

**City of Charlottesville
Board of Architectural Review
July 18, 2000**

Minutes

Present:

Lynne Ely
Ken Schwartz
Jesse Hook
W.G. Clark
Preston Coiner
Joe Atkins
Linda Winner
Wade Tremblay
Also Present:
Tarpley Vest

At 5:05 p.m., Ms. Ely called the meeting to order. She reviewed the agenda for the evening and went over the rules of procedure for the benefit of any newcomers. She then asked the deputy city attorney, Mr. Craig Brown, to come forward to comment on the first item on the agenda.

CERTIFICATE OF APPROPRIATENESS APPLICATION BAR
00-3-17-00
101, 105, 107, 111 East Main Street

Mr. Brown addressed the Board. He recommended that since the Board had been presented with four separate applications, they ought to consider entertaining separate motions to address each building individually, should they decide to act on any of them that evening. He indicated that whether the motion was to approve or deny an application, the Board members would need to state the reasons for their decision. He then reminded the Board of the specific criteria to be applied when considering a request for demolition, and referred them to the memo in their packets which outlined the approach they should take. He advised the Board to make their decisions based on these criteria, and not to approve or deny the application based on the appearance of either the original buildings or the proposed ones. He indicated that if the applicant obtained the right to demolish, he would still need to come back before the BAR to obtain a certificate of appropriateness for new construction, at which point it would be appropriate to consider design details. He then offered to answer any questions the Board members

might have, and turned the floor over to Ms. Vest.

Ms. Vest gave a brief overview of the project. She indicated that the proposal as it had come before the BAR in March of 2000 was to demolish all four addresses in their entirety, and that it had been denied because the applicant had not met certain of the review criteria for demolition. She outlined the criteria as follows: the historic, architectural or cultural significance, if any, of the structure; whether it has been listed on the National Register of Historic Places or the Virginia Landmark Register; the association of the structure or site with an historic person or event, or with a renowned architect or master craftsman; the overall condition and aesthetic quality of the site or structure, and whether it is an integral part of an existing design control district; the age of the structure, and whether it is of such old or unusual design that it can be reproduced only with great difficulty; the degree to which the original distinguishing character, quality or materials of the structure have been maintained; whether the structure or any of its features represent an infrequent or the first or last remaining example of a particular detail or type of architecture in the city; whether the restoration and preservation of the property is not economically feasible, because the owner, without good cause, failed to maintain the property; the public necessity of the proposed demolition; the public purpose or interest in the land or buildings to be protected; the existing character of the setting of the structure or area and its surroundings; whether or not the proposed demolition would affect adversely or positively other historic buildings or the character of the historic districts; 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. Ms. Vest indicated that in March, the BAR had ruled that these criteria had not been sufficiently met and had therefore denied the application. She stated she would now turn the floor over for review of the specific application, and commented that as this was essentially a new application, the Board would have sixty days to act on it.

Mr. Tim Slagle, President and Chief Financial Officer for D&R Development, gave a presentation on the new application. He indicated that although there were four applications, he would refer to them as one in the interest of brevity, except when necessary to make differentiations as to individual facades and buildings. Asking the Board members to reflect on their walk-through of the buildings, he commented on the condition of the interior of the buildings and

the difficulty of renovating the second and third floors for residential or office use. He indicated that his firm had consulted with Dennis Moler of Moler and Associates concerning the fa#ade structures and footings of the buildings, and that Mr. Moler's letters are supplemental to the Nolen Frisa reports, which address the structural integrity of the buildings. He then stated that he had three major points to make before going into the criteria the Board must consider for demolition: 1) The question of whether or not the City has a proffer process which would legally obligate D&R Development, or any other property owner who might purchase the buildings, to any agreements reached in this meeting, should D&R reach common ground with the Board. Mr. Brown suggested that this matter be taken up at the conclusion of the presentation. 2) The fact that there is a good legal argument that these buildings have already been approved for demolition, outlined on pages 1 through 5 of the handout that Ms. Vest had distributed to the Board members. He referred specifically to several passages that appear to indicate that approval for demolition had been given for a previous application in 1988, and stated that Mr. Brown might address this in more detail later in the meeting. 3) The fact that D&R Development would be willing to consider preserving the fa#ade of building number 111, should the \$250,000 allocated by City Council for historic preservation of either fa#ades or buildings be made available to them for this project.

Mr. Slagle then reviewed the sixteen criteria for demolition. In the interest of time, Ms. Ely requested that the applicant summarize only those responses that differed from the ones given in March.

-- In regard to the cultural or architectural significance of the property, none of the buildings are listed in the National Register of Historic Places or the Virginia Landmarks Register; several of the buildings are not the original buildings on the site, having been replaced in the between 1892 and 1916; the City of Charlottesville Landmark Survey of Properties refers to buildings 101 and 105 East Main Street as having "no identifiable style"; the comparison of these Charlottesville Downtown area buildings to buildings in Charleston, South Carolina, that was made at the last meeting may not be apropos, since many of the historic buildings there date back to the 1700s and early 1800s.

-- In regard to association of the structure with an historic person or event, neither building has been found to have such associations, and it is unlikely the community-at-large would be familiar with the names of the previous owners.

-- In regard to the overall condition and aesthetic quality of the site or structure, there are some good

architectural characteristics in the 101, 105 and 111 buildings, although the first floor façades have been substantially changed, starting in the 1940s or 1950s.

-- In regard to the age of the buildings, they are old, but their historicity is questionable.

-- In regard to unusual design, texture or material, the only unusual feature is the butter joints, as mentioned by Mike Stoneking at the original meeting, but they can be reproduced and replicated.

-- In regard to the degree to which the original distinguishing characteristics, qualities or materials have been maintained, that is somewhat relative, as these are not the original buildings on these parcels. Although there are some nice architectural characteristics to the second and third floors of the Main Street façades, there is nothing distinguishing about the Market Street side of the buildings.

-- In regard to whether the structure or any of its features represent an infrequent or the first or last remaining example of a particular detail or type of architecture in the city, Mr. Slagle had nothing new to add.

-- In regard to whether or not the structure is capable of earning a reasonable economic return on its value in light of its overall condition, he referred the Board members to documents in their packages that place the minimum cost to preserve the

four façades at \$525,000, which would be cost prohibitive. He added that since the March meeting, they have investigated the claim that a fifty percent tax credit is available to them if they preserve the buildings, and have determined that they would be eligible for a ten percent credit at most.

-- In regard to the question of whether restoration and preservation of the property is not economically feasible because of neglect on part of the owner, he indicated that that is not applicable in this case.

-- In regard to the public necessity of the proposed demolition, he added that in addition to issues raised at the previous meeting, it has been determined that the roof structure does not meet, either for residential or office use, current codes for drifting snow. He also commented that creating a new space for office use would bring more to the city in terms of real estate taxes, personal property taxes and business licenses, than would a renovated space that could only be used residentially.

-- In regard to public purpose or interest in the buildings, there would be definite interest in seeing the upper floors of buildings that have been boarded up for ten or fifteen years being removed, or having something put in place that would benefit the community.

-- In regard to the existing character of the setting of the structure, he referred again to the

substantial changes that have been made to the first floor portions of the Main Street façades.

-- In regard to the feasibility of relocation, he had nothing new to add.

-- In regard to whether demolition could have an adverse or positive effect on the historic district, he conceded that demolition of a hundred-year-old building would have an adverse effect, but added that that negative could be outweighed by the positive contribution of new buildings.

-- In regard to findings of an economic and structural study on the feasibility of restoration, he referred the Board members to Dennis Moler's report that there are no footings under the buildings. He stated that the current floor loads of forty to fifty pounds per square foot would make it unfeasible for use as an office space.

Mr. Slagle then reviewed the plans they have drawn up for the new buildings, and commented on ways that they reflect architectural elements of the original buildings as well as other buildings downtown, in

some ways better than the new Wachovia building. He commented that approval of demolition of these structures would allow them not only to put in retail and office space, but to put in underground parking as well. He summarized the reasons why restoration of the buildings is economically unfeasible. He then reiterated that there is some basis to consider that approval for demolition was given previously in 1988, and that if the \$250,000 is available from the City, they will work to retain the façade of building 111.

Ms. Ely opened the meeting to public comment.

Ms. Mary Hill Caperton, of 611 Preston Place, stated that she has been in Charlottesville since 1957 and has watched building after building along Main Street disappear. She agreed that the historical significance of the buildings is relative, and that they don't compare to the older structures in Charleston, but she feels the patina of the old buildings cannot be replaced. She then stated that she had questions about how the demolition costs related to the buildings individually, and whether more than one estimate had been sought in determining the cost of saving the façades.

Ms. Genevieve Keller, of 504 North First Street, stated she wanted to address the Board from three points of view. First, on behalf of the Board of Preservation Piedmont, she urged the BAR to deny the application to demolish any portion of the Wachovia block. She stated that few of the buildings have historical significance individually, but together they achieve distinction because they represent distinct periods, architectural styles and methods of

construction that cannot be replicated. She commented that if the survey were done over, she is certain the buildings would appear in the National Register. She then added that Preservation Piedmont would endorse development of a new, architecturally outstanding structure on the vacant portion of the block in question. Secondly, as a preservation planner, she indicated that she has worked professionally with historic communities and authored design guidelines for historic districts, and in no instance would demolition of a block of this character be appropriate. She commented that in Richmond, these buildings would be considered contributing structures and so would be eligible for the 50 percent tax credit. And finally, as a resident and downtown property owner, she and other citizens have made an investment in the downtown that she thinks the City should protect, not because the buildings are historically significant, but because they are significant places of memory for long-time residents of Charlottesville that reflect the trends and patterns of more than a century of commerce and architecture.

Ms. Helena Devereux, of 532 North First Street, stated that she is a past president of Preservation Piedmont, and is now serving as vice-president. She indicated that her family has lived in the downtown area for 20 years, and she feels the buildings in question are part of the community history. She asked what would be historic about the Downtown Mall if all of the older buildings were torn down, and suggested that the insight into history that the old buildings impart is an important element of the sense of community.

Elon Cohen, a resident of Albemarle County, stated that he is Chief Operating Officer of ea.com Virginia, formerly known as Kesmai Corporation, which occupies a large portion of the square block around the Old Michie Building, Live Arts and Court Square. He discussed the growth of his company and the difficulty they had finding a space large enough to accommodate their needs as they expanded, which resulted in having to split the facility. He stressed the vitality a company the size and strength of ea.com brings to a community, and stated that if Charlottesville wants to remain economically vital, it needs to support development and new office space within the city limits. Otherwise, big companies will relocate to the county or to other cities, and the Downtown Mall may dry up for the sake of preserving facades whose only claim to history is age.

Mr. Mark Giles, with Virginia National Bank, stated that the bank's decision to open up a branch on the

Downtown Mall was based on the philosophy that the vitality of a community is tied to the vitality of the heart of that community. He commented that the building they chose, the former Williams' Corner Bookstore, is in his opinion an inspired structure, with a rich history. However, although he has a great deal of respect for the architectural integrity of Downtown Charlottesville, he feels that the buildings up for demolition are, in the words of an architect he respects, "uninspired," "cheap," and "dull." He stated that distinctions between buildings can be made, and some are more worth preserving than others. He also commented that the continued vibrancy of the Downtown Mall is not a sure thing, which is something the Board should factor into their decision-making.

Mr. Oliver Kuttner, of 108 Second Street S.W., commented that Charlottesville is a beautiful city, with possibly one of the most beautiful downtowns in the country, but there are no retailers doing extremely well there, and that is something to consider. He stated that great things grow in an evolutionary process, and it may be a mistake to hold onto something before it has become truly great. He suggested that the Board's decision whether or not to preserve the façades should be weighed against the opportunity presented by Mr. Danielson, who in his opinion has both the resources and the willingness to contribute something nice to the downtown. He stated he does not understand why people often claim that old architectural features cannot be replicated, and asked the Board to consider allowing mediocre buildings to be replaced with better ones.

Mr. Paul Grady, a resident of Crozet, indicated that he had spoken at the last BAR meeting about dismantling and preserving the façades or putting them back up. He stated he had spoken to Mr. Stoneking about several options, one of them being removing the façades temporarily, and then reinstalling them five feet higher, to allow for more space for the retail floor. He also suggested adding additional floors, set back out of sight from the Mall, to offset expenses incurred by saving the façades, and donating unused materials to Habitat for Humanity. He commented that whatever options are chosen, he would request that the three façades be preserved.

Giovanna Galfione, an architect in Charlottesville, stated that she moved here six years ago and is originally from Florence, Italy. She indicated that she had first attended a BAR meeting when Wachovia was proposing demolition of the same buildings, and she feels the situation has not changed much since

then. She stated that although the buildings are not incredibly historic, they contribute to the pace and structure of the Downtown Mall and are meaningful for many people who live and work in the area. She stated that evolution means being able to meet challenges, and it is especially up to those in the community with deep pockets to do so.

Ms. Ely closed the public comment portion of the meeting and called for questions from the Board members. She suggested that a good first question might be one raised earlier, about whether the façades had been considered independently or as a unit in determining the cost of restoration.

Mr. Slagle indicated that the firm of C.A. Lindman had been consulted about the possibility of saving all four façades, and they had stated that it would add a great deal of complexity and cost to the process, without giving specific figures.

Ms. Winner asked Mr. Slagle several questions about the tax credit issue, to which he made the following responses: 1) If a builder preserves a structure certified by the state as historic, he is eligible for a twenty percent tax credit, and if he preserves a structure in an historic district, he may qualify for a ten percent tax credit; 2) There are specific guidelines as to what percentage of a structure or a façade has to be saved to qualify one for those tax credits; 3) In this instance, to his knowledge, preserving one or two façades may not be enough to qualify him for any tax credits.

Ms. Winner asked about the potential city grant of \$250,000, and he reiterated that they would apply it to the preservation of the 111 façade, which is the one they deem to have the best architectural characteristics.

Ms. Ely asked if, in doing their economic calculations, they had looked at the cost of preserving the whole building instead of just the sides. Mr. Slagle indicated they had. He stated that several people had looked at the building to evaluate the cost of refurbishing it, and the costs given were economically unfeasible.

Ms. Winner asked whether or not the approval that was purportedly given for demolition back in 1988 would still be in effect. Mr. Brown indicated that they have so far been unable to ascertain exactly what happened in 1988 outside of the minutes for that one particular meeting. He commented that if indeed approval for demolition had been given, then it would be a sticky legal matter that might not get settled out of court, since requests for demolition have been denied twice since then.

Mr. Clark asked if all they had to go on was this implication that approval may have been given, and Mr. Brown said that was a fair statement.

Mr. Coiner asked if permission to demolish a building remains in effect only for a certain period of time, and Mr. Brown confirmed this, indicating that a building permit must be obtained within a year after permission to demolish is granted, after which the approval is negated. Mr. Brown suggested that the Board members take note simply that approval to demolish may have been granted in 1988, and then consider the application on its own merits.

Ms. Ely called for comments from the Board, asking for general comments first before moving on to addressing the four applications individually.

Mr. Schwartz commented that he was frustrated by the presentation, because he felt a lot of it was a recapitulation of arguments made at the last meeting. He indicated he appreciated several of the new elements, namely the cost estimate done by a local contractor for maintaining the four façades and the letter from the engineer making similar observations, but he found them unconvincing and recommended getting the City to commission an independent analysis. He commented that the assertion that adaptive reuse of the buildings is not economically feasible is not really well-documented, and requested that the applicant provide numbers to back up his claims. Regarding the 1988 BAR deliberations, he stated that that might be a red herring, but that would be something for someone else to decide. He then indicated that he felt he had a lot more questions at the moment than answers, and requested that the applicant more clearly indicate what options he had explored, outside of demolition.

Mr. Clark commented that saving façades is something one does as a last-ditch effort, and that he felt the Board had been very clear in its vote to preserve the buildings in their entirety, as part of the fabric of the City. He stated that the applicant had purchased the buildings as they were, and was aware of the code to start with. Therefore, he would vote against demolition, pursuant to 1A, 1C, 1D, 1E, 1F, 1H, 2, 3, 4, 6 and perhaps 7.

Mr. Coiner agreed that he had not heard much new in the presentation, and echoed Ken's thoughts about the economic viability of all the alternatives. He stated that this is not a subjective matter, but rather it is the Board's duty to interpret the guidelines established by City Council and apply them as they see fit. He then indicated that he would

vote against demolition of the buildings, with the possible exception of the 107 address, and urged the applicant to come back with real numbers for the Board to look at, and to find out if they would be eligible for the \$250,000 city grant if they preserved the whole building.

Mr. Atkins commented that he agreed with Mr. Clark that façade preservation is a last-ditch effort, to be pursued after all other options have been exhausted. He stated that it is apparent from the reports that both façade preservation and adaptive reuse are expensive endeavors, and so it is a qualitative question which to pursue. He stated that he feels quite confident that criterion number six stands, unquestioningly and unwaveringly, and that the Board is beholden to follow the guidelines established by the City, to apply them as they see fit, and to ask the applicant to take on additional burdens to preserve the city's heritage and its architecture, and to promote a different kind of economic viability. He stated he is prepared to ask this of the applicant, and would vote against demolition.

Mr. Coiner asked Mr. Schwartz if he is suggesting that the City pay for a structural engineer to look at the buildings. Mr. Schwartz indicated he is interested in that because the two reports submitted by the applicant are conflicting, and he would like to see estimates not only for façade preservation but full adaptive reuse.

Mr. Clark commented that on the tour through the buildings, he did not find them to be unrenovatable. He conceded that renovating them might cut into the profit margins, but it did not appear to be undoable.

Mr. Tremblay commented that these buildings are private property, and if someone is going to invest money in them, then they have a right to expect a return on that capital. Adaptive reuse does appear to be economically unfeasible, given the current state of disrepair. He commented that some of the Board members are asking for private capital to take the burden of preserving the city's heritage, and in his opinion, that is not going to happen in this case.

Ms. Ely commented that she is aware that the buildings are private property, but in her opinion, the applicant has not made a convincing argument about the economic unfeasibility of adaptive reuse. She stated that until criterion number 7 is more adequately met and a professional economic and structural feasibility study for rehabilitating or reusing the structure in its entirety is done, she

does not feel she has enough information to make a decision.

Ms. Hook commented that if an investor makes an investment and it does not pay off, that is the investor's problem. She stated that she feels the demolition of a building on the Downtown Mall would significantly impact the whole ambience of the area. A lot of money and effort has been put into making Charlottesville attractive to tourists, and as a new building is not as likely to draw a stream of tourists or to contribute to the ambience the way an old structure does, she feels she cannot vote in favor of demolition.

Mr. Coiner commented that he would like to speak for Mr. Slagle in response to one of Mr. Schwartz' questions. He stated that Mr. Slagle felt a contractor's cost report would be more accurate than a structural engineer's.

Mr. Schwartz made a motion to defer on all four applications, for the reason of insufficient information to make a decision at that time. He stated that although the applicant has made assertions, they have not been proven. He reiterated the suggestion that the City commission independent analysis to see if some of the issues can gain clarity from a third party independent assessment.

Mr. Coiner seconded the motion.

Mr. Atkins expressed concern that even if they are able to determine as scientifically as possible the cost to save the façades or adaptively reuse the buildings, the presenters have come before the Board with a development plan, and it is not the Board's place to force them to change their approach. The Board can only deny the application to demolish. Therefore, he does not feel comfortable asking for additional information.

Mr. Tremblay indicated he shared Mr. Atkins' concern, and asked if it is necessary to go through this charade if further information is not likely to change anyone's perspective.

General discussion followed in which Ms. Winner voiced her support of the motion. Mr. Schwartz reiterated the motion, indicating that he is moving for deferral on the basis of incomplete information and the fact that most of the fifteen criteria have not been sufficiently addressed. He added that the deferral is suggesting to the City the possibility of independent study to further advance understanding of adaptive reuse possibilities for the buildings and/or façades.

Ms. Ely called for a vote, and the motion carried five to one.

Mr. Schwartz asked if the Board would need to stipulate a time frame. Mr. Brown indicated that the Board should take some action, up or down, within sixty days of July 7th, or the deferral would be construed as an approval.

The Board then took a brief recess. Ms. Ely called the meeting back to order at 7 p.m.

CERTIFICATE OF APPROPRIATENESS APPLICATION BAR 00-6-24
100 14th Street NW Unit/1397 W Main Street
(Espresso Corner)

Ms. Vest gave a brief presentation. She indicated that Orbit Billiards is moving downstairs into the former Espresso Corner and would like to replace the existing window system with one that opens like a garage door, to create more of an open-air environment. They would also like to replace the planter box area with an outdoor patio to exactly match the existing outdoor patio at Espresso Cafe. She indicated that the application was deferred at the last meeting because the applicant was not present and several questions were unanswered, namely why the applicant wanted to put the window system within the existing opening instead of going all the way down to the street, and also what the relationship would be between the cafe patio area and the existing handicapped-accessible entrance on the side. Ms. Vest indicated that she had misunderstood the design beforehand, but the plan is for the patio to function in two pieces, with the handicapped-accessible entrance remaining as is. The applicant has indicated that his reasoning for wanting to keep the window openings as they are, is to keep somewhat of a physical and psychological barrier between the facility and the street, as Orbit Billiards is a bar and a pool hall and is often crowded. Concerning questions several Board members had asked about the railing, she indicated that the applicant wants to leave the existing railing as is, and take it around to the new patio with the same detailing, color and material. She stated that Staff sees no major problems with the application and so would recommend approval, contingent upon the applicant providing a sample of the color of the window frames on the glazing system.

The applicant, Mr. Andrew Vaughan, gave a brief presentation. He stated that he plans to keep the railing as is, following the same detail all the way over. Concerning the color of the window frames, he stated he is planning on going with the standard

aluminum color. Frames are available in black or bronze, but he is open to suggestions from the Board.

Ms. Ely asked if there were any questions for the applicant from the public or the Board.

Mr. Atkins asked the applicant about the drawings of the window. Mr. Vaughan indicated the new glazing system has not yet been drawn in; he was relying on manufacturer's pictures of the window, to be imagined as filling the present window space.

Ms. Ely asked if there were any more questions. Seeing none, she called for comments from the Board members.

Mr. Atkins stated that while he understands the difficulty of representing one's intentions, he feels that an accurate drawing is very helpful in allowing the Board to make a decision. He stated that this is the problem they encountered the last time this application came before the Board.

Mr. Tremblay commented that the proposal appears to be for a rather modest change to the features that are already there, and therefore he does not see any problem with it.

Mr. Clark made a motion to approve the application, and Ms. Winner seconded the motion.

Mr. Schwartz suggested a friendly addition to the motion of Staff recommendations 1, 2 and 3, as contained in the report.

A vote was taken, and the motion carried unanimously.

CERTIFICATE OF APPROPRIATENESS APPLICATION BAR 00-6-27
416-418 East Main Street

Ms. Vest gave a brief report. She indicated that this application for renovations to the Old Town Insurance building had gone out last month and subsequently been withdrawn, but was now before the Board in modified form. She stated that the building is currently housing University Florists on the Downtown Mall, and added that although it is not mentioned in the packet that the applicant is retaining the proposal from last month to replace the windows, that is something that Staff is glad to see. She referred Board members to a computer-simulated photograph of the new storefront contained in the packet, stating that Staff feels the material is appropriate to the building, but is concerned whether the material and color scheme is appropriate to the Downtown Mall.

Ms. Giovanna Galfione, an architect with RGBC

Architects, made a brief presentation. She stated that she had brought some material samples of the stone intended to replace the Carrara glass in the boxing of the storefront. The main concern is that the Carrara glass is already broken in several places, and is not a durable material for that location. She stated that the entrance into the store is finished with a Formica, which was not part of the original design. The property owner is concerned with maintenance of the fragile finish of the storefront, and is seeking to replace the Carrara glass with an easier-to-find, more durable, expanded glass product. She commented that the renovation is intended to give a new face to the building and establish a more vibrant presence on the mall, and that the polished, shiny granite they have selected will maintain continuity with the original material. She added that the horizontal striping is in character, not particularly with the Downtown Mall, but with buildings of the period during which this structure was first built. She indicated that, as Ms. Vest mentioned, they are willing to change the windows on the front facade, and she presented the Board with a sample of the window they are proposing.

Ms. Ely asked if there were any questions for the applicant from the public or the Board.

Mr. Schwartz asked about the color of the window frames, and Ms. Galfione indicated they would be brushed aluminum, as the original windows were.

Mr. Coiner commented that going with the black mirror glass material seems like a little much, and Ms. Galfione replied that they had wanted to retain some of the original Carrara glass in the portion of the facade that was out of reach and that also had the flower design etched in.

Ms. Ely asked if the change in the type of glass had to do with the lack of availability or durability of Carrara glass, and Ms. Galfione stated that they had based their decision on both considerations. She then asked how long the pieces of Carrara glass had been there, and Ms. Galfione replied that they had been there since 1947 and were the original facing for the storefront.

Ms. Winner commented that this was something of a schizophrenic situation, where it might be reasonable to change rather than replace original facade details because of expense, lack of availability, or because the original details are not very attractive, and yet it might initiate a trend to continue changing facades for reasons that may or may not be valid.

Ms. Ely asked if the applicant had considered just using black, and Ms. Galfione replied that they were

seeking a contrast of colors, instead of just black against black.

Mr. Atkins commented the sample is more impressive than the picture.

Mr. Schwartz commented that the patterning is quite compatible with the Art Deco feel of the building, but he would prefer that the applicant go with all black material as well, which would help preserve the look of Carrara glass but avoid other problems mentioned. He offered a motion for approval as drawn, with the stipulation for black throughout, as opposed to the alternating colors.

Mr. Clark asked if black stone or black glass was being suggested, and Mr. Schwartz stated he was suggesting black, polished stone, as presented by the applicant. Mr. Clark then asked about the thickness of the stone compared to the glass, and Ms. Galfione replied that it would be practically the same. In response to further questioning from Mr. Clark, she replied that she had not been able to find Carrara glass, but had some names and numbers of people to call.

A brief discussion followed, in which Ms. Galfione reiterated that durability was the main reason the material she was presenting had been chosen, and she promised to provide the Board members with a sample of the expanded glass.

Mr. Clark commented on the liveliness of the proposed design, and after a brief discussion in which Mr. Schwartz withdrew his original motion, made a motion to approve the application. Mr. Tremblay seconded the motion.

Mr. Coiner offered a friendly amendment that the applicant save the Carrara glass that is removed, for possible re-use by other businesses on the mall. A vote was taken, and the motion carried 4-3.

CERTIFICATE OF APPROPRIATENESS APPLICATION BAR 00-7-31
308 E Market Street

Ms. Vest gave a brief report. She indicated that Mr. Kabbash was presenting a request to build a porch on the upper level side of his residence. Of the scenarios presented, Staff prefers the simpler of the two, which would be a porch with railing around it.

Staff feels this is more in keeping with the buildings in the area. Ms. Vest indicated the applicant still needs to provide information on the material and details of the railing.

Mr. Kabbash gave a short presentation. He stated he

is open-minded about the type of railing to use. He had been considering going to Caravati's in Richmond to obtain an old material, to match the turn-of-the-century style of his residence. He referred to two arches depicted on the doorways in the drawing, and stated he agreed with Staff that it would be better to keep the design simple, but would like permission to use historical material. He stated that the actual skeleton of the deck would be very simple, and the color scheme would be gray for the two arches and all the bannisters in front of the porch, and white on all the windows of both buildings. Referring to a series of photographs, he indicated they were all of railings within five blocks of his house, and he would be glad to duplicate any of them, or else bring materials from Richmond and let Ms. Vest choose the most appropriate design on behalf of the Board. He stated his greatest interest was to create a sense of continuity.

Mr. Schwartz asked if the plan showed the porch going right up to Market Street, and Mr. Kabbash indicated it would be eighteen inches back.

Mr. Coiner indicated he was a bit confused by the application. He discussed the details of the plan with the applicant, who indicated that an existing window would become a glass door. Mr. Coiner asked if there were another window or door that could be used, rather than so close to Market Street.

Ms. Vest asked if the door would require any additional opening, and the applicant indicated they would keep the existing lintel and just take the brick out below.

Mr. Atkins asked the applicant about the approval he is seeking, and Mr. Kabbash indicated that he would be seeking Staff approval on the actual bannister, but that the other details are as they have been presented: plain, painted pine, with the underside fitted and painted white, and the gray that is already on the building.

Ms. Ely called for comments from the Board. Mr. Kabbash reiterated he would like Board members to comment on the pictures of bannisters he presented.

Ms. Ely commented that although the porch connecting the two buildings might not be visible to people driving by, it would be visible to those who walk in that area.

Mr. Schwartz commented he would vote to deny the application on the basis of conceptual issues. He stated that the introduction of a porchlike element

in a gap between two buildings on a common street is inappropriate, even though it may be carefully designed and constructed from historical materials, and that it does not make sense to build over a public area, eighteen inches away from a public street.

Mr. Clark voiced his agreement with Mr. Schwartz, and stated he would vote to deny the application as well, on the grounds that it is a use that is improper and unprecedented in the City of Charlottesville.

Mr. Tremblay commented that the porch would not be visible to people driving by, and since both buildings are owned by the applicant, it is his right to determine how he wants to use them.

Mr. Coiner expressed concern about the design, but stated he saw the applicant's need for the porch and agreed with Mr. Tremblay that it would not be visible unless one were standing in front of the house.

Mr. Atkins asked the applicant about the alleyway. Mr. Kabbash explained that the alleyway is actually the driveway, which is used to access his buildings.

Ms. Winner commented that she supported Mr. Schwartz' conceptual objections to the proposal.

Mr. Schwartz made a motion to deny the application on the basis of the lack of appropriateness of a porchlike feature eighteen inches off of East Market Street. Mr. Clark seconded the motion.

Mr. Atkins asked if changing the depth of the recess would make a difference. Mr. Schwartz commented that that was a valid point. He stated that eighteen inches is very close, and he could not think of a comparable situation in Charlottesville or anywhere else that handles such a design in a way that would be presentable to the public. He added that he has tremendous respect for the rehabilitation work the applicant has done around the city, but he feels that this is a public issue, as it presents itself to a public street.

Ms. Ely called for a vote, and the motion carried 5-2.

The applicant asked for direction from the Board. Unofficially, Mr. Clark suggested that the applicant produce more detailed, easier-to-read drawings to assist the Board in understanding the proposal.

The applicant asked whether the five members who voted against the application were adamant about their decision, or whether they were open to

considering another application on this issue in the future, and Ely suggested that the applicant meet again with Ms. Vest or other Board members to discuss his ideas.

CERTIFICATE OF APPROPRIATENESS APPLICATION BAR 00-7-32
W Main Street at 10th Street Connector Road

Ms. Vest gave a brief presentation. She indicated that the proposal before the Board is for design approval for a new building to be built on a vacant lot on the corner of the 9th-10th Street connector and West Main Street. She stated that Staff has reviewed the application and finds the overall concept of the building to be generally in keeping with design guidelines. However, Staff is interested in finding a way to break up the 10th Street facade, to keep the building in scale with the character of the district, and has requested that the applicant provide samples of details and materials.

John Matthews addressed the Board. He commented that the application should be self-explanatory. Referring to the site plan, he indicated that the lot in question is next to Papa John's on West Main Street. He then commented on the massing study they had done to relate the building size-wise to some of the University buildings nearby, describing both the layout and the proposed use of the building. He stated that they are very much interested in having the building reflect the character of West Main. He indicated that some of the brick detailing on the old Fayerweather Hall was the model for the detailing on this building, and added that the banding on the building would be brick, rather than the pre-cast found on most new buildings. After reviewing drawings in the package that depict the streetscape, he stated he would be willing to answer any questions.

Mr. Atkins commented about the leasable space available in the area. Mr. Matthews stated he could not deny the number of office buildings, but added that they are designing the building to have as much flexibility as possible, with the potential for some residential use. He indicated that they had spent a lot of time working out circulation issues, in the instance there were tenants from the hospital who would need handicapped access, and that there would be equal access from the rear and the front.

Mr. Schwartz asked if a site plan was available that showed the relationship of the building to the adjoining buildings, besides the small drawing in the package. The applicant commented that they felt the aerial photo was sufficient to show in 3D the context and the adjoining buildings, but that the streetscape

also shows the relative proportions of the buildings.

Ms. Ely called for further questions from the Board. Seeing none, she asked if there were any comments.

Mr. Schwartz commented that when he looked at the drawings, he assumed the reason why the top level had a different articulation was to accommodate apartments with amazing views. He indicated that the BAR does not have authority to determine the programming that goes into a building, but the architecture seems to suggest a mixed use, and he feels that both the architecture and the city would benefit tremendously from it. He then commented that the aerial photographs and the street-level perspective drawings do not address the set-back issue from Main Street, and he would not like to see a repeat of the Marriott travesty, where the building is too close to the street, relative to the adjoining structures.

Mr. Matthews replied that he would be willing to move the building back if everyone wanted him to, but in his opinion, from an urban standpoint, pushing the building off the street would be the worst thing to do. Mr. Schwartz stated he may be right, although it is impossible to determine on the basis of the existing drawing, and asked the applicant to provide a site plan showing the building in the context of the other buildings on the street.

Mr. Clark commented he had stylistic problems with the building which he wasn't going to address, but he questioned the decision to build a rotunda-shaped building within a quarter of a mile of the Rotunda.

Mr. Atkins commented that he was uncomfortable with the design of the east elevation, and felt that it would benefit more from massing articulation than surface articulation, considering the architect's desire to be sensitive to people approaching the hospital from Main Street and to provide multiple, flexible uses of the building.

Mr. Clark commented that the Hampton Inn across the street suffers from surface articulation, and that the architect's concerns about accessibility for pedestrians and the possibility of including shops demand an alternate approach.

Ms. Ely asked if there were any further comments. Seeing none, she called for a motion.

Mr. Schwartz commented that the prominence of this building on Main Street is such that the issue of its relationship to adjoining buildings is critically important. He then requested the applicant to

provide a context plan that would allow the Board to see the whole block, and stated that although he supports this project, he cannot make a decision until such a plan is provided.

Mr. Schwartz made a motion for deferral, to allow the applicant time to seek additional information relating to the context and the site and to explore the comments of the Board as he sees fit, and requested that the application be brought before the BAR again the following month. He added that this is a major, significant project that is worthy of their attention.

Mr. Atkins seconded the motion, reiterating his concerns about the massing relative to the Main Street scale of building.

A vote was taken, and the motion for deferral was approved.

CERTIFICATE OF APPROPRIATENESS APPLICATION BAR 00-7-33
E Main Street at 7th Street/City Hall Yard
Monument to Free Speech

Ms. Vest gave a brief presentation. She indicated that this proposal came before the Board as a concept in September of 1999, and the Board members expressed their support for it as a concept, but a certificate of appropriateness was not given at that time. She stated that the applicant is now seeking formal approval of the design concept, before proceeding to City Council to get their approval, with the understanding that final materials would need to be brought back for the Board's consideration. She stated that based on the previous positive comments of the Board, Staff recommends approval of the application.

The applicant gave a brief presentation on the nature and the purpose of this project. He indicated that the monument would not only celebrate free expression, it would serve as a venue for free expression. He stated that this monument would be funded completely from private sources, but before they begin a fund-raising campaign, they would like to get some assurance from the BAR and City Council that the idea of a community blackboard is one that meets their approval. He presented the Board with some colored drawings and a scale model of the monument, and then turned the floor over to the architect.

Mr. Winstead commented that the monolithic structure would be concrete faced in slate, with a steel inset trough for holding chalk. He indicated that the existing staircase would be replaced, and there would be a podium in line with the door to City Hall and a

panel with the First Amendment inscribed on it, facing the Downtown Mall. The rest of the island would be developed based on what happens on 7th Street, but would likely be a graded, open space for accessing the back side of the wall.

Mr. Coiner commented that although chalk will be provided, some people would more than likely use spray paint or scratching into the slate surface to express themselves, and asked how the architect would suggest that the City maintain the monument. Mr. Winstead replied that they have looked into solvents that have been developed in New York for removing spray paint, and there are solvents that would work with the type of slate they are considering.

Discussion then followed concerning the hardness of the slate and the problem of messages being scratched in, and Mr. Clark suggested that the applicant look into a stone called White Serpentine.

The applicant added that as part of the fund-raising, they are seeking to raise an endowment fund for the ongoing maintenance of the monument.

The architect indicated that the monument would be panelized, so if someone took a hammer to it, it would only be necessary to replace a panel.

Mr. Coiner asked if he chose to express himself by etching in the stone, and that was ground off, whether or not that would be a violation of his first amendment rights. The applicant indicated that time, place and manner restrictions are consistent with the first amendment, and one of the manner restrictions would be that one could express himself only in chalk.

Ms. Hook commented that she likes the concept, but she has grave reservations that it is going to become Beta Bridge number two, and questioned whether it would actually require daily maintenance, in terms of removing inappropriate media and content. The applicant stated that he did not think defacement by paint would be a regular problem, and the question of appropriate content having to be maintained is a value judgment. In his opinion, he would be happy to see people writing all sorts of things on the monument, to be responded to verbally or with an eraser.

Ms. Winner voiced her support of the concept, and stated she would prefer to think about the positive side of human nature and the positive potential for the monument, rather than the disruptions and problems posed by the small minority of people who might want to deface it.

Ms. Winner raised a question about the problem of loitering and people sleeping on the monument.

Ms. Hook commented that the applicant should seek to create an endowment for custodial care of the monument, and the applicant replied that that is part of the plan.

Mr. Schwartz offered an enthusiastic motion for approval of the concept, in full knowledge that this would be going before City Council and would have an opportunity for additional public comment, and that the first amendment is risky business and could be controversial. He commented that he is extremely excited about this possibility and would love to see it pursued further.

Ms. Winner seconded the motion.

Mr. Clark voiced his appreciation for the applicant and architect making the effort to provide a model. He stated he is in awe of the concept, but skeptical of the outcome, and suggested that a mock-up blackboard of sorts be put up to gauge public response.

Mr. Atkins stated that he supports Mr. Clark's comments, and suggested the applicant consider building a temporary installation rather than a monument. He stated he has two reservations, namely the limitations that a permanent monument places on that urban place as it could develop across from City Hall, and the question of the art lifespan of a monument, but otherwise he enthusiastically supports the proposal.

Ms. Ely called for a vote, and the motion was approved.

CERTIFICATE OF APPROPRIATENESS APPLICATION BAR 00-7-34
First Presbyterian Church, 500 Park Street

Ms. Vest gave a brief report. She indicated that Staff reviewed design guidelines for new additions and looked at the location, the design, replication of style, the appropriateness and compatibility of materials, and the materials, features and attachment to the existing building, and found that the proposal meets with the guidelines. She commented that the applicants have provided nice samples of the materials, and turned the floor over to Ms. Candace Smith.

Ms. Smith addressed the Board. She indicated that the site plan they submitted is the old site plan from Scribner's, and although it does not show an addition that was later added at the back, that does

not have bearing on this project. She stated that they plan to add a side porch entry and remodel a ramp that is currently not to code. These additions would not be visible from the front of the building, due to the nature of the landscaping and the pieces in between, but would be visible from Park Street. She indicated they would match the Buckingham slate that is on the roof of the main sanctuary, as well as the brick that is a large part of the building itself. Referring to photographs, she described the materials in more detail, indicating the pipe railing would be replaced with wrought iron railings painted Charleston green or black.

Mr. Atkins asked if they had considered doing a more porchlike addition. Ms. Smith indicated that the church had been presented with several options, and they were keen on picking up on some of the arch windows that currently surround the sanctuary.

Mr. Clark made a motion to approve the application as submitted. Mr. Tremblay seconded the motion, and it was approved unanimously.

Mr. Schwartz proposed that the minutes be deferred until the next meeting.

Mr. Clark commented that he is concerned that the deferral on the demolition would be read as the Board members being unable to make their minds up, which he feels does not accurately reflect the Board's position. Mr. Schwartz suggested that the follow-up letter reflect that in some way. General discussion followed concerning the necessity of making the Board's position clear to the applicant. Ms. Vest commented that in her normal letter, she would be happy to include the reasons for the deferral, and would be happy to collaborate with Mr. Schwartz and Ms. Ely over email on this matter.

Mr. Schwartz made a motion for adjournment, whereupon the meeting was adjourned at 8:30 p.m.

