

From: Scala, Mary Joy
Sent: Friday, July 24, 2015
To: jason@jackbrownsjoint.com; allan@alimar1.com
Subject: BAR Action – July 21, 2015- 109 2nd Street SE #1

July 24, 2015

Jason W. Owenby, Jack Browns Charlottesville, LLC
109 2nd Street SE #1
Charlottesville, VA 22902

Certificate of Appropriateness Application

BAR 15-07-05

109 2th Street SE

Tax Parcel 280026100

Main Street Associates, LLC, Owner/Jason W. Owenby, Jack Browns Charlottesville, LLC, Applicant

Add shade sails over current patio space

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on July 21, 2015. The following action was taken:

The BAR approved (8-0-1, because DeLoach left the meeting) with the final details for wall connections and posts to be administratively approved (and to be circulated among the BAR).

In accordance with Charlottesville City Code 34-285(b), this decision may be appealed to the City Council in writing within ten working days of the date of the decision. Written appeals, including the grounds for an appeal, the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions the applicant deems relevant to the application, should be directed to Paige Barfield, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902.

This certificate of appropriateness shall expire in 18 months (January 21, 2017), unless within that time period you have either: been issued a building permit for construction of the improvements if one is required, or if no building permit is required, commenced the project. The expiration date may differ if the COA is associated with a valid site plan. You may request an extension of the certificate of appropriateness *before this approval expires* for one additional year for reasonable cause.

Upon completion of the project, please contact me for an inspection of the improvements included in this application. If you have any questions, please contact me at 434-970-3130 or scala@charlottesville.org.

Sincerely yours,

Mary Joy Scala, AICP
Preservation and Design Planner

Mary Joy Scala, AICP
Preservation and Design Planner
City of Charlottesville
Department of Neighborhood Development Services
City Hall – 610 East Market Street
P.O. Box 911

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
July 21, 2015**



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Background

The National Register nomination form describes the building as “stucco over brick with glass block; 3 stories; low pitched roof; 3 bays. Commercial vernacular. Ca. 1940. Central recessed entrance; fixed sash; projecting central cornice; renovated ca. 1970.

December 18, 2001 - the BAR approved a COA for a canopy. The building is located adjacent to the new Live Arts building, and was most recently occupied by the Liquid Restaurant. The COA expired one year later, and no extension was requested for an additional year. Therefore, the approval has expired.

March 16, 2004 – The BAR approved a new canopy structure as submitted.

Application

Jack Brown’s restaurant seeks permission to add shade sails over its patio in the 2nd Street SE right-of-way. Two triangular sails are proposed, each 15 ft x 12 ft x 9 ft. The proposed material is deep red, high density polyethelene. The sails would be attached to existing poles and hooks currently used for café lights.

Criteria, Standards and Guidelines

Review Criteria Generally

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

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

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

Pertinent Standards for Review of Construction and Alterations include:

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*

- (3) *The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) *The effect of the proposed change on the historic district neighborhood;*
- (5) *The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) *Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (7) *When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, Sections 34-1020, et seq. shall be applied; and*
- (8) *Any applicable provisions of the city's Design Guidelines (see Sec. 34-288(6)).*

Pertinent Design Review Guidelines for Signs, Awnings, Vending, and Cafes

C. Awnings, Marquees, & Canopies

Awnings can contribute to the overall image of the Downtown, The Corner, and West Main Street by providing visual continuity for an entire block, helping to highlight specific buildings, and covering any unattractively remodeled transom areas above storefronts. They also protect pedestrians from the weather, shield window displays from sunlight, and conserve energy. Marquees are usually associated with theaters and contain areas for changing information. Canopies are more permanent structures.

1. Types

- a. Fixed, sloped fabric awnings are the traditional awning type and are appropriate for most historic buildings, both residential and commercial.*
- b. Boxed or curved fabric awnings; a more current design treatment, may be used on a non-historic or new commercial building.*
- c. Marquees and canopies fabricated from rigid materials are appropriate on some commercial buildings, however, they must fit the storefront design and not obscure important elements such as transoms or decorative glass.*
- d. Historic marquees and canopies should be retained and maintained on historic building facades.*
- e. Backlit awnings or canopies used as illuminated signs are inappropriate.*

2. Placement

- a. Place awnings carefully within the storefront, porch, door, or window openings so they do not obscure elements of damage materials.*
- b. Choose designs that do not interfere with existing signs or distinctive architectural features of the building, or with street trees or other elements along the street.*
- c. Choose an awning shape that fits the opening in which it is installed.*
- d. Make sure the bottom of the awning valance is at least 7 feet high, or consistent with the current building code.*

3. Color and Materials

- a. Coordinate colors with the overall building color scheme. Solid colors, wide stripes, and narrow stripes may be appropriate, but not overly bright or complex pattern.*
- b. Aluminum, vinyl plastic, or overly ornate fabric awnings are generally inappropriate for any buildings within the historic districts.*
- c. Contemporary marquees or canopies may be constructed of combinations of metal, wood, and glass; some types of plastic may be appropriate.*

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

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

2. Tables and Chairs

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

3. Planters

- a. 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

- a. If used, may contain a maximum of one dark or neutral solid color that is compatible with the furniture.*
- b. 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.*
- c. No text is permitted on an outdoor café umbrella.*

5. Trash Containers

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

F. Tents for Temporary Events (Maximum 5 Days)

- 1. Tents should preferably be located in a rear or side yard.*
- 2. Tents should not permanently alter significant landscaping or site features.*
- 3. Tents should be a solid color, without any text or logos.*
- 4. Tents are not appropriate on the Downtown mall portion of East and West Main Streets, except at Central Place, on the side streets leading to the mall, and on the upper floors or roofs of buildings.*

G. Tents (Including Tent Canopies) for the Winter Café Season or Year-Round Use

- 1. Tents are generally not appropriate in historic districts that are primarily residential (North Downtown, Wertland Street, Ridge Street, Oakhurst-Gildersleeve, Rugby Road-Venable, most of Martha Jefferson).*
- 2. Tents may be appropriate in the Downtown, the Corner, and the West Main Street ADC districts, and in the mixed use/commercial areas of Martha Jefferson Conservation District, except tents are not appropriate on the Downtown mall portion of East and West Main Streets, including Central Place, and on the side streets leading to the mall.*
- 3. Tents should not permanently alter significant landscaping or site features.*
- 4. Tents should be a solid color, without any text or logos.*
- 5. Tents may be appropriate on the upper floors or roof of buildings.*
- 6. Tents may be appropriate on the rear or side of a building.*

7. If a tent would affect the front elevation of a building, or the character of the property or district, then the guidelines for Additions in Chapter 3, New Construction and Additions, should be followed.

Discussion and Recommendations

This is only the second request for sails; the first was approved at Market Plaza. Those sails were white translucent material, and large, but very intentionally designed. This café is fairly small and contained.

Guidelines that may pertain are for awnings, tents, and café umbrellas. This request seems more like an umbrella than a tent or awning; there are examples of very large umbrellas in mall cafes. There are also many brightly colored umbrellas, including red. Text is not permitted on umbrellas or tents, and is restricted to the vertical flap of an awning. The result is that each café has a small grouping of bright solid color umbrellas in its own identifying shade. Very cheerful and harmonious.

The BAR may wish to discuss:

Which guidelines apply to sails (long-term tents are not permitted on side street to the mall);

How the café lighting will be re-located in relation to the sails;

Is the polyethelene material appropriate; and

Will wind be an issue in locating sails in this narrow space?

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for Signs, Awnings, Vending, and Cafes , I move to find that the proposed shade sails satisfy the BAR's criteria and guidelines and are compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application as submitted.



Board of Architectural Review (BAR)
Certificate of Appropriateness

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3130 Fax (434) 970-3359

Please submit ten (10) copies of application form and all attachments.
For a new construction project, please include \$375 application fee. For all other projects requiring BAR approval, please include \$125 application fee. For projects that require only administrative approval, please include \$100 administrative fee. Make checks payable to the City of Charlottesville.
The BAR meets the third Tuesday of the month.
Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 3:30 p.m

Owner Name MAIN STREET ASSOCIATES, LLC Applicant Name JACK BROWNS CHARLOTTESVILLE, LLC
Project Name/Description Parcel Number
Property Address 109 2ND STREET SE, #1 CHARLOTTESVILLE, VA 22902

Applicant Information

Address: 109 2ND STREET SE, #1 CHARLOTTESVILLE, VA 22902
Email: JASON@JACKBROWNSJOINT.COM
Phone: (W) 770-843-7126 (H) 434-244-0073
FAX:

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. (Signature also denotes commitment to pay invoice for required mail notices.)

Signature of Jason W. Owenby Date 6/19/15

Property Owner Information (if not applicant)

Address: 2088 UNION STREET SUITE 1 SAN FRANCISCO, CA 94123
Email: ALLAN@ALIMAR1.COM
Phone: (W) 415-474-4444 (H)
FAX: 415-474-7474

Print Name JASON W. OWENBY Date 6/19/15

Property Owner Permission (if not applicant)

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

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

Signature Date

Print Name Date

Description of Proposed Work (attach separate narrative if necessary): ADD SHADE SAILS OVER CURRENT PATIO SPACE

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

1. CURRENT PATIO PICTURE 2. SKETCH OF PROPOSED SAILS 3. EXAMPLE OF SAILS AT BIRMINGHAM LOCATOR 4. SAIL SPECIFICATIONS 5. RIGGING HARDWARE

For Office Use Only
Received by: O. Eubank
Fee paid: 12500 Cash/Ck # 30142
Date Received: O. Eubank
Approved/Disapproved by:
Date:
Conditions of approval:

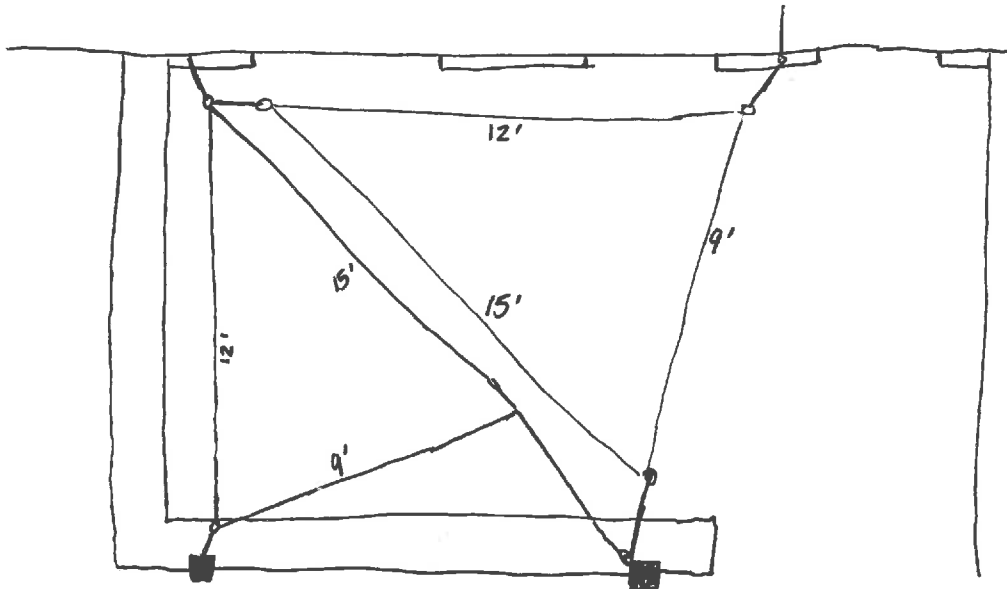
Current Patio Space



Example of Sails in use at our Birmingham, AL location



PROPOSED PLAN SKETCH



Sail Specifications

3 each

Sail Dimensions:

Side A: 15.0 ft	Side B: 12.0 ft	Side C: 9.0 ft	Side D: N/A
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Fabric:

High Density
Polyethylene (HDPE)

UV Block:

Up to 95%

Waterproof:

No

Weatherproof:

Yes

Corner Attachments:

Stainless steel
"delta" rings

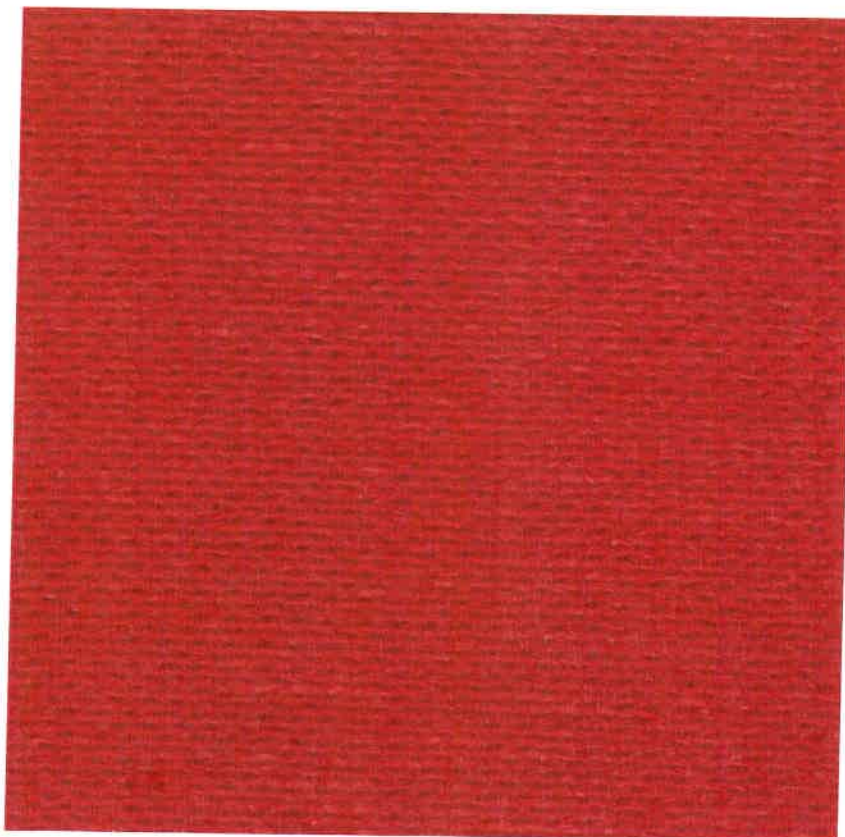
Hardware:

Not included

Warranty:

7-year warranty against
UV degradation

Sail Material and Color
Deep Red, High Density Polyethylene

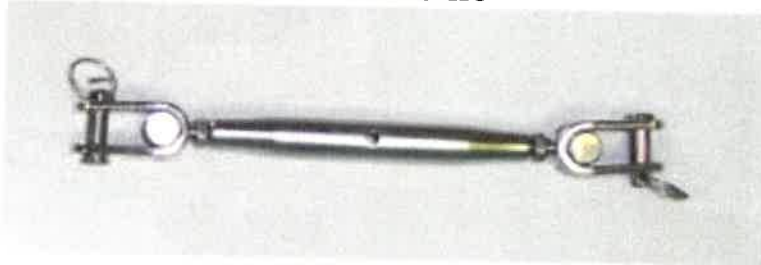


Attachment equipment (to be attached to existing poles and hooks currently being used by café lights)

Pre-installed grommets on each corner



Turnbuckle



Carabineers

