

Mess, Camie

From: Mess, Camie
Sent: Friday, March 22, 2019 4:23 PM
To: 'Jeff@Levien3.com'
Cc: Werner, Jeffrey B
Subject: February BAR Actions - 218 West Market Street

March 22, 2019

Certificate of Appropriateness

BAR 19-02-04
218 West Market Street
Tax Parcel 330276000
Market Street Promenade, LLC, Owner/ Heirloom Real Estate Holdings LLC, Applicant
Demolition of Existing Structure

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on March 13, 2019. The following action was taken:

Motion: Sarafin moved having considered the standards set forth within the City Code, including City Design Guidelines for Demolition, I move to find that the proposed demolition of 218 West Market Street satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application with the following conditions:

- **The COA be extended an additional year past the 18 month to 30 months**
- **The demolition of the building is contingent upon the granting of a COA and building permit for this buildings replacement**
- **Request to have the building documented and photographed for the public record, if the building is to be demolished**

Lahendro seconded. Approved (4-0-2, with Schwarz and Ball recused.)

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

http://charlottesville.granicus.com/MediaPlayer.php?view_id=2&clip_id=1352

This certificate of appropriateness shall expire in 18 months (September 13, 2020), unless within that time period you have either been issued a building permit for construction of the improvements if one is required, or if no building permit is required, commenced the project. You may request an extension of the certificate of appropriateness before this approval expires for one additional year for reasonable cause. (See City Code Section 34-280. Validity of certificates of appropriateness.)

If you have any questions, please contact me at 434-970-3998 or messc@charlottesville.org.

Sincerely,
Camie Mess

Camie Mess
Assistant Historic Preservation and Design Planner
City of Charlottesville
Phone: 434.970.3398
Email: messc@charlottesville.org

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
February 20, 2019 snowed out; makeup date March 13, 2019**



Certificate of Appropriateness

BAR 19-02-04

218 West Market Street

Tax Parcel 330276000

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Background

218 West Market Street is a contributing structure in the Downtown ADC District. City assessment records indicate the building was constructed in 1938. A c1955 Sanborn Map indicates this structure at the site. The applicant has included good information on the building's history. (Note: By code, all structures in the Downtown ADC are designated *as contributing*, regardless of historic significance.)

Prior BAR Actions:

September 21, 2010 - BAR approved the design as submitted (7-0-1 with Wolf recused) to renovate a basement space for use as a new restaurant and bar that will front on Old Preston Avenue.

May 21, 2013 - Approved (8-0) as submitted. (Signage)

Application

Applicant submittal:

- Bushman Dreyfus submittal dated January 29, 2019: Cover letter (pages 1-2), site plan; parking level study (page 3), and survey photos (pages 4-10)

Request for the demolition of existing commercial building at the edge of the downtown mall. The intent of this demolition is to provide additional parking on the site, with the potential of being redeveloped for the site of a mixed use structure in the future of Charlottesville's downtown development.

Discussion and Recommendations

The BAR should discuss the potential impacts of the demolition of this structure – both positive and negative.

Additionally, staff believes that the BAR should request additional documentation and complete a thorough survey of the structure prior to demolition – including but not limited to photos, floor plans, window details, etc...

Suggested Motions

Approval:

Having considered the standards set forth within the City Code, including City Design Guidelines for Demolition, I move to find that the proposed demolition of 218 West Market Street satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application *as submitted*[.]

...as submitted and with the following modifications/conditions:...

Denial:

Having considered the standards set forth within the City Code, including ADC District Design Guidelines for Demolition, I move to find that the proposed demolition of 218 West Market Street does not satisfy or the BAR's criteria and guidelines and is not compatible with this property and other properties in the Downtown ADC District, and for the following reasons the BAR denies the application as submitted:...

Criteria, Standards, and Guidelines

Review Criteria Generally

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

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

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

Pertinent Standards for Review of Construction and Alterations include:

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

Pertinent and Relevant Information Regarding Demolitions

A. INTRODUCTION

Historic buildings are irreplaceable community assets; and once they are gone, they are gone forever. With each successive demolition or removal, the integrity of a historic district is further eroded. Therefore, the demolition or moving of any contributing building in a historic district should be considered carefully.

Charlottesville's Zoning Ordinance contains provisions that require the property owner to obtain approval prior to demolishing a contributing property in a historic district or an Individually Protected Property (IPP).

The following review criteria should be used for IPP's and (contributing) buildings that are proposed for demolition or relocation.

Plans to demolish or remove a protected property must be approved by the BAR or, on appeal, by the City Council after consultation with the BAR. Upon receipt of an application for demolition or removal of a structure, the BAR has 45 days to either approve or deny the request. If the request is denied and the owner

appeals to the City Council, the Council can either approve or deny the request. If Council denies the request, the owner may appeal to the City Circuit Court.

In addition to the right to appeal to City Council or the Circuit Court, there is a process that enables the owner to demolish the building or structure if certain conditions have been met. After the owner has appealed to City Council and has been denied, the owner may choose to make a bona fide offer to sell the building or structure and land.

The property must be offered at a price reasonably related to the fair market value of the structure and land and must be made to the city or to any person or firm or agency that gives reasonable assurance that it is willing to preserve and restore the property. City Council must first confirm that the offering price is reasonably related to the fair market value.

The time during which the offer to sell must remain open varies according to the price, as set out in the State Code and the Zoning Ordinance.

If such a bona fide offer to sell is not accepted within the designated time period, the owner may renew the demolition request to City Council and will be entitled to a Certificate of Appropriateness that permits the demolition of the structure.

B. DEMOLITION OF HISTORIC STRUCTURES

Review Criteria for Demolition

- 1) The standards established by the City Code, Section 34-278.
- 2) The public necessity of the proposed demolition
- 3) The public purpose or interest in land or buildings to be protected.
- 4) Whether or not a relocation of the structure would be a practical and preferable alternative to demolition.
- 5) Whether or not the proposed demolition would adversely or positively affect other historic buildings or the character of the historic district.
- 6) The reason for demolishing the structure and whether or not alternatives exist.
- 7) Whether or not there has been a professional economic and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.

Guidelines for Demolition

- 1) Demolish a historic structure only after all preferable alternatives have been exhausted.
- 2) Document the building thoroughly through photographs and, for especially significant buildings, measured drawings according to Historic American Buildings Survey (HABS) Standards. This information should be retained by the City of Charlottesville Department of Neighborhood Development Services and the Virginia Department of Historic Resources.
- 3) If the site is to remain vacant for any length of time, maintain the empty lot in a manner consistent with other open spaces in the districts.



**Board of Architectural Review (BAR)
Certificate of Appropriateness**

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

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

Owner Name <u>Market Street Promenade, LLC</u>	Applicant Name <u>Heirloom Real Estate Holdings LLC</u>
Project Name/Description <u>Existing retail structure</u>	Parcel Number <u>330276000</u>
Project Property Address <u>218 West Market Street</u>	

Applicant Information

Address: 178 Columbus Ave, #231409
New York, NY 10023
Email: jeff@levien3.com
Phone: (W) _____ (C) 917-612-0630

Signature of Applicant

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



Signature _____ Date 1/28/19
Jeff Levien _____ Date 1/29/2019
Print Name _____ Date _____

Property Owner Information (if not applicant)

Address: 1900 Amherst Street Suite 3
Charlottesville, VA 22903
Email: mcaihennyw@gmail.com
Phone: (W) _____ (C) 202-380-7970

Property Owner Permission (if not applicant)

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


Signature _____ Date 1/28/19
JOHN M. HOUGHTON _____ Date 1/28/19
Print Name _____ Date _____

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

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

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

Narrative, underground parking study, photos of existing and neighboring structures.

For Office Use Only	Approved/Disapproved by: _____
Received by: _____	Date: _____
Fee paid: _____ Cash/Ck. # _____	Conditions of approval: _____
Date Received: _____	_____
<i>Revised 2016</i>	



BAR Certificate of Appropriateness
218 West Market Street
Demolition Application Narrative

218 West Market Street presents an opportunity for the City to further its stated goals for the Downtown Mixed-Use Corridor of increased commerce and additional housing in the entertainment and employment center of our town. Looking at the current and future expansion of Charlottesville, the BAR must identify opportunities for accommodating growth in ways that are sensitive to our historic urban fabric by protecting important structures in our cultural and urban development while recognizing that some old buildings must be allowed to be taken down to make way for the future.

The structure at 218 West Market Street is listed as a contributing structure to the Charlottesville-Albemarle County Courthouse Historic District, and is in the Downtown Architectural Design Control District. The National Register Nomination only notes the following about the building:

"218 (A&P Grocery): brick (stretcher bond); 1 story; flat roof; 3 bays. Commercial Vernacular. Ca. 1950. Brick pediment over central entrance; large fixed-paned windows; balustrade along parapet."

As the BAR reviews the City's standards for considering demolitions in an ADC District, we offer the following perspectives:

(a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:

(1) The age of the structure or property;

Apart from being approximately 69 years old, this structure is not distinctive & has been significantly modified over the years. Since the time the nomination was written, the building has been dramatically changed with the elimination of its parapet balustrade, modifications to the original masonry, and the addition of the brick wall that now fronts Old Preston Avenue (enclosing what was a triangular outdoor service area at the rear of the lot). In the mid 1980's, the structure was further modified with the cutting of large storefront openings into the east-facing bearing wall, and the addition of a post modern arcade and porticos along the north and east elevations.

(2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places or listed on the Virginia Landmarks Register;

The property is noted as a contributing structure to the Charlottesville-Albemarle County Courthouse Historic District.

(3) Whether, and to what extent, the building or structure is associated with a historic person, architect or master craftsmen, or with a historic event;

There are no known associations.

(4) Whether the building or structure or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;

No such characteristics are attributed to this building.

(5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and

The brick building and its metal storefront could be readily reproduced with today's materials and techniques.

(6) The degree to which distinguishing characteristics, qualities, features, or materials remain.

Aside from some original brick and possibly original storefront on West Market Street, no distinguishing characteristics, qualities, features or materials remain.

(b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings.

The property is part of the historic downtown commercial district and will remain as such if this particular building is replaced with another commercial or mixed-use building.

(c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board.

A structural study has not been completed.

(d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing, or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural, or cultural value.

The building is neither an historic cultural marker nor does it represent an important moment in Charlottesville's architectural development. As such, the applicant proposes to demolish the building.

Additionally, we offer that this parcel (approximately 0.56 acres) is significantly underutilized with its suburban model of at-grade parking for 29 cars directly in front of the 1980's storefronts and colonnade. Occupying roughly one half of the site, the existing structure presents a huge impediment to maximizing the potential density for land so deep in the center of our commercial and residential core.

The vision for the redevelopment of the property is of a mixed-use structure with retail, commercial and residential units. As part of the Urban Core Parking Zone, such by-right development here does not require onsite parking; however, the economics of developing commercial and residential uses in this urban location will necessitate the inclusion of some onsite parking for residents and workers. With permission to demolish the existing structure, a large below-grade parking level could be constructed across the site, with entry at the lowest corner on Old Preston Avenue (see attached parking study plan). Requiring that the existing structure remain would preclude underground parking for any type of development here.

Having weighed the preservation of our architectural past alongside the limited opportunities our town has to accommodate growth, the BAR has approved demolition of other contributing structures including the Studio Art building at 1106-1112 West Main Street, the Escafe restaurant building at 215 West Water Street, and the Clock Shop at 201 West Water Street. The land at 218 West Market Street represents a similar opportunity as those sites, offering the chance for increased density and vitality downtown, but it requires the removal of the existing structure.

If the existing structure is required to remain in place for future development, this site will, by necessity, continue to be an underutilized anomaly in our urban fabric. Granting permission to raze the building is an important step in furthering the growth and development of our downtown core with vibrant, mixed-use developments such as the one contemplated for this site.



View of the property looking southwest



North façade



Vinegar Hill Theater to the northwest



North façade detail, Vinegar Hill Theater to the right



North façade detail: brickwork from three different periods of construction



Northeast corner of the building: brickwork from three different periods of construction



East façade



Added brickwork in portico of east façade



Parking lot viewed from Old Preston Avenue



Parking lot and building viewed from the downtown mall



South façade, added after the original construction.



Old Preston Avenue; structure on the right.



South facade



Adjacent structure at southwest corner