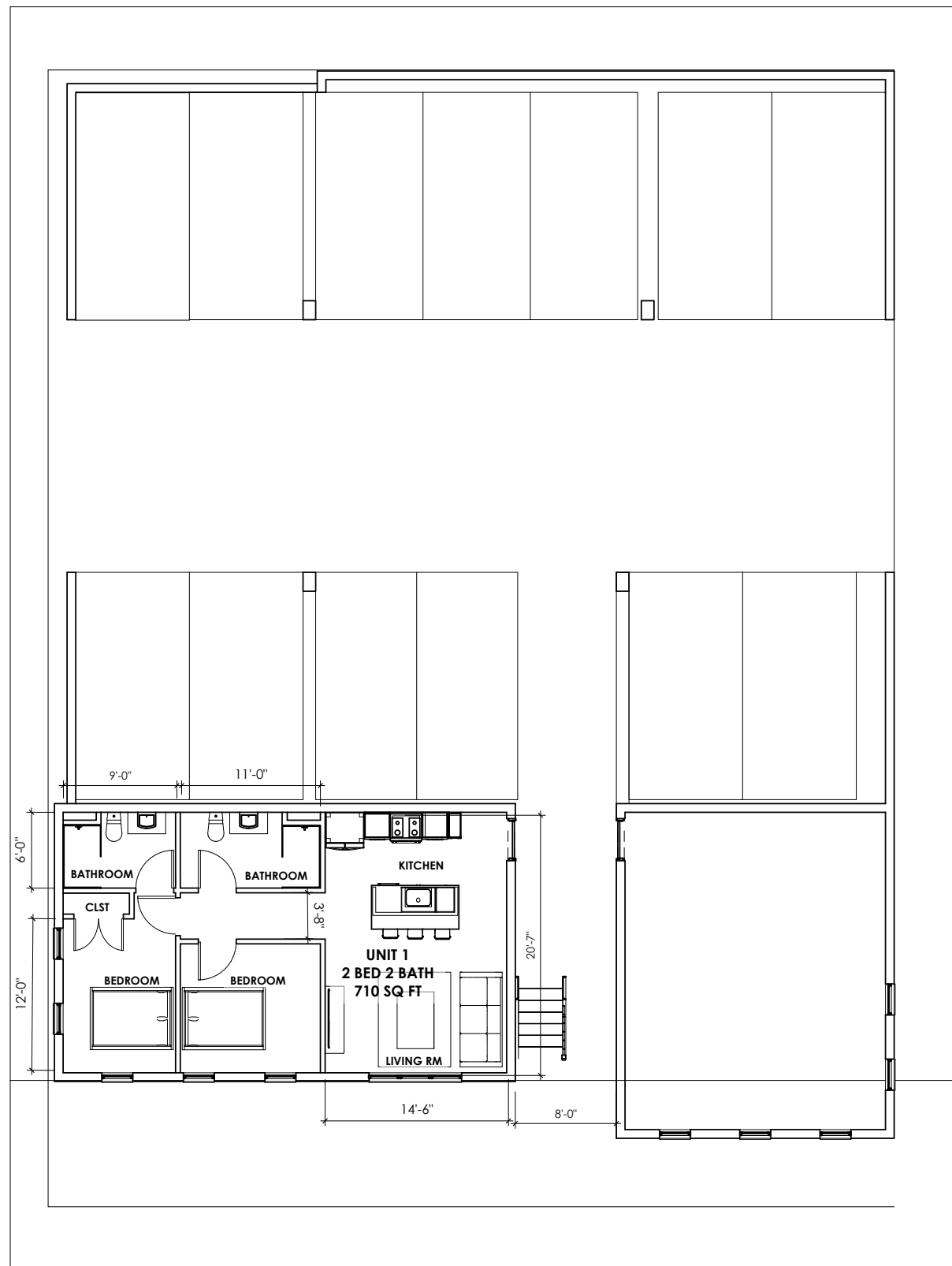
EAST ELEVATION



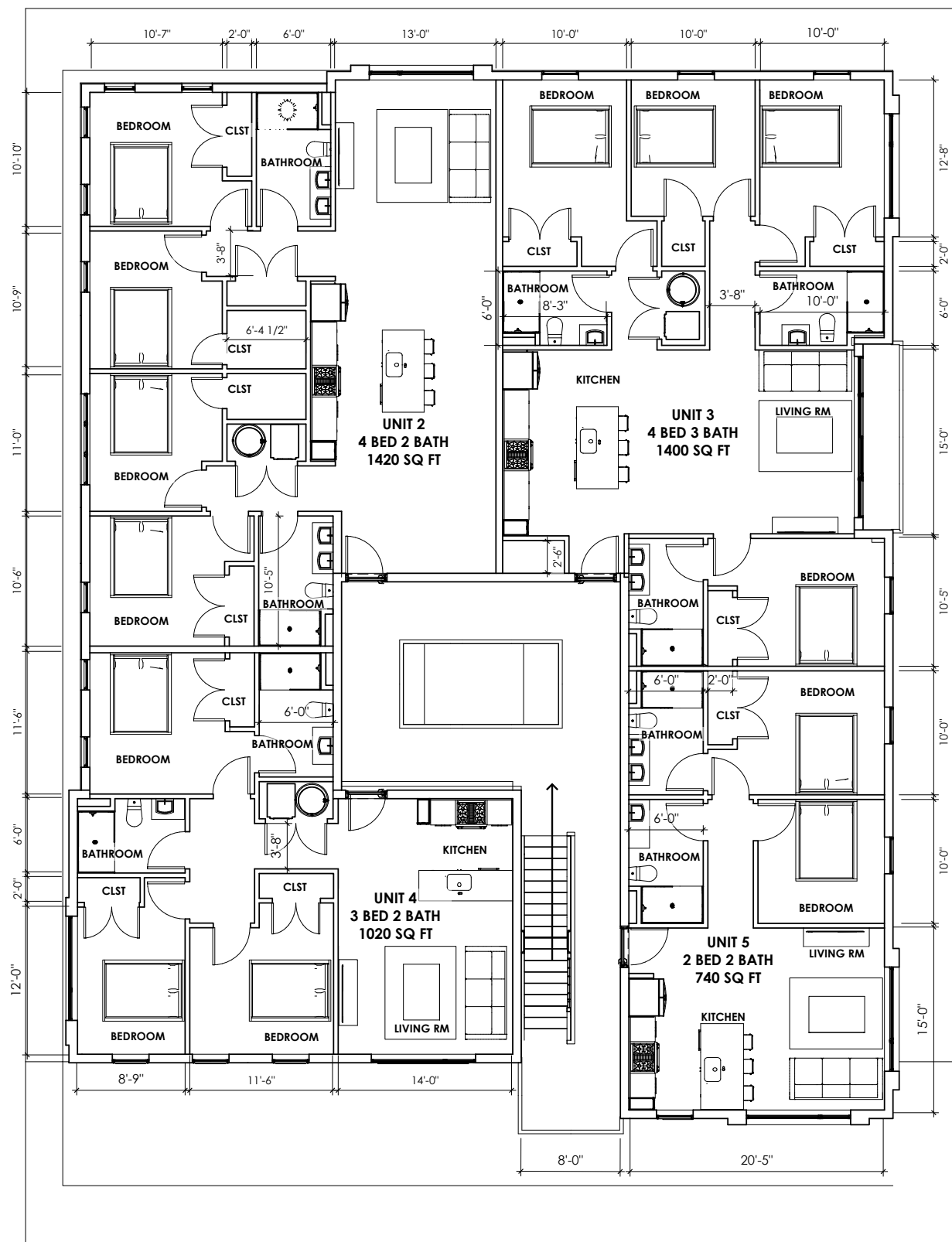
NORTH ELEVATION



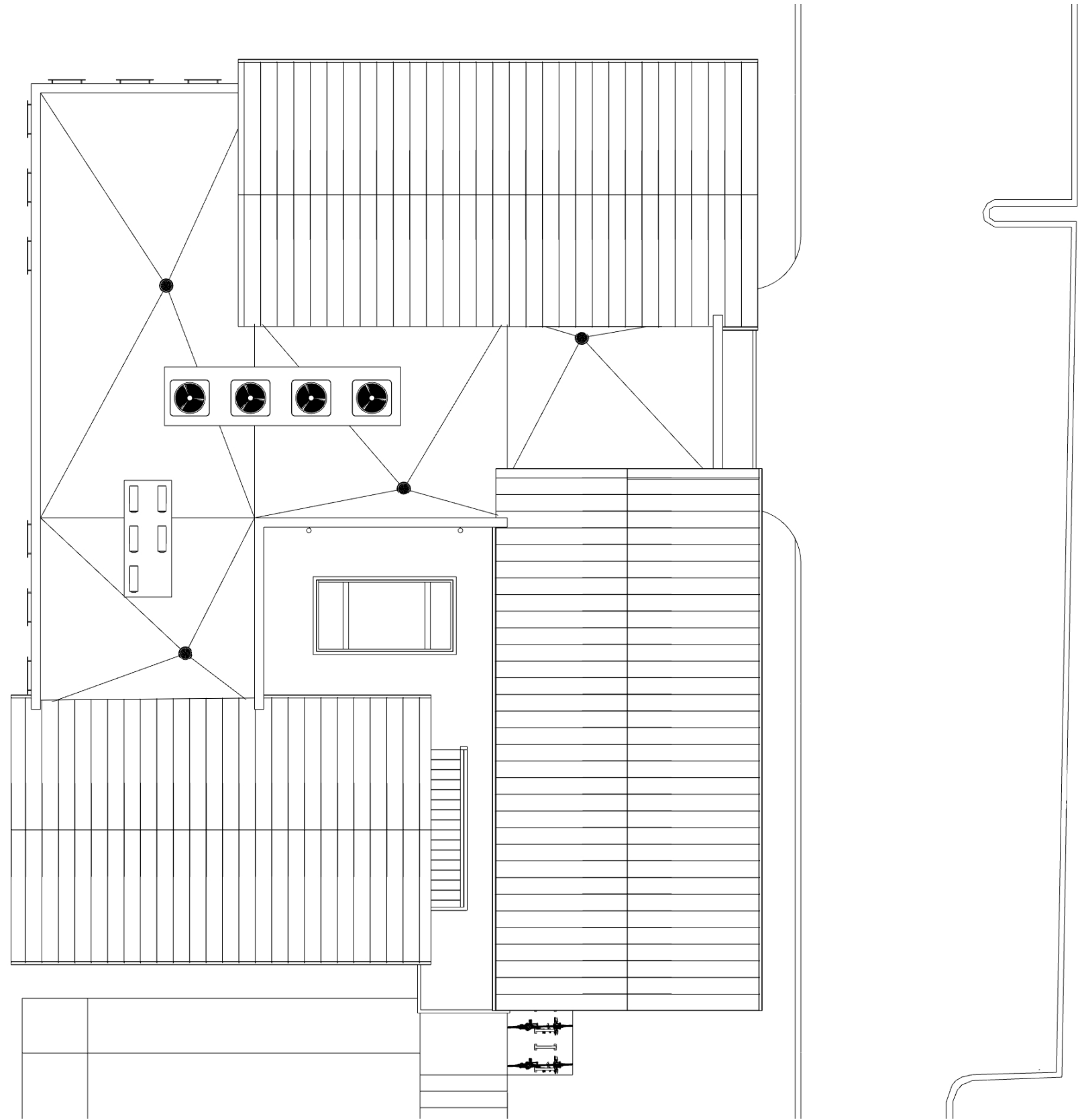
WEST ELEVATION



LEVEL 1



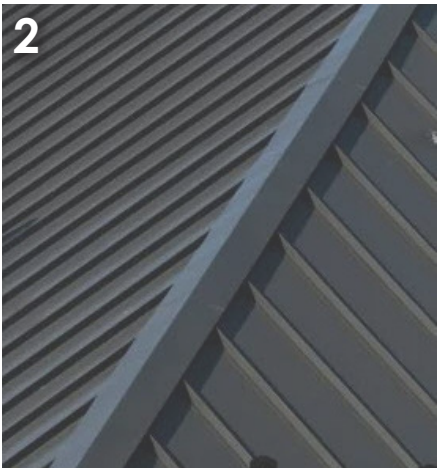
LEVEL 2 + 3



ROOF PLAN



EIFS SYSTEM



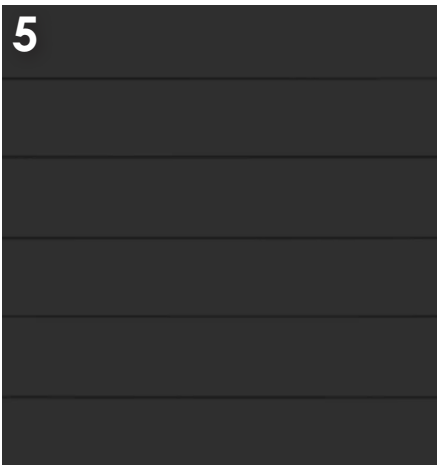
PAC-CLAD SSM ROOF IN "MATTE BLACK STEEL"



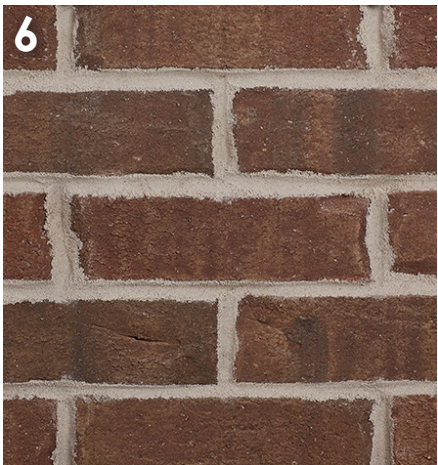
STEEL RAILINGS PAINTED BM163- "MIDNIGHT OIL" WITH WOOD RAILINGS STAINED TO MATCH DECKING



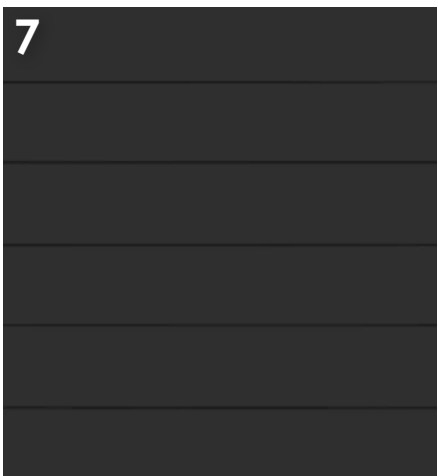
PELLA IMPERVIA SERIES SINGLE-HUNG WINDOWS



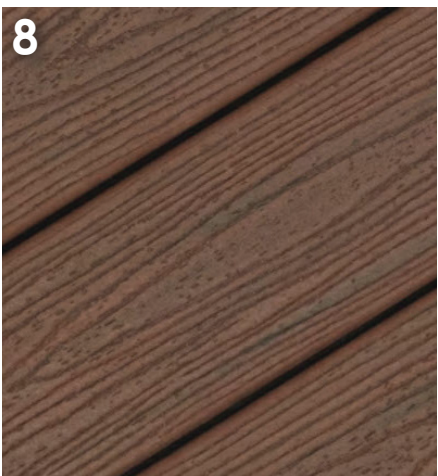
TRIM BOARD PAINTED BM1631 - "MIDNIGHT OIL"



BRICK



HARDIE ARTISAN SIDING PAINTED BM-1631



TREX TRANSCEND COMPOSITE DECKING IN "SPICED RUM"



METAL SCREENING + VIRGINIA CREEPER IVY



VIRGINIA
HISTORIC LANDMARKS COMMISSION
HISTORIC DISTRICT SURVEY FORM

File No. 104-130

Negative no(s). 7220

Street address 1609 Gordon Ave.

Town/City Charlottesville

Historic name

Common name

- Material
- ☐ wood frame (siding: ☐ weatherboard, ☐ shingle, ☐ aluminum, ☐ bricktex, ☐ _____)
- ☒ brick (bond: ☐ Flemish, ☒ stretcher, ☐ _____-course American, ☐ over concrete block or frame)
- ☐ stone (☐ random rubble, ☐ random ashlar, ☐ coursed ashlar, ☐ _____)
- ☐ log (siding: ☐ weatherboard, ☐ shingle, ☐ aluminum, ☐ bricktex, ☐ _____)
- ☐ stucco
- ☐ concrete block
- ☐ enameled steel
- ☐ other: _____
- ☐ cast iron
- ☐ terra cotta
- ☐ glass and metal

Number of Stories	Roof Type	Roof Material
<input type="checkbox"/> 1	<input type="checkbox"/> shed	<input type="checkbox"/> slate
<input type="checkbox"/> 1½	<input checked="" type="checkbox"/> gable	<input type="checkbox"/> wood shingle
<input checked="" type="checkbox"/> 2	<input type="checkbox"/> mansard	<input checked="" type="checkbox"/> composition
<input type="checkbox"/> 2½	<input type="checkbox"/> gambrel	<input type="checkbox"/> tile
<input type="checkbox"/> 3	<input type="checkbox"/> parapet	<input type="checkbox"/> pressed tin
<input type="checkbox"/> _____	<input type="checkbox"/> flat	<input type="checkbox"/> not visible
	<input type="checkbox"/> other: _____	<input type="checkbox"/> standing seam metal
		<input type="checkbox"/> other: _____

Dormers	Number of bays — Main facade
<input checked="" type="checkbox"/> 0	<input type="checkbox"/> 1
<input type="checkbox"/> 1	<input type="checkbox"/> 2
<input type="checkbox"/> 2	<input type="checkbox"/> 3
<input type="checkbox"/> 3	<input type="checkbox"/> 4
<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 5 <i>align</i>
<input type="checkbox"/> shed	<input type="checkbox"/> 6
<input type="checkbox"/> gable	<input type="checkbox"/> 7
<input type="checkbox"/> pedimented	<input type="checkbox"/> 8
<input type="checkbox"/> hipped	<input type="checkbox"/> _____

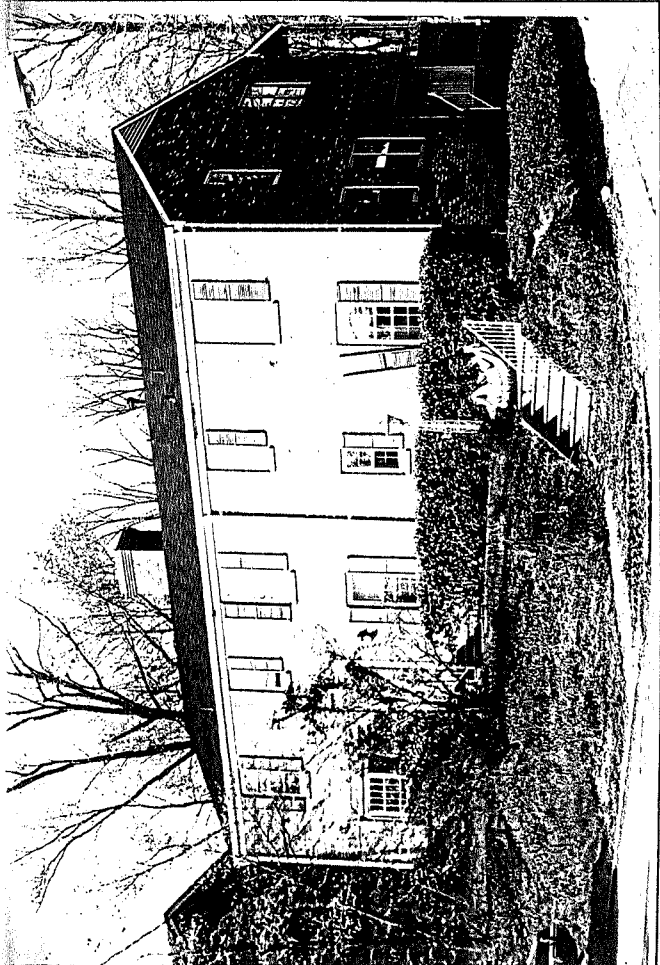
Porch	Stories	Bays	General description
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<input checked="" type="checkbox"/> no	<input type="checkbox"/> 2	<input type="checkbox"/> 1 (side)	
	<input type="checkbox"/> 3	<input type="checkbox"/> 2	
	<input type="checkbox"/> _____	<input type="checkbox"/> 3	
		<input type="checkbox"/> 4	

Building type

<input type="checkbox"/> detached house	<input type="checkbox"/> garage	<input type="checkbox"/> government	<input type="checkbox"/> industrial
<input type="checkbox"/> detached town house	<input type="checkbox"/> farmhouse	<input type="checkbox"/> commercial (office)	<input type="checkbox"/> school
<input type="checkbox"/> row house	<input checked="" type="checkbox"/> apartment building	<input type="checkbox"/> commercial (store)	<input type="checkbox"/> church
<input type="checkbox"/> double house	<input type="checkbox"/> gas station	<input type="checkbox"/> railroad	<input type="checkbox"/> _____

Style/period Neo Colonial Vernacular Date 1963 Architect/builder

Location and description of entrance Plain entries; one on S. front and one on E end.



Miscellaneous descriptive information (plan, exterior and interior decoration, cornice/eave type, window type and trim, chimneys, additions, alterations)

modern

This small-scale apartment building blends fairly well with other buildings in the neighborhood because of its scale, proportions and materials (brick).

Historical information

Source Eugenia Bibb; Real Estate Dept.

Surveyed by Jeff O'Dell, VHLC

Date 4-83; 9-83



Discussion and Recommendation to City Council:

Revisions to ADC District Design Guidelines: Chapter 5, Section E. *Outdoor Cafes*

Link to map showing location of leased café spaces: [City Café Spaces Dashboard](#)

Discussion

On the Downtown Mall and The Corner, the City leases segments of the public right of way to businesses to use as café spaces. Both areas are within ADC Districts and therefore subject to BAR design review. The current ADC District Design Guidelines for Outdoor Cafés were adopted by City Council in 2012. Per City Code Chapter 34, Sec. 5.1.5.C.1.v., the BAR is required to periodically review the design guidelines and recommend to City Council any updates or revisions. (*Guidelines developed by the BAR will become effective upon approval by City Council and thereafter will have the status of interpretive regulations.*)

The goals for the BAR’s review and subsequent Council review of these guidelines are:

- To better align the guidelines with how the café spaces have evolved over time; and
- Allow time for City Council’s review and approval of the revised guidelines by mid-January, well ahead of March 1, 2025, when café leases are renewed.

Per City Code Chapter 28, Sec. 213, leased café spaces require an annual permit issued by the Zoning Administrator. For spaces within an ADC District, that permit requires a design review CoA for the elements within the leased space—furniture, planters, railings, etc. As currently applied, for elements that meet the guidelines the CoA can be issued administratively, with the option for a formal BAR review, if warranted. Additionally, while café permits [zoning] are reviewed and renewed annually, the CoA has been a one-time approval, with updates required only if elements change, a space has a new lease, or there is a change in ownership of the business operating the café. That practice will continue with the revised guidelines.

On September 17 and October 1, 2024, the BAR held advertised work sessions re: the guidelines for Outdoor Cafes. (The results of those discussions are summarized in the attached, which represents the proposed revisions to the guidelines.) Prior to reviewing the specific guidelines, the BAR developed a list of guiding principles (below) to help evaluate proposed revisions. The overarching principle is that elements within leased cafe spaces should be subordinate to the experience and treatment of the surrounding public space. This is of particular importance relative to the Downtown Mall, which is individually listed on the Virginia Landmarks Register and the National Register of Historic Places. [The Corner is also within a VLR/NRHP-listed historic district; however, the public sidewalk is not individually recognized as a historic, designed landscape.]

BAR’s Guiding Principles for Outdoor Cafes: [NRHP documents linked.]

- [The Downtown for Mall](#) is individually listed on the Virginia Landmarks Register (VLR) and the National Register of Historic Places (NRHP).
- The Corner is within the VLR/NRHP-listed [Rugby Road-University Corner Historic District](#).

- The brick-paved Mall and the sidewalks at The Corner are City-owned and important public spaces.
- Leased café spaces are not permanent: All elements--furniture, railings, planters, etc.--should be portable and easily moved manually.
- Within a café space the furniture, elements and materials should be compatible.
- Materials must be durable, high-quality. (Preference for metal; no plastic.)
- Prioritize pedestrian experience: Size and placement of railings, furniture, planters, plantings, and other elements should not create visual barriers.
- For unleased café spaces or when leased but not used for prolonged periods, all elements--furniture, railings, planters, etc.--should be removed from the public right of way.
- Specific to the Mall:
 - Elements of the café spaces must respect the design intent of the Mall. (The Mall is Charlottesville's *living room*.)
 - Maintain sight lines on the Mall by minimizing visual obstructions within café spaces.
 - The fountains should be accessible, with clear space on all sides.
 - Placement of café elements should avoid, and not cause damage to, the Mall trees.

For brevity in these discussions, staff further refined the principles into five key themes:

- Materiality – Elements should be made with quality, durable material. Not permanently installed, easily moved.
- Color Palette - Furniture and rails: Black or silvertone preferred. Umbrellas: Single, solid colors preferred.
- Design – Within each space the elements should be compatible. Cumulatively, the guidelines should result in a generally cohesive appearance for all cafes, creating a sense of visual continuity.
- Prioritize the Public Space - All café elements must be within the leased space/enclosure. Height, width, placement of elements should reduce visual clutter and not obstruct views.
- Visual Elements – Within a space while open for business, allow décor that enhances patron experience, without serving as advertisements or distractions to pedestrians.

Note: The summary and the draft guidelines refer to *non-conforming* and *grandfathered* elements. Both words have specific legal definitions; however, they are used here in their familiar, vernacular context. *Non-conforming* refers to design elements that are not consistent with the design guidelines. *Grandfathered* refers to allowing the continued use of non-conforming elements with a current, 2024 leased café space.

Regarding *grandfathered* elements: The BAR instructed staff to develop guidelines that can immediately mitigate obvious visual clutter (for ex, tall elements that obstruct pedestrian views), while accommodating incremental adaptation such that businesses with currently leased spaces can continue to use existing furniture and enclosure railings. The draft guidelines strike that balance.

Elements that are *grandfathered*, if currently in-place within a leased space:

- Railings/enclosures (provided they are ADA compliant).
- Tables and chairs, including dining counters, bars, and barstools.
- Service furniture and cabinets.

- Umbrellas- provided that open umbrellas are entirely within the leased space/enclosure. (Note: Height of umbrellas and location within the space are requirements of the zoning ordinance.)
- Planters that meet the guidelines, provided they are located entirely within the leased space enclosure. (Note: Location within the space is a requirement of the zoning ordinance.)
- Wood, full/entire casks or barrels.
- Bizou: The existing tan and chrome chairs, such that any new or replacement chairs should be similar; not require the new be black or silvertone. *
- Fitzroy: The existing black, composite material furniture such that any new or replacement should be of a similar material and color; not require the new be metal. *

*In the event of a change in ownership, a new lease will require a new CoA, and use of existing furniture may require BAR review.

Elements that are not grandfathered:

- Overhead lighting that does not comply with the catenary lighting guidelines.
- Accent lighting and/or luminaries installed on railings or under counters. (Includes lanterns, LED strips, strings lights, etc.)
- Half-barrel wood planters.
- Feed-trough planters.
- Pressure treated pine and/or unfinished wood furniture, structures, planters, etc.
- Artificial plants on railings or in planters.
- Planters on railings, unless entirely within the leased space/enclosure.
- Visible storage of loose materials such as potting soil, sand bags, coolers, etc.
- Temporary decorations, unless for current holiday or special event.
- Space heaters. (Per City Code Chapter 28, Sec. 214.i., heaters must be approved by City staff.)
- Any non-confirming elements not specifically noted above as grandfathered.

CoA process for 2025: Prior to March 1, 2025, staff will prepare for each leased café space a summary and inventory of the existing elements, noting what is permitted or not permitted, including any elements that are grandfathered. This summary will constitute a formal CoA and be recorded in the BAR archives. There will be no fee for this initial administrative review; however, fees will be required for administrative CoA requests subsequent to this initial staff review, including requests to revise an approved CoA, and/or requests for a formal BAR review. Additionally, approved CoAs for existing spaces will be reevaluated annually without additional fees, provided no significant changes, and no change in business ownership. Requests to continue use of a non-conforming, non-grandfathered element will require a formal CoA application to the BAR. (Major Historical Review, per Chapter 34, Sec. 5.2.72.)

Questions:

- Staff suggests the maximum width for planters be reduced from 30” to 24”.

Recommendation

Following discussion of the draft revisions and final edits or changes, staff recommends the BAR approve by motion a recommendation that City Council review and formally adopt the revised design guidelines for Outdoor Cafes, including the guidelines for Catenary Lights and the

Guiding Principles for Outdoor Cafes, and that Council concur with the recommendations regarding the treatment of nonconforming elements within existing cafes. (That is, café spaces operating under a lease in 2024.)

Suggested Motion

I move to recommend City Council approve the proposed changes and updates to the Architectural Design Control District Design Guidelines regarding Outdoor Cafes, including the guidelines for Catenary Lights and the Guiding Principles for Outdoor Cafes. I further move to recommend that Council concur with the BAR's recommendations regarding grandfathered and/or nonconforming elements of existing cafes.

Relevant Code Sections

City Code Chapter 28 - Streets And Sidewalks, Article VI. Sidewalk Café.

Link: [City Code Chapter 28 - Streets And Sidewalks](#)

Briefly: Operation of an outdoor café on a city sidewalk or the Mall requires a permit approved by the Zoning Administrator. A CoA is required for design and appearance of the café structures and furnishings. No food preparation is permitted. Promptly remove all food dishes and utensils after each customer has left; thoroughly clean café area after the close of each business day. May require use of non-disposable dishes, utensils, and napkins. Cafe operation permitted only within the leased area. Trees, fences, and planters may form the ABC enclosure, and be compliant with ADA requirements. Access to electrical outlets for payment transactions only. Space heaters require ZA approval. All furniture, umbrellas, planters, plants, and other elements must be entirely within the leased space and maintained in good condition.

Sec. 213.

The zoning administrator shall grant a permit applied for under this division for a period of not more than one (1) permit term, provided the zoning administrator finds [...] the restaurant requesting the permit is being or will be operated as a lawful use in the zoning district in which it is located. If the proposed café will be located in an area subject to design control by the board of architectural review, once the zoning administrator has completed an initial review of the application, then the design and appearance of the café structures and furnishings shall be reviewed by the board pursuant to the standards and procedures set forth in Chapter 34 of this Code.

Sec. 211. [Permit] Required.

b. The city manager shall, from time to time, approve a map identifying the locations along the downtown pedestrian mall which will be eligible for use as outdoor café areas. The locations identified on this map shall be the only areas for which any café permit(s) may be issued by the zoning administrator for space on the mall. [...] The city reserves the right to re-define and re-designate spaces available for outdoor café use, on an annual basis. Written notice of such changes shall be provided by the city to operators at least thirty (30) days in advance of the commencement of the permit term in which the changes will take place. In the event of any such changes, an incumbent operator will be assigned a space that most closely corresponds to the location occupied during the prior permit year.

c. For the purposes of this division a "permit term" shall refer to the period from March 2009 through the last day of February 2010; then, commencing on March 1, 2010 for consecutive one-year periods thereafter.

Sec. 214. Contents and conditions generally.

(e) An outdoor café subject to a permit required by this article shall be operated only within the area specifically assigned to an operator by a permit issued by the zoning administrator. The operator shall clearly delineate its area of operation through use of any one or more of the following markers: trees, fences, planters, and barriers. All items used for delineation of café space shall be compliant with current ADA Guidelines and approved by city staff prior to use.

City Code Chapter 34.

Sec. 5.1.5.C.1. Board of Architectural Review

a. In order to administer the provisions of the Architectural Design Control Districts ... the Board of Architecture Review (BAR) must:

...

v. Develop and recommend to the City Council for its approval design guidelines for the City's ADC Districts[.] The BAR must develop the design guidelines after seeking input from business and property owners in the various districts. Guidelines developed by the BAR will become effective upon approval by City Council and thereafter will have the status of interpretive regulations. The BAR must undertake a comprehensive review and update the design guidelines at least once every 5 years.

2.9.2. A. Architectural Design Control District (-ADC)

The City of Charlottesville seeks, through the establishment of historic districts and through the designation of individually significant properties, to protect community health and safety, to promote the education, prosperity, and general welfare of the public through the identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural and architectural significance. To achieve these general purposes, the City seeks to pursue the following specific purposes: [...] To ensure that, within the City's historic districts, new structures, additions, landscaping and related elements will be in harmony with their setting and environs[.]

Charlottesville Comprehensive Plan

Downtown Mall

- Goal 6. Maintain the economic vitality of the Downtown Mall area and foster it as a diverse and welcoming focal point hub of the region, with a vibrant historic district, arts and entertainment, shopping, dining, and cultural events.
 - Strategy 6.1 Study how the Downtown Mall can be more welcoming and inclusive for people of all social, cultural, racial, ethnic, and economic backgrounds, and take action on findings.
 - Sub-strategy: Continue to support and maintain the Downtown Mall, as not only the economic and cultural hub of the city, but as a historic, central place that encourages diversity through activities, residences, goods, and services.

- Goal 9. Systematically inventory and evaluate all historic, cultural, and natural resources, landscapes, and open spaces as critical elements that make Charlottesville special.
 - Strategy 9.4 Generate a Cultural Landscape Study and Management Plan for the Lawrence Halprin-designed Downtown Mall, to identify character-defining historic features, and prepare a treatment and maintenance plan to protect the Mall's historic character and features while supporting its current use.
- Goal 10. Educate current and potential property owners of historic resources, as well as the community in general, about the significance of historic properties.
 - Strategy 10.4 Promote the history of the Downtown Mall as well as other key sites of local significance through the use of art, technology, public events, and marketing promotion.

The Secretary of the Interior's Standards for the Treatment of Historic Properties

Recommendations for rehabilitation within a district. (Excerpts)

- Identifying, retaining, and preserving building and landscape features that are important in defining the overall historic character of the setting. Such features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens, and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.
- Retaining the historic relationship between buildings and landscape features in the setting. For example, preserving the streets, changing landscape relationship between a town common or urban plaza and the adjacent houses, municipal buildings, roads, and landscape and streetscape features.
- Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, that are as unobtrusive as possible.
- Designing new features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationships between buildings and the landscape in the setting, and are compatible with the historic character of the setting.

Charlottesville Downtown Mall Historic District:

Excerpts from the NRHP nomination, 2023.

- The Mall reached its current expanse in four additional building campaigns that did not precisely follow the details of the original design but reflect its key concepts. Built and planted features include brick and granite paving, bosques of deciduous trees, fountains, streetlights, planters, seating, bollards, bike racks, signage, and public artworks. These built elements were designed and arranged to present specific opportunities for visitors.
- The fountains were designed to tempt visitors to pause in their movement along the Mall, giving the opportunity for social interaction. The gathering space around the three Main Street fountains is currently restricted, however, by dining area enclosures serving restaurants facing the Mall. The tree bosques are shifted north or south of the center line of the Mall, creating open space that draws visitors from one side to the other to create a meandering pathway. Central Place, a large open square with a fountain at East 2nd Street, as well as three additional smaller fountains and groups of benches within the tree bosques, were designed to allow visitors to withdraw from the flow of traffic to socialize or rest.
- Commercial establishments along the Mall have added impermanent elements such as sandwich board-type signs, small planters, and newspaper boxes, as well as tables, chairs,

and post-and-chain or pipe-rail enclosures for permitted outdoor dining areas and vendor tables within the public space. These elements affect both the open character of the original design and the space available for the activities that the design encouraged, while also fostering the primary goal of pedestrianizing this portion of Main Street – bringing people back to downtown Charlottesville. While some details of its design have changed, the primary elements remain.

- In addition to the two-dimensional patterned ground, LHA employed three-dimensional features to add a vertical element to the Mall, to organize space, and to influence pedestrian movement.
- The trees provide shade in the summertime and create distinct outdoor “rooms,” bordered by gray granite, within the Mall’s length. Like other features of the LHA design, the bosques are located along the Mall’s center line, but weighted to one side or the other to encourage lateral movement.
- **Statement of Integrity:** The Downtown Mall Historic District was evaluated under the seven aspects of integrity as defined by the National Register of Historic Places (location, setting, design, materials, workmanship, feeling, association). The landscape continues to fulfill much of its original purpose – offering an attractive public space to bring residents and visitors to the downtown area, providing housing for twenty-four-hour use, and spurring the local economy – and does so in its original location and setting along Main Street two blocks south of the Albemarle County Courthouse. [...] The spatial organization that the LHA design devised to influence movement along the Mall also remains, although the current use of public space for private dining areas hinders its original effect. The dining areas and the permanent locations of the chairs also detract from one of the Mall’s intended functions – as a public gathering space for rest and social interaction. These alterations negatively affect materials and workmanship, as well as the design of the Downtown Mall, without obscuring the design intent. (It should be noted that the alterations that affect movement and public use are impermanent and reversible.) The feeling and association of the Mall as a pedestrian-centered location for public gathering, entertainment, and recreation, as intended by the LHA design, therefore remains strong, and the Charlottesville Downtown Mall retains integrity to its period of significance (1975 -1981).
- **Statement of Significance:** The Mall manifests Halprin’s utilization of a simple palette of materials and features based in part on local precedents to create a series of interconnected spaces that act as a stage for public life. [The Mall is] one of the few successful pedestrianized downtown streets still performing its original function. It is the only extant pedestrianized Main Street in Virginia that remains faithful to its original design. The Mall is also an outstanding example of Lawrence Halprin & Associates’ urban landscapes and the only extant work by the firm in Virginia.

Cafe Spaces: Discussion Design Guidelines (draft 10/15/2024)								
Design Review: Cafe space elements subject to administrative CoA (Minor Historic Review). Appeals or special approvals require BAR review.								
Element	Current (2012) guidelines	Draft Revisions (10-15-2024)						
		Allow	Material	Color	Dimensions	Design	Note	Existing in leased cafes 2024
ABC enclosures: railings, bollards, chains, and planters	Wrought iron or black painted metal. Kept well-maintained. Chain-links min 2". Bollard diameter min 3".	Y	Wrought iron or metal. (See Planters.)	Black	Height: 36" maximum. Meet ADA and ABC requirements. Chains: 2" minimum link length. Bollard/Post (width): No minimum; 6" maximum.	No solid panels between top and bottom rails, including where dining counters are located at the railing.	Enclosures must avoid contact with trees.	Grandfathered: All existing metal railings, provided they meet ADA requirements.
Dining Furniture (tables and chairs; dining counters; bar-height counters and chairs)	Wrought iron or black painted metal or silver tone metal. BAR approval for other materials or colors.	Y	Wrought iron or metal, only. Other material requires BAR approval.	Black or silver tone. Other colors require BAR approval.	Furniture should be standard heights: Tables and dining counters (28" to 30"); chairs (16" to 18"); bar counters (41" to 43"); and bar chairs/ stools (30"). Maximum table or counter length: 8-ft.	Shapes, colors, and designs should be generally compatible.	No solid panels below dining furniture. Bar-height counters should not be located at the railings so as to create a visual barrier.	Grandfathered: All. (Requires documentation by staff.)
Service Furniture and Equipment (shelves; cabinets; serving counters; host stands)		Y	Metal frame and shelves. Other material requires BAR approval.	Black or silver tone. Other colors require BAR approval. Serving counters: muted colors	Max height: Selves 6-ft; cabinets and serving counters 3-ft. Max length: 4-ft.	Shelves are open (framed; no solid sides or back). Cabinets: No doors or closed storage;.	No permanent, enclosed storage cabinets. Rolling carts permitted, but not higher than 36", color is black, must be removed when cafe is closed.	Grandfathered: Existing metal and painted wood service stands. Not grandfathered: Unfinished wood.
Tablecloths, seat cushions	Cloth tablecloths and seat cushions permitted. BAR approval for color, and other material.	Y	Cloth is preferred.			Compatible with other elements of the café.		
Planters (on railing or free standing, including use as ABC enclosure)	Compatible in design, scale, and color with other elements. Shall be terra cotta or concrete. BAR approval for other materials.	Y	Quality, durable material. Wood, if painted or with opaque stain. No plastic. No feed troughs/bunks. No wood barrels.	Avoid bright colors.	Maximum dimensions: 36" height; 30" width or diameter (Question: Should this be 24"?). If elevated, top of planter cannot exceed 36" above Mall floor.	Compatible with other elements of the café.	If mounted on railings, top of planter cannot extend above railing. Empty planters may be permitted for decorative purpose, with approval. No lighting in planters.	Not grandfathered: Metal feed troughs used as planters.
Plants (in planters)		Y	Live only. Recommend non-invasives.		Preferably not taller than 5-ft above Mall floor; however, plants cannot be used to create a hedge.		No artificial plants.	Not grandfathered: Non-conforming must be removed..
Umbrellas (shade cloths are not permitted)	One color: dark or neutral solid, compatible with the furniture. Size in scale with the table. Oversize umbrellas permitted, must be entirely within café space. No text or signage.	Y	Umbrellas: Cloth. Stands: metal. Poles: wood or metal.	Prefer solid colors. Variation requires BAR approval. Stands and weights must be black.		Contained entirely within the café space. No designs, signage, or text allowed on umbrella. Weights must be appropriate for the use.		Not grandfathered: Non-conforming must be removed..

Trash Containers	Black metal preferred. Located in the café space.	Y	Metal	Black				
All elements, generally.	Same color, materials, and design character. Black or silver tone metal preferred.		Furniture will be of same material and design character.	Black is preferred, but additional colors must be compatible. No bare galvanized metal.		Well made, quality material. Kept well-maintained; easily removed, will not stain or damage Mall floor. No elements may be anchored--permanently or temporarily--to the Mall floor or City property.	Entirely within leased cafe enclosure/space (per City Code). No logos, text, or branding, except as allowed by Sign Ordinance. Coverings on the Mall floor--rugs, mats, faux turf, etc.--are not permitted. No electrical wires or cords on the Mall floor.	Not grandfathered: Non-conforming elements must be removed..
Wood elements, generally.	No treated lumber or unfinished wood.	Y	No unfinished wood.	Painted or opaque stain.			No wood barrels.	Grandfathered: Full barrels. Not grandfathered: Half [whiskey or wine] wood barrel planters. PTP work tables.
Lighting								
Catenary lights (overhead, on poles)		Y	Per draft policy		Max height 9-ft. (Review pole height re: available products)			Not grandfathered: Non-conforming lights must be removed..
Table-top		Y	Free standing, removable. Solar or battery. Candles, if allowed by CFD.				Removed when cafe is closed	
In planters		N	-				-	
On railings		N						Not grandfathered: Existing must be removed..
Uplighting		N						Not grandfathered: Existing must be removed..
Under counter (accent)		N						Not grandfathered: Existing must be removed..
Temporary decorations (non-tabletop). Seasonal, special events. (Incl. flags, banners, pennants, etc.) *		Y				(See <i>All Elements</i> .)	Not permanent, temporary for holidays and special events.	Not grandfathered: Non-conforming must be removed..
Heaters *		Y	Metal	Black or silver tone	Pole mounted only. Maximum height 80". Maximum width 24".	Removed from cafe space when not in use, including propane tanks. Comply with CFD and City requirements re: spacing from trees and umbrellas.	No open flames permitted. Firepits and fire tables are not permitted.	

Attachments to railings (straps, wires, etc. used to attach items to poles and rails, etc.)		Y	Preferably metal. Zip-ties, if black. No tape, string, or rope	Black		Neatly installed, no sharp edges, zip-ties trimmed, etc.	No hanging planters.	Not grandfathered: Non-conforming must be removed..
Art pieces, statuary, etc. *		Y					May be permitted for decorative purpose, with approval. No columns or posts. No inflatable objects.	
Small decorative items.		Y	On table tops only. Not permitted: suspended from poles, umbrellas, or railing.				Removed when cafe is closed	
Signs		Only as permitted by sign ordinance						Not grandfathered: Non-conforming signs must be removed..
Trees in Bosques		No tables or service furnishings permitted within 2-ft of a tree trunk. Nothing may be attached to or wrapped around [contacting] the trees.						
Screening: Trellis, Lattice		N						
Outdoor, upholstered or oversized furniture		N						

* If permitted by City Code.

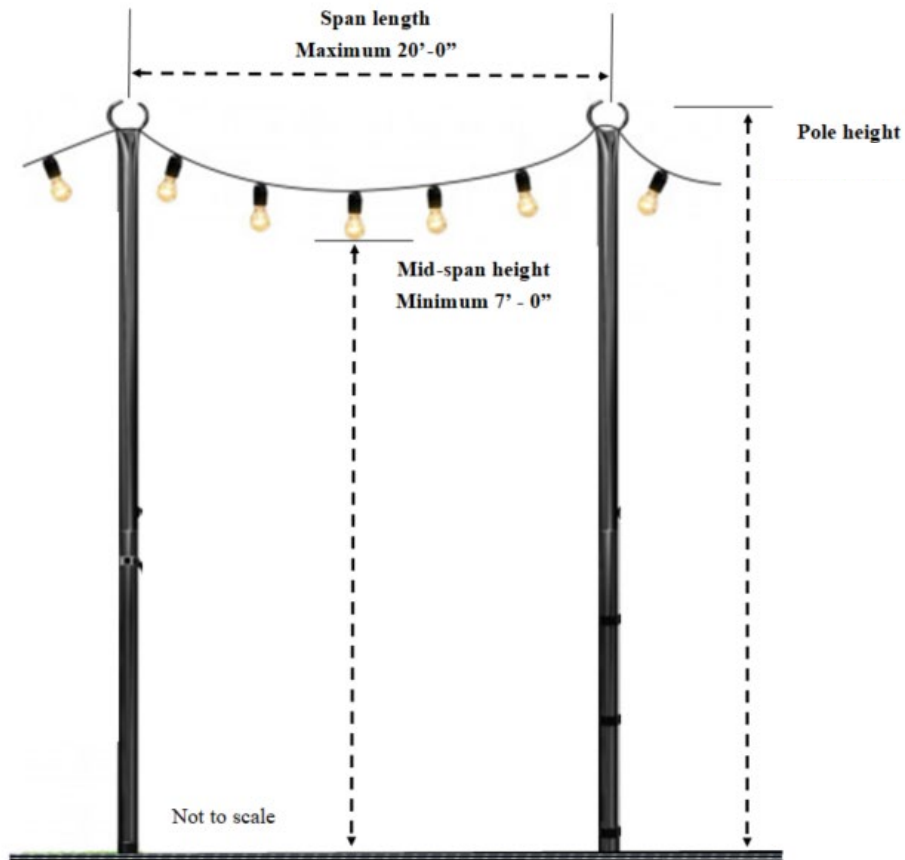
Downtown Mall: Outdoor Cafés – Catenary Lighting

- Poles will be straight, round, painted black and installed within the café enclosure [preferably attached to the café railing].
- Poles will have either shepherd's hooks or rings to support the lights.
- Pole heights will be at a sufficient height such that suspended light cables will not be lower than 7'-0" at mid-span.
- Light cables will have black wire and sockets with bare bulbs (clear globes, either round or elongated); no *holiday mini-lights*, no *LED tapes*.
- Lights will have lamping that is dimmable, have a Color Temperature not exceeding 3,000K, and a Color Rendering Index not less than 80, preferable not less than 90. Colored [not white] and/or blinking lights are not permitted.
- Light cables will be connected only to the poles indicated on the CoA and generally follow a diagonal pattern (see below).
- Light cables will not contact or be connected to the trees, café umbrellas, or City lamp posts.
- Installed lengths (light sets connected in series) will not exceed manufacturer's specifications.
- Power sources (for ex., batteries) for the lights will be provided by café space licensee and located within the leased space. Power source will be screened, secure from tampering, silent, meet applicable code requirements, and will be removed from café space when not in use or when being charged. Connection to City lamp posts/outlets and/or extension cords crossing the Mall from outside the café space are not permitted.
- Anchors, support cables, wires, cords, railing connectors, etc. not addressed above are not permitted without approval.

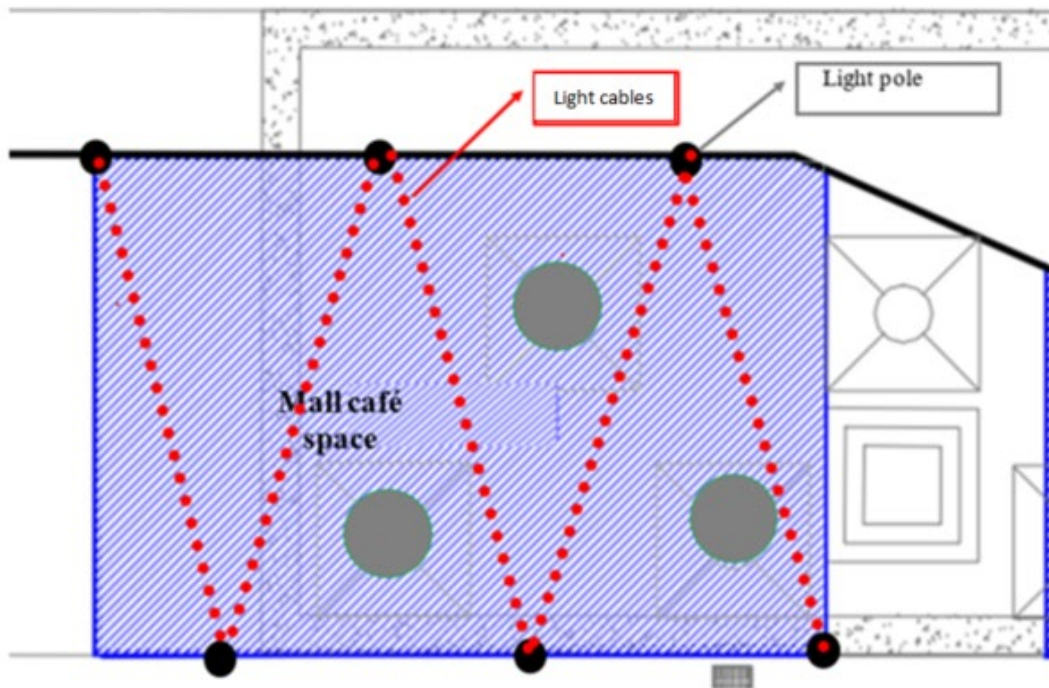
Appropriate pole types



Dimensions



Preferred Alignment



Examples of appropriate light types



Examples of inappropriate light types



Preferred anchoring to café rails



Not permitted



Not permitted



CHARLOTTESVILLE

ARCHITECTURAL DESIGN CONTROL DISTRICTS

DESIGN GUIDELINES

Approved by City Council, September 17, 2012



V

SIGNS, AWNINGS, VENDING & CAFES

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D. VENDING STRUCTURES

A vending structure is defined as any stand, rack, cart, prop, table, frame, pedestal or container used for display of goods and services. These standards shall apply to all vendors whether regular mall vendors, Christmas Market vendors, or City Market vendors when permitted on the Mall. See Section 28-119 of the City Code.

1. Design

- a. Preference for mobility of the structure will be given.
- b. All vending stands should have a tailored black (preferred), dark green, purple, navy, charcoal gray, or maroon cloth skirt that is long enough to touch the ground and hide the structure of the table and ancillary equipment for all four sides of the table.
- c. All skirts must be properly maintained and kept clean and in good repair.
- d. All tables must be at least 30 inches high and comply with applicable ADA standards.
- e. Only items for sale should be visible.
- f. Trailer hitches must be removed from carts.

2. Materials

- a. Vending cart materials other than black or silvertone metal require BAR approval.
- b. All wood must be finished or painted.

3. Color

- a. Colors on vending structures should be in keeping with the character of the surrounding area.
- b. No primary or bright colors shall be allowed.
- c. Dark colors or silver are preferable.

4. Size

- a. All vending structures shall be within a space limited to either 5 feet by 10 ½ feet, or 10 ½ feet in length and width, and 6 feet in height.

5. Signs

- a. No signs should be located on or within any vendor structure, except a price sign, and a sign or logo identifying the name of the vendor or the product, which signs shall lay flat on the table.
- b. The vendor's license and peddler's license shall be displayed on the structure.
- c. No sign shall be greater than 2 square feet in area.

6. Umbrellas

- a. Only single pole umbrellas can be used to cover vending structures and should not obscure surrounding businesses.
- b. No permanent canopies or tents are allowed.
- c. Umbrellas should be of only one dark or neutral color that is compatible with the vending structure.
- d. The size of the umbrella should be in scale with the vending structure and fit within the space limits as stated in #4. Umbrella clearance shall be minimum 7 feet.
- e. No text is permitted on a vending structure umbrella.

7. Racks and bookcases

- a. Only one vending rack shall be allowed per vendor.
- b. The rack shall be no longer than four feet not more than six feet high.
- c. No rack shall be allowed unless it is associated with a stand with table(s).
- d. All racks must be within the space allotted for a vendor stand.
- e. Racks shall be black or silvertone.
- f. A bookcase located adjacent to a storefront shall be maximum four feet high, constructed of metal.

8. Merchandise

- a. All merchandise must be located on a vending table or on a rack.
- b. No merchandise shall be placed on the ground nor shall it be visible on the ground under the table.

9. Stands and Chairs

- a. Each vendor must furnish his/her own stands and chairs.
- b. Chairs must be located within the square footage allowed for the vendor area.



This vending stand's skirt and umbrella comply with the standards.

E. OUTDOOR CAFES

All elements, including chains, bollards, tables, chairs, planters, and trash containers, should be the same color, materials, and design character. Black, being the dominant color of mall elements, or silvertone metal are preferred. The use of treated lumber or unfinished wood anywhere on the mall is not allowed.

1. Fences, Chains, and Bollards

- Should be wrought iron or black painted metal.
- Should be kept well-maintained.
- Chain-links shall be two inches in length or larger.
- Bollards shall be at least 3 inches in diameter.

2. Tables and Chairs

- Should be wrought iron, black painted or silvertone metal. Other materials or colors require BAR approval.
- Cloth tablecloths and removable seat cushions are permitted. Materials other than cloth, and color are subject to BAR approval.

3. Planters

- Should be compatible in terms of design, scale, and color with other elements of the café. The planter material shall be terra cotta or concrete. Other materials require BAR approval.

4. Umbrellas

- If used, may contain a maximum of one dark or neutral solid color that is compatible with the furniture.
- The size of the umbrella should be in scale with the table. Oversize umbrellas may be permitted, but all parts must be contained within the café space.
- No text is permitted on an outdoor café umbrella.

5. Trash Containers

- Black metal is preferred.
- Should be located within the café enclosure.



Dark painted metal is preferred for outdoor cafe furniture.



Silver tone metal furniture is an alternative to dark colors.



Planter boxes soften the simple design and subdued color of this fence.

ARTICLE VI. SIDEWALK CAFÉS

DIVISION 1. GENERALLY

Sec. 28-186. Responsibilities of zoning administrator under article.

The zoning administrator shall be responsible for receiving and approving applications for permits under this article and for administering the requirements of this article. The city treasurer shall be responsible for collecting rent payments required by subsection 28-214(c)(2).

(Code 1976, § 25-28.1[i]; 3-4-02; 6-21-04; Ord. No. O-22-016, § 1, 2-7-22)

Sec. 28-187. Compliance with state and local laws and regulations.

- (a) The operation of a café pursuant to a permit granted under this article shall comply with all provisions of state and local building codes and health laws and regulations regarding the service and preparation of food and also, where applicable, the operations of an outdoor café shall be conducted in accordance with the regulations of the state alcoholic beverage control board.
- (b) No person operating a café under a permit granted under this article shall allow any café furnishings or equipment to be or remain within any fire lane, or to protrude into the airspace above any fire lane.

(Code 1976, § 25-28.1[e]; 3-4-02; 6-21-04)

Sec. 28-188. Right to limit or deny admission or service.

Within the designated area of a café, the operator holding a permit under this article shall have the right to limit access and occupancy to only bona fide paying customers of that operator's restaurant who are behaving in a lawful manner, and shall have the same right to deny admission or service as the operator exercises on their own premises. However, no person shall be denied access or service to the café area on the basis of race, religion, national origin, sex, sexual orientation, age or disability.

(Code 1976, § 25-28.1[f]; 3-4-02; 6-21-04; 9-7-21(1), § 2)

Secs. 28-189—28-210. Reserved.

DIVISION 2. PERMIT

Sec. 28-211. Required.

- (a) No person shall operate an outdoor café on a city sidewalk or the downtown pedestrian mall referred to in section 28-212 without a permit issued pursuant to this division.
- (b) The city manager shall, from time to time, approve a map identifying the locations along the downtown pedestrian mall which will be eligible for use as outdoor café areas. The locations identified on this map shall be the only areas for which any café permit(s) may be issued by the zoning administrator for space on the mall. This map shall be maintained available for public inspection within the city's department of neighborhood development services. The city reserves the right to re-define and re-designate spaces available for outdoor café use, on an annual basis. Written notice of such changes shall be provided by the city to operators at least thirty (30) days in advance of the commencement of the permit term in which the changes will take place. In the event of any such changes, an incumbent operator will be assigned a space that most closely corresponds to the location occupied during the prior permit year.
- (c) For the purposes of this division a "permit term" shall refer to the period from March 2009 through the last day of February, 2010; then, commencing on March 1, 2010 for consecutive one-year periods thereafter.
- (d) The city council will, from time to time, approve a schedule of the rents, fees and charges associated with reservation of outdoor café spaces. No space shall be reserved to any person until all applicable rents, fees and charges have been paid.

(3-4-02; 6-21-04; 12-5-05(2); 5-4-09(1); 3-7-11)

Sec. 28-212. Application.

- (a) The operator of any licensed restaurant in the city may, on or before the commencement of each permit term, apply to the zoning administrator for a permit to operate an outdoor café on the city sidewalk contiguous to such restaurant.
- (b) The operator of any licensed restaurant abutting the downtown pedestrian mall on Main Street between East Seventh Street and Ridge-McIntire Road, or the adjacent side streets may, on or before the commencement of each permit term, apply to the zoning administrator for a permit to operate an outdoor café upon a portion of the mall or any side street located within the same block as the restaurant. If there is no such space available, such an operator may apply for a permit to operate café space adjacent to its restaurant provided that for its entire length, at least twelve (12) feet of sidewalk is maintained between the café space and any obstruction and/or the fire lane for pedestrian travel.
- (c) A prospective operator of a restaurant shall provide, as part of its application, an executed lease for, evidence of ownership of, or a valid option agreement to lease or purchase the restaurant space. Submission of a valid option agreement in conjunction with a timely and complete qualifying application shall cause the space applied for to be reserved for the prospective operator for thirty (30) days from the date of application. Failure to submit an

executed lease or purchase agreement for the restaurant space within this time period shall result in denial of the application.

- (d) Any operator holding a valid permit for a particular outdoor café space shall be deemed to have re-applied for permission to use the same space for a succeeding permit term. Such operator shall pay the required application fees and rent, and shall complete all paperwork required by the zoning administrator, within thirty (30) days of the commencement of the succeeding permit term. During such thirty-day period, the café space shall not be assigned by the city to any other operator; however, if the incumbent operator fails to meet all requirements within the thirty (30) days, then the operator's permit shall expire and the city may deem that space to be unassigned.
- (e) No operator shall be assigned all the available space within a single block on the downtown mall. No space in excess of eight hundred (800) square feet will be assigned to any operator. However, any operator assigned a space in excess of eight hundred (800) square feet as of March 1, 2011 may continue to utilize that space, or such additional space as may be approved by resolution of city council, until ownership of the restaurant changes.
- (f) Any operator assigned space on a mall corner may include space located on an adjacent numbered side street that is closed to through-traffic. If any such side street is used for parking of motor vehicles, or for one (1) or more loading zones, during certain hours of the day or evening, no outdoor café operations shall be authorized during any such hours.
- (g) When a permit holder ceases operation of café space, the zoning administrator shall notify all owners of commercial property on the block where that café space is located. All such owners shall have thirty (30) days from the date of notice to submit a permit application for the available café space in accordance with this article. Up to fifty (50) percent of the available space (but in no case more than four hundred (400) square feet) shall be awarded to a restaurant that will occupy the vacating restaurant space, and the remainder shall be awarded to the first other applicant (provided each submit a timely and complete qualifying application). If no additional applications are received, the entire available space shall be offered to the restaurant that will occupy the vacating space, up to the maximum allowable square footage.

(Code 1976, § 25-28.1[a]; 2-6-95, § 1; 3-4-02; 6-21-04; 12-5-05(2); 5-4-09(1); 3-7-11; 4-2-12)

Sec. 28-213. Grant.

The zoning administrator shall grant a permit applied for under this division for a period of not more than one (1) permit term, provided the zoning administrator finds:

- (1) That the restaurant requesting the permit is being or will be operated as a lawful use in the zoning district in which it is located. **If the proposed café will be located in an area subject to design control by the board of architectural review, once the zoning administrator has completed an initial review of the application, then the design and appearance of the café structures and furnishings shall be reviewed by the board pursuant to the standards and procedures set forth in Chapter 34 of this Code.**

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- (2) That the proposed café will not present a hazard to the public health, safety or welfare.
 - (3) That all required rents, fees and charges have been paid.
- (Code 1976, § 25-28.1[b]; 2-6-95, § 1; 3-4-02; 6-21-04; 12-5-05(2))

Sec. 28-214. Contents and conditions generally.

- (a) A permit granted by the zoning administrator under this division shall identify the permit term, or outstanding portion thereof, during which the operation of the café shall be authorized.
- (b) Permits for cafés on the downtown pedestrian mall or city sidewalks may contain additional reasonable conditions and requirements as the zoning administrator may deem necessary. The purpose of any such conditions shall be to ensure that the operation or use of the proposed café will not present a hazard to the public health, safety or welfare.
- (c) Effective for the permit term commencing in March 2009, and each permit term thereafter:
 - (1) Each applicant for a café permit shall pay a permit fee upon submission of such application, in the amount specified on the most recent fee schedule approved by city council. For operators renewing an existing permit this fee shall be due and payable within thirty (30) days following the commencement of the current permit term.
 - (2) Each operator shall pay rent in the amount specified on the most recent fee schedule approved by city council. Such rent shall be paid according to the payment schedule set by the city treasurer. Any cafe permit for which the holder has not paid rent hereunder within thirty (30) days of the due date shall expire and become null and void.
- (d) No food preparation shall be performed in any area which is the subject of a café permit issued under this article. The operator of an outdoor café which is the subject of any such permit shall promptly remove all food dishes and utensils after each customer has left and shall thoroughly clean the entire café area and the sidewalk located within the café after the close of each business day. The zoning administrator shall have the authority to require any café operator, as an additional condition of a permit, to use only non-disposable dishes, utensils and napkins within the café area, upon a determination that the use of paper or plastic tableware or napkins is or has been contributing to litter problems in the area subject to the permit. Upon making such a determination, the zoning administrator shall issue thirty (30) days' advance written notice of the new requirement to each operator whose permit will be affected.
- (e) An outdoor café subject to a permit required by this article shall be operated only within the area specifically assigned to an operator by a permit issued by the zoning administrator. The operator shall clearly delineate its area of operation through use of any one (1) or more of the following markers: trees, fences, planters and barriers. All items used for delineation of café space shall be compliant with current ADA Guidelines and approved by city staff prior to use. An outdoor café shall be in operation only during hours that the restaurant with which it is associated is open.

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- (f) Musical entertainment shall be allowed within any outdoor café area subject to a permit; however, such activity shall be limited to un-amplified vocal or instrumental performances and such activity shall not be conducted during the hours between 12:00 midnight and 11:00 a.m. of any day. Cafés located on the downtown pedestrian mall shall also be subject to the city's noise ordinance established for that area; however, in the event of a conflict between said noise ordinance and the requirements of this section, the stricter requirement shall govern the activities within such outdoor café.
 - (g) No tents or similar structures shall be erected or utilized over or within any outdoor café operating under a permit granted pursuant to this article; except that, not more than twice per year, the operator of an outdoor café, after receiving approval of the city's board of architectural review, may erect or utilize a tent over or within their outdoor café space. No such tent may be utilized or remain in place for longer than seventy-two (72) hours.
 - (h) Access to and use of city electricity by outdoor café operators, including, without limitation, use of any outdoor electrical outlet(s), shall be permitted for cash registers and credit card machines only to those operators that pay a monthly fee to the city as established by city council.
 - (i) Space heaters (other than any heaters requiring use of city electricity or electrical outlets) may be utilized by a café operator so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and does not present a threat to the health, safety or welfare of the public. Each heater must be approved by city staff.
 - (j) No café permit shall be shared by any restaurant with another restaurant without the prior written approval of the zoning administrator. In the case of such sharing arrangement, (i) the original operator shall remain fully responsible for compliance with this article unless otherwise agreed in writing by the zoning administrator; and (ii) if the space that is the subject of the permit exceeds eight hundred (800) square feet under circumstances permitted by section 28-212(e), approval of the sharing arrangement shall be conditioned upon a reduction of the area reserved by the permit to not more than eight hundred (800) square feet.
 - (k) All tables, chairs and equipment located within an outdoor café shall be maintained in good, clean condition by the operator.

(Code 1976, § 25-28.1[c, d]; 11-19-90; 2-6-95, § 1; 3-4-02; 6-21-04; 12-5-05(2); 5-4-09(1); 3-7-11; 2-3-14; 9-7-21(1), § 2; Ord. No. O-22-016, § 2, 2-7-22)

Sec. 28-215. Conditions for indemnification of city and public liability insurance.

As a condition of a permit granted under this division, the café operator shall indemnify the city (including, without limitation, its officers, officials and employees) and hold the city harmless from and against all claims for damages or injuries of any kind whatsoever arising out of the operator's occupancy of the public right-of-way or the operation of the café. The operator shall obtain and keep in force throughout the duration of the permit public liability insurance with coverage in the amount of at least one million dollars (\$1,000,000.00) combined single limit. The city shall be named an "additional insured" party with respect to such insurance. Prior

to issuance of a permit under this division, and on the commencement date of each permit term thereafter, the café operator shall be required to provide documentation satisfactory to the city attorney demonstrating that this insurance requirement has been met.

(Code 1976, § 25-28.1[g]; 2-6-95, § 1; 3-4-02; 6-21-04)

Sec. 28-216. Revocation.

- (a) The director of neighborhood development services may revoke any permit granted under this division, upon finding:
 - (1) A violation any of the requirements or mandatory provisions set forth within this article (including, without limitation: failure to pay or delinquency in payment of rent, failure to obtain written approval prior to an assignment; failure to obtain or maintain required insurance, intrusion into a fire lane or any pedestrian walkway, failure to maintain café area free of leaves, ice and snow, etc.);
 - (2) A violation of any condition of a permit imposed pursuant to section 28-214(b) of this division;
 - (3) That the continued operation of the café poses a threat to the health, safety or welfare of the public or constitutes a public nuisance;
 - (4) That the café has not been substantially utilized for a period of thirty (30) or more days between March 1 and Labor Day of any year. No café operator who has elected to shut down operations entirely between Labor Day and February 28 of the succeeding calendar year, and who has removed all equipment and furnishings from the café area during that time, shall be subject to permit revocation during such time;
 - (5) Violation of any federal or state law, or of any city ordinance, applicable to the café or the operation thereof;
 - (6) That a café space awarded to a prospective restaurant owner has not been substantially utilized for a period of six (6) months after its issuance.
- (b) A person who has been denied a permit by the zoning administrator, or whose permit has been revoked by the director of neighborhood development services, may appeal the denial or revocation to the city manager. Such appeal shall be made in writing, within five (5) business days following the decision appealed from, and shall set forth the basis on which the person contests the decision. The city manager shall consider the appeal and shall render a written decision within five (5) business days after receipt of the appeal. The decision of the city manager may be appealed by the aggrieved person to the city council, by submitting a written notice of appeal to the city manager within five (5) days of the city manager's decision. After a hearing conducted at any regular meeting of the council, provided the appealing person has been notified of such hearing by written notice delivered to the person's place of business at least five (5) days before such meeting, the council shall make a final decision on the merits of the denial or revocation.
- (c) During the pendency of an appeal from a decision of the director of neighborhood development services to revoke a permit, an outdoor café may continue to operate, unless

the director of neighborhood development services determines, in writing, that allowing such operations to continue would present an unreasonable risk to the health, safety or welfare of the public. Any such determination shall be provided to the café operator by hand-delivery at the café site to the agent or employee supervising café operations, and by certified mail to the mailing address provided by the operator in their application, and may require the café operator to immediately cease operation. Any such determination shall be reviewable by the city manager in connection with the operator's appeal.

- (d) Any permit issued under this article may be revoked by city council at any time, upon thirty (30) days' advance written notice to a café operator, upon a determination that such revocation is necessary to serve the welfare, safety or convenience of the public.

(Code 1976, § 25-28.1[h]; 3-4-02; 6-21-04; 12-5-05(2); 3-7-11; 9-7-21(1), § 2)

Secs. 28-217—28-220. Reserved.