

**City of Charlottesville  
Board of Architectural Review  
June 15, 2004**

**Minutes**

**Present:**

Joan Fenton, Chair  
Lynne Heetderks, Vice Chair  
Wade Tremblay  
Preston Coiner  
Joe Atkins  
Syd Knight  
Cheri Lewis  
Katie Swenson

**Also Present:**

Mary Joy Scala

Ms. Fenton convened the meeting at 5:04 p.m.

**A. Approval of minutes**

April 20, 2004

Ms. Scala stated the members did not get those minutes.

May 18, 2004

Mr. Knight noted that on page 9, the Water Street Plaza, Robert Nichols was making the presentation. Ms. Scala stated she had included additional information in the members' packets about the Ridge and Cherry discussion and asked if the members wanted those added to the official minutes.

Ms. Lewis moved to approve the minutes as submitted with the addendum and correction. Mr. Knight seconded the motion. The motion passed, 7-0-1, with Ms. Heetderks abstaining.

**B. Matters from the public**

Ms. Fenton called for matters from the public.

Ms. Antoinette Rhodes, of 406 Oak Street, spoke against the Board of Architectural Review's suggestion that the Cherry Avenue edge of the Ridge/Cherry site be widely commercial; it was a stunningly bad idea. Ridge Street has never had a commercial component. Ms. Rhodes gave a history of Cherry Street. Removal of the trees along that strip is a bad idea. She stated she had taken the City Forester to the site; he had been impressed by the trees, many of which had measured diameters over four feet. Ms. Rhodes presented the members with photographs and

other materials regarding the site. Ms. Fenton thought they could look at the materials during their break.

Mr. Kurt Keesecker, with Bruce Wardell Architects, spoke on behalf of their client at 12 Elliewood Avenue. Board of Architectural Review approval had been received with the contingency of the confirmation of a metal roof color. They were seeking two modifications to the previously approved submission administratively with Planning staff. He provided the members with a summary of the new information they had received in the last two weeks. The Building Code official has termed the dining terrace an enclosed structure which requires a rated wall on the south side of the structure due to its proximity to the property line; the wall would be an exterior grade plywood panel painted with some applied wood trim facing the ramp side with exterior rated sheetrock on the inside. They had also learned that the front property line was six feet closer to the house than originally thought. Ms. Swenson thought the color of the metal roof was fantastic; she was glad they were going with the metal roof. Ms. Swenson recommended they finish the process administratively. Mr. Atkins respectfully disagreed with Ms. Swenson; he felt the rated wall should be considered by the Board. Mr. Knight could see Mr. Atkins' point; however, he felt the architect and applicant were caught in a crossfire with the Code official and Board of Architectural Review. Mr. Knight felt it could best be resolved administratively. Mr. Knight moved to approve the metal roof color as submitted; Ms. Lewis seconded the motion. The motion carried unanimously. Mr. Knight then moved that they allow the applicant to work with Staff to resolve the two new issues -- the Building Code requirements and the boundary survey clarification. Ms. Swenson seconded the motion. Ms. Lewis suggested they approve the boundary change and approve the fire rated walls insofar as staff thinks that they conform with the application that was received and approved in May; to the extent that staff thinks they deviate, then the Board would get it back. Mr. Knight and Ms. Swenson found that acceptable. The motion passed, 7-1, with Mr. Atkins casting the dissenting vote.

### **C. Certificate of Appropriateness Application (Deferred from May 18, 2004)**

Fifth Street SE and Water Street  
TM 53 P 72  
Water Street Plaza  
William Nitchman, Applicant  
Formwork Design, Architect

Ms. Scala gave the staff report. At the last meeting, the Board had voted to deny the motion to approve the massing and material; a motion to defer had been approved subject to reworking the plan based on Board of Architectural Review comments. A new drawing was in the members' packets.

Mr. Robert Nichols, of 105 Perry Drive, responded to the previous comments. The five-story structure would be primarily brick clad with some stucco on the recessed portion of the penthouse. Retail would be at grade with a level of parking above that and three levels of residential condominiums above that. The residential entrance would be on Fifth Street; one retail unit would also be accessed on Fifth Street. A ramp for automobile access to the second story would be on the northern most portion of Fifth Street. A sunshade was added to the penthouse to help add density. The brick walls would be capped with either a blue stone or slate

cap projecting an inch across the plane of the brick. Concrete masonry at the ground level on the east side was being replaced with brick. Retail signage has been removed from the application. Signage identifying the building as residential was included; the signage would consist of two parts. The letters would be either reverse channel or solid metallic letters. A plaque would be on the face of the building to identify it to pedestrians. Only one type of brick would be used; however, there would be two brick patterns and two mortars.

Ms. Fenton called for questions.

Ms. Swenson sought clarification as to the materials on the west elevation for the vertical strut. Mr. Nichols stated the components were from a curtain wall system. There would be aluminum sheet metal, clear vision glass, and a light blue glass.

Mr. Knight verified that the materials and detailing would be coming back at a later date. Mr. Nichols hoped that some of the elements were sufficiently detailed already.

Mr. Knight moved to approve the project at Fifth Street and Water Street as presented with the sheet metal or metal panel jointing and seams and final canopy details to come back as well as the signage. Mr. Atkins seconded the motion. Ms. Fenton asked that lighting which was not presented be added; she asked that what was submitted is approved but details that are not there need to come back. Mr. Knight accepted Ms. Fenton's clarifications. The motion carried, 7-1; Ms. Heetderks cast the dissenting vote.

#### **D. Certificate of Appropriateness Application**

**BAR 04-06-06**

**513 Dice Street**

**TM 29 P 63.1**

**Removal of chimney/Change in roof material**

**Joe Mallory, Applicant**

Ms. Scala gave the staff report. The proposal was: to remove an existing chimney; to remove existing synthetic siding and replace it with either Hardiplank or wood siding; and to remove the existing metal roof and replace it with a new dimensional shingle roof. The house has been extensively altered over the years. It has potential to be rehabilitated into a handsome house. Staff recommends: repairing rather than removing the chimney; approval of the siding change as proposed; and replacing the metal roof with metal rather than dimensional shingles.

Mr. Joe Mallory stated that other homes in the neighborhood had replaced metal roofs without metal. Repairing the chimney would cost \$25,000; it would be cheaper to take it down and fix the house since it is not a working fireplace.

Ms. Fenton called for questions from the public and then the Board.

Ms. Fenton asked if the chimney was part of the original house. Mr. Mallory thought it was.

Ms. Fenton asked if the chimney was in danger of collapsing if it were not repaired. Mr. Mallory concurred.

Ms. Swenson asked if the applicant had other changes in mind. He stated he would like to do a wrap around porch around whole house.

Ms. Lewis asked if he would replace the shutters after replacing the siding. Mr. Mallory concurred.

Ms. Fenton called for comments from the public.

Ms. Antoinette Rhodes, of 406 Oak Street, stated the house had been built in 1860. A great deal of its historic fabric has been stripped by neglect and abuse over the years; Mr. Mallory had had no part in that neglect or abuse. It is a Greek Revival house and should not have a wrap around porch. The chimney was the right shape and mass to be original and should be there. The roof should continue to be standing seam metal. If the town has a commitment to save the small, precious inventory of historic structures, they could not be dismissive of the ones that have been damaged over time. A clear message should be sent that just because some of the historic fabric has been stripped that is neither reason nor excuse for more of that fabric to be stripped.

Mr. Lee Scotten, of 406 Oak Street, also spoke in opposition of the proposal. He did not want to see further disrespect to an antebellum structure.

Ms. Fenton called for comments from the Board.

Ms. Heetderks echoed Ms. Rhodes comment that just because the historic resources have been stripped doesn't make it correct to strip what remains. The house was not in good condition when it was determined to be an individual historic district. There are very few pre-Civil War/Civil War era structures in Charlottesville. She felt that what remained was worthy of preservation. The guidelines regarding the roof and chimney are explicit. She cited Guideline 1: Retain elements such as chimneys, skylights, light walls that contribute to the style and character of the building. Guideline 2: When replacing a roof, match original materials as closely as possible; avoid, for example, replacing a standing seam metal roof with asphalt shingles as this would dramatically alter the building's appearance. Although sympathetic with the applicant's financial hardship of replacing these two elements, she felt the guidelines should be applied in the interest of consistency.

Mr. Coiner echoed Ms. Heetderks in that the guidelines were very clear. He could not support a motion to replace the roof or demolish the chimney.

Mr. Tremblay, while recognizing the economic difficulty, could not disagree with the points raised by his colleagues.

Mr. Atkins thought the guidelines were clear, but the chimney was a tough call. Mr. Coiner felt that if it was not functioning, it did not need to be as structurally sound.

Ms. Lewis found the chimney to be a hard call because it was in such poor shape it would have to be torn down to at least three feet above ground if not ground level.

Ms. Swenson wanted a second or third opinion about the chimney before she could vote to take it down.

Mr. Mallory asked if the historic designation could be lifted. Ms. Fenton stated it could be applied for but she did not think the Board would do that.

Ms. Fenton suggested the applicant return with documentation of economic hardship.

Ms. Heetderks sought a citation for the Guidelines for economic hardship as her memory of the guidelines were that they were applied to replacing slate roofs and in the case of demolition. Ms. Scala thought there was a guideline in the historic overlay section.

Ms. Heetderks moved to defer the issue of the chimney to allow the applicant a chance to bring some documentation of structural engineering and the financial hardship argument and to have the submission revised to be considered as a partial demolition rather than as a rehabilitation unless the applicant comes back and wants to rehabilitate it based on his estimates. Mr. Knight seconded the motion, which carried unanimously.

Mr. Knight moved to approve the application to re-side the house with Hardiplank or wood siding. Ms. Lewis seconded the motion. Ms. Swenson asked that the stipulation be added that the utmost care is taken with the underlayment to demolish whatever is necessary to create a nice siding. Ms. Fenton called the question. The motion carried unanimously.

Mr. Coiner moved to deny replacement of the standing seam metal roof with shingles based on guideline 34-284(b). Ms. Lewis seconded the motion. Mr. Atkins asked that the language of guideline 2 that says when replacing a roof, avoid replacing a standing seam metal roof with asphalt shingles. Ms. Fenton called the question. The motion carried unanimously. Ms. Fenton told the applicant he had the right to appeal to City Council within ten days.

### **E. Certificate of Appropriateness Application**

**BAR 04-06-01**

**909 West Main Street**

**TM 31 P 168**

**Patio additions**

**Frank A. Cramblitt, Jr., Applicant**

Ms. Scala gave the staff report. The request was to add a patio to the Big Mouth Pizza side of 909 West Main. A chain rail would be around all sides of the patio, which would be concrete pavers set in sand. Landscape timbers would be placed around the perimeter to protect the tree roots. Lighting was not addressed in the proposal. The site plan would be approved administratively.

Ms. Lewis moved to approve the application as submitted. Mr. Coiner seconded the motion, which passed, 7-1; Mr. Knight voted against.

**F. Certificate of Appropriateness Application**

**BAR 04-06-02**

**410 East Water Street**

**TM 28 P 610A, 1K**

**Glass replacement in windows/loading dock doors**

**Tim Michel/Charlottesville East, Applicant**

Ms. Scala stated that staff recommended approval of the proposal to replace existing blocked in windows with new, larger windows and one with a doorway. The applicant could not be present.

Mr. Atkins moved to approve. Ms. Swenson seconded the motion. The motion carried unanimously.

**G. Certificate of Appropriateness Application**

**BAR 04-06-03**

**128 Madison Lane**

**TM 9 P 139**

**Renovation of third Floor**

**Goldsmith Construction, Inc., Applicant**

Ms. Scala gave the staff report. The proposal was for: four new dormers on the roof; two new retractable fire ladders, which when retracted look similar to a vertical gutter; a new continuous ridge vent and upgrades to mechanical and fire suppression systems. The new egress features would not be very visible. Staff recommends approval subject to submission of the color for the metal grate landing and ladder.

The applicant explained the house had been renovated and brought up to Code in 1985. The proposal was to bring the house further up to current standards. The dormers would match existing dormers and would be true divided light with muttons.

Ms. Fenton called for questions and comments.

Mr. Tremblay did not see anything he would not support. Mr. Coiner concurred.

Mr. Knight was bothered by the three dormers on the north side.

Ms. Lewis thought the dormers were attractive. She could support the application.

Ms. Swenson was concerned that the front dormer looked unseemly.

Ms. Heetderks agreed with Mr. Knight. The roofline was graceful and it seemed a shame to add dormers. She argued that it violated criteria 34-2.84(b) of the City Code: The proposal was

incompatible with the historic, cultural, architectural character of the district or the protected property.

With the exception of the two dormers on the northwest side closest to the portico, Ms. Lewis moved approval of the application as submitted with the addition of true divided lights being added in the windows that are being replaced. Mr. Atkins added the modification of the relocation of the safety ladder to the backside as described. Mr. Coiner seconded the motion. The motion carried unanimously.

Mr. Knight moved to deny the addition of the two northwestern dormers in question. Ms. Heetderks seconded the motion. The motion failed, 3-5; with Mr. Knight, Ms. Fenton, and Ms. Heetderks voting in favor of the motion.

Ms. Lewis moved to approve the middle dormer as long as it is aligned with the windows on the first and second stories and to deny the dormer closest to the portico. Mr. Tremblay seconded the motion. The motion passed 5-3 with Mr. Knight, Ms. Fenton, and Ms. Heetderks voting against.

The meeting stood in recess at 6:54 p.m.

Ms. Fenton reconvened the meeting at 7:15 p.m. and sought the Board's decision regarding having the preliminary discussion first or the demolition request. At the Board's request, the demolition proposal would be heard first.

## **H. Certificate of Appropriateness Application**

**BAR 04-06-04**

**1328 Riverdale Drive**

**TM 50 P 5**

**Demolition of additions/Relocation of house**

**Laird Virginia LLC, Applicant**

Ms. Scala gave the staff report. The property was an individually designated historic property. The property owner had asked to be delisted; denial of the application had been unanimous. This proposal was to demolish the more recent portions of the structure: the rear cottage dated in the 1940s; a 1988 addition; and 1993 addition that connects the other two. The proposal is to also relocate the historic 1912 house on the same parcel as far back to the property line as possible. Staff treated these as two separate applications. Staff feels the additions are not significant enough to deny demolition of them. Staff did not feel there was sufficient justification to approve moving the structure. If approval is granted, staff recommends: the house retain the same orientation as in the current location; it should be screened with landscaping after relocation; all existing structures should be documented with photographs and a site plan drawn prior to moving and demolition; a structural assessment be made to minimize damage that might occur during the move; the building should be secured from weather damage and vandalism before and after the move.

Mr. Ned Vickers, with Laird Development, thanked staff for recommending demolition of the additions. He felt that moving the structure improved its visibility.

Ms. Fenton called for questions from the public and then the Board.

Ms. Heetderks wanted to know why there was no image of the structure after the move. Mr. Vickers explained the computer simulations had not been completed in time for submission. In further clarification to Ms. Swenson he explained the house would be visible above the facade of Walgreens.

Ms. Fenton called for comments from the public.

Ms. Carty Lominac, with JEM Land Trust, spoke in favor of the proposals for demolition and movement.

Mr. Brian Broaddus, representing Preservation Piedmont, spoke in opposition of the proposal. The partial demolition was deemed reasonable. The relocation of the building destroys the integrity of the property.

Ms. Fenton called for comments from the Board.

Mr. Tremblay thought the request for a partial demolition was consistent in that the additions had no particular historic significance.

Mr. Knight agreed with Mr. Tremblay.

Mr. Tremblay made a motion to approve the partial demolition as requested. Ms. Lewis seconded the motion. Ms. Heetderks asked that the motion be clarified that these are the three additions dating to the 1940s, 1988 and 1993. Mr. Tremblay accepted the clarification. Mr. Coiner did not object to the demolition, but he asked that an archaeological study and photographs be taken should they find a reasonable portion of the 1840s structure. Mr. Coiner and Ms. Lewis approved the addition of the recommendation. The motion carried unanimously.

Ms. Fenton called for comments regarding the relocation.

Ms. Heetderks, citing the review criteria of the guidelines for removing and relocating protected properties, stated the relocation did not meet the majority of the criteria. Relocation was incompatible with the historic character of the property. There was no public necessity. There was public interest in protecting the structure. The existing character of the setting of the structure or area and its surrounding would be affected. Relocation would trivialize the structure by moving it further back and doing away with the remainder of its green space.

Mr. Atkins agreed with Ms. Heetderks. He felt relocation was inappropriate.

Ms. Lewis thought the application was deficient. She would have been helped with a site plan or survey rather than the simple schematic presented.

Ms. Heetderks moved to deny the request to relocate the building based on City Code 34-284(b), numbers 1 and 2 and based on the Review criteria in Guidelines for Removing or Relocating



Protected Properties, numbers 1, 2, 3, 4, 5, 7, 8 and 10. Mr. Knight seconded the motion. Ms. Lewis commented for the record that at the Planning Commission meeting the previous week a representative of the applicant said that the Board of Architectural Review and the Planning Commission had voted last year that it was a mistake in 1988 that this property be kept on as a historic property; she vehemently disagreed with that and that the votes in the last year by both of the boards confirm that this is a very important historic property to the City. Ms. Fenton called the question. The motion carried unanimously.

**I. Preliminary Discussion (15 minutes) 1328 Riverdale Drive/Entrance corridor review  
Laird Virginia LLC, Applicant**

Ms. Fenton called for the preliminary discussion even though relocation had been denied since the applicant could appeal to Council or the project could be redesigned.

Ms. Scala gave the staff report. The City Attorney had provided a memo regarding procedure since the proposed development covered five parcels, one of which had a protected property status -- under the purview of the Board of Architectural Review -- and part was in an entrance corridor under the purview of the Charlottesville Planning Commission. Ms. Kelley could not find anything that allows the responsibility for the design to be placed with one board or the other. She suggested the boards consider a joint public hearing since they must both grant COA approval. Within the parcels, the protected property is zoned R-3 with a historic overlay; the part fronting on Long Street is zoned Central City Corridor, a mixed use district with EC overlay; the part on High Street is zoned High Street corridor, another mixed use district with EC overlay. The proposal is for a one story, 14,820 square foot, flat roofed, brick building with a two-story sign tower connected to the main building with a gable roof porte-cochere. Two sides of the building are articulated with brick pilasters and false windows with awnings. A drive through window dictates parking on the site. A brick retaining wall on the High Street side would contain a Welcome to Charlottesville sign.

Mr. Ned Vickers stated that, based on comments received last week, the design was obviously not suitable to the City. The three criteria they were considering were for a building suitable to the City, suitable to Walgreens and economically viable to build.

Ms. Fenton called for comments from the public.

Ms. Virginia Amos, of Watson Avenue and a lifetime resident of Charlottesville, wanted the view of the building preserved.

Ms. Fenton called for comments from the Board.

Ms. Swenson saw the proposal as incomplete.

Mr. Atkins felt this would be within the purview of the Charlottesville Planning Commission since the Entrance Corridor Guidelines more severely relate to the project. He did feel that parking should be in front rather than the side or rear.

Ms. Lewis agreed with Mr. Atkins that this was more of an Entrance Corridor review because those guidelines address new construction. She referred to her comments on the matter at the June 8th meeting of the Charlottesville Planning.

Ms. Fenton felt the wall ruined the streetscape and goes against most of the zoning ordinance. The tower adds mass and scale where it is totally unnecessary.

Ms. Heetderks echoed the comments of Ms. Fenton and Mr. Atkins. She disliked the Welcome to Charlottesville sign. The general scale was inappropriate.

Mr. Knight asked that parking be reconsidered. The relationship of the building with regard to the historic site was critical.

Mr. Coiner echoed the comments of his colleagues.

**J. Certificate of Appropriateness Application**  
**BAR 04-06-05**  
**East Water Street and East Main Street**  
**TM 53 P 160**  
**Transit Center and Amphitheater**  
**WRT & ftl/Architects**

WRT provided a PowerPoint presentation, which was followed by a presentation about the amphitheater by a representative of ftl.

Ms. Heetderks left the meeting at 8:30 p.m.

Ms. Fenton called for comments from the public.

Ms. Virginia Amos spoke in opposition of the proposal. She had heard from other residents who were against the proposal that were sad but didn't think it would do any good to come to the meeting. Ms. Amos was distressed that no one was concerned about the historic preservation of the open space and the last opportunity to have a City park. In her estimation this building had no place in an historic district. She felt this project would be more suitable for West Main Street. She suggested that if the Board of Architectural Review approved the building as designed, then the Board of Architectural Review should be disbanded and that the City forever forfeit its right to put a financial burden on anyone for historic preservation.

Ms. Fenton asked that further comments by the public be reserved for the exterior design of the transit center.

Ms. Candice Smith, a local architect and downtown business owner, stated it was very important that the Board review this with the same energy and attention as though this was the first item on the agenda. None of the details should be brushed over lightly. She thought it was critical that they notice if there was a ten-foot retaining wall that is not clear on the plan. The Board should notice there is a wall that is trying to grow ivy on a southern exposure where it will get burned to

bits. It was important to notice that glass that shows through a building is dotted with white dots. She stated the Board had a great burden and was responsible to the City to make decisions carefully. As an architect she felt the design had a major flaw in a lack of focal point when looking down from the Mall. It was important to know how the building would look from Main Street. The building was not representative of Charlottesville.

Mr. Jim Boyd, a resident of the County and architect practicing in the City, echoed some of the concerns expressed by Ms. Smith. He felt the amphitheater was too big. The transit center seemed like a building that would be comfortable in Los Angeles, Chicago, or San Antonio rather than Charlottesville, Virginia.

Ms. Fenton called for comments from Board members.

Mr. Coiner thought the building was nice; however, in reviewing the City Code and the criteria, he did not see where it was compatible with the district.

Mr. Knight had concerns, as regarded the transit center, about the site and the lack of specificity on materials and detailing. He was concerned about the pavement materials and the design of the retaining wall, which extends to the east of the building. He wanted details about the plaza; would there be a fountain or panels of turf. He would argue against a fountain or any kind of sculptural element on the lower level would detract from the more important location up at the Mall. He saw a discrepancy between the plan of the building and the west elevation.

Mr. Atkins expressed appreciation for the comments from the public. He did not think the transit center was essential for an arrival point. He thought the architects had done a good job to approach the project. The inventive use of copper was quite successful. He felt there should be less windows or the windows should be grouped together.

Ms. Fenton expressed support for the building. She felt it fit nicely in the landscape; however, she felt it was an incomplete submission. She needed more detailing.

Ms. Lewis was unsure what they were approving when they had to ask what the materials were. She stated this was a difficult proposal for a historic architecturally designated district. She did not know how the building could meet the criteria. She thought it was a lovely building.

Mr. Tremblay was not uncomfortable with the contemporary look of the transit building particularly from the Water Street perspective.

Ms. Swenson thought the building was beautiful and did a number of things very well. She felt panicked on the lack of a perspective drawing from the Mall and Fifth Street. She wanted to know more about the scale of the building. She felt the materials and the style of building was appropriate for the area. She would not support an EPDM roof.

Mr. Atkins shared some of the feelings about the resolution of the design. He would be comfortable making a motion to approve the design concept but would like to see more details. Mr. Atkins stated most of his questions were about site development, materials, walls, plantings;

many of those things were in process and are leaning toward being resolved. While the three-dimensional reality of the building has not been portrayed to the level expected for a building of this stature, approval of the conceptual design would move things along.

Mr. Knight agreed about the building but the site portion -- the Water Street frontage and the plaza to the west of the transit center -- was shakier ground. He could support the building in concept but not the site in concept without more information.

Mr. Atkins made a motion to approve the conceptual design of the transit center as presented, in that it is compatible with this site and relevant design control district surrounding it in terms of: its material, namely brick, copper, and natural wood; and its glazing systems which are actually common throughout the City; its texture and color, in that they are natural materials -- one of them is pre-weathered, but they're all common in the design control district; the height and scale and mass and placement of the proposed addition or building as a pavilion and considered as a covered porch or even site structure adjacent and contributing to the amphitheater as an outdoor public space; work on all of those grounds; it is a modest building; the actual scale, massing and material choices of this building are not only compatible but appropriate and well designed -- for those reasons he moved to approve conceptual design as presented with the stipulation that a more specific three dimensional rendering, either in model or perspective, preferably from both Water Street and the Mall, be portrayed at the next meeting, and the appropriate level of advancement in terms of design detailing on all of the building systems recognizing the Douglas fir natural as described with the varnish and coatings, the copper and the bronze aluminum storefront or curtain wall glazing system; those things not shown have to do with the bus canopies, the basic window, non-curtain wall system, the ultimate choice of flooring and paving if it is not what was specified or shown during the course of the meeting, lighting, and with particular attention on the roof material and questioning the use of low slope EPDM roof and with particular attention to the fenestration of the copper enclosed [volume]. Ms. Swenson seconded the motion. Mr. Knight asked if the motion required the applicant to return to the Board for approval of all the things stated. Ms. Fenton believed that was the intent. Mr. Coiner stated that Mr. Atkins had made a compelling case to approve the design. Ms. Lewis felt they were delisting Water Street since they kept making stated exceptions for structures on Water Street. Ms. Swenson upheld Mr. Atkins' reference to the criteria that material, texture, color, height, scale, mass, placement of the construction, compatibility, is something they do take seriously. Ms. Fenton called the question. The motion carried unanimously.

Ms. Fenton then called for comments about the amphitheater.

Ms. Lewis appreciated the fact that an urban park had been created. She was satisfied that pedestrian circulation had been defined. She was appreciative of the green space lawn seats that were being provided. She stated her support of the amphitheater.

Mr. Knight had many of the same concerns about the site and the level of detailing as he had on the transit center. If any thing, there was a greater level of uncertainty about some of the elements on the site on the amphitheater side. He wanted more information on: the planting plan; heights of walls; materials of walls; pavement; lighting. He felt the circulation was not worked

out around the site. The outermost ring of turf was questionable as to its supportability as turf since it was under the canopy.

Ms. Fenton appreciated the improvements on the design and the addition of the green space. She liked the concept but needed the detailing.

Mr. Atkins agreed with the earlier comment that the Board should be disbanded. There was a tension between making this a viable commercial venture that does all the things it needs to do and a public park at the same time. The Board needs to listen carefully and make sure it is not too big. It may not be crossing the line, but if things do not go well, then the whole thing will not be as successful as it could be. He was pleased to see the hard work on making connections around the perimeter and the giving over of the last third of the amphitheater to grass. He felt that it was pulling back from accommodating the common welfare. He felt it was not merely a need for more detail but more instances of the best possible options for the public way and accommodating the private use.

Ms. Swenson liked the relationship between the transit center and the stage in the amphitheater. She wanted to feel comfortable as a Board that they know what the shift off the major access means and that they are okay with it.

Mr. Knight felt some sort of resolution was to be had in the design of how the Mall meets the amphitheater. He also felt scale was a salient point.

Ms. Lewis asked if the Board wanted to approve the concept. Mr. Knight stated he would prefer deferral.

Mr. Atkins did not feel comfortable deferring since there had been two or three good faith presentations.

Ms. Lewis made a motion to approve the amphitheater design as submitted with the following details to come back to the Board: details about the stage and the platform and the materials to be used to construct that; more detail about pedestrian access including railings and ramps; landscaping, plantings; details about the gates and the perimeter of this and how those were shut down and opened up so it can be made public when there aren't special events going on; the size and height of the arch; the coverage of the fabric of the arch; and, finally, lighting, which is really important in a public space. Mr. Knight suggested she add the phrase, "and related site items." Mr. Tremblay seconded the motion. Mr. Atkins felt the motion was not clear enough; asking for clarification about the coverage was helpful but he did not think the motion addressed the question if it was the right size. At Ms. Fenton's request, Mr. Tolbert stated that City Council had specified coverage. Mr. Atkins would ask for a 20-foot reduction of the canopy so there is an appreciable open green space beyond the tent, before the trees, before the building. Ms. Lewis stated she would accept that as a friendly amendment to her motion. Ms. Lewis withdrew her motion to allow for further discussion.

Mr. Knight stated he could have supported the motion. The exact amount of turf versus pavement is less relevant than other questions; it could still be a nice urban park. The previous

motion could be helped by requesting the designers study ways to allow more light and natural rainfall by raising the vertical opening.

Ms. Fenton sought clarification that Mr. Knight was bringing back Ms. Lewis' motion with the addition just stated. Mr. Knight concurred. Mr. Atkins seconded Mr. Knight's motion. Ms. Lewis asked what would happen if they did not approve 2750 covered seats. Mr. Tolbert stated it would probably kill next season. Ms. Lewis stated she would support the motion under economic duress. Ms. Swenson asked if they could craft a statement saying the most important feature was not the 40 nights it makes money for a private developer, but is the rest of the year that it is a public park and public amenity and that they would look for any possible moment to potentially not increase the economic viability but increase its public presence. Ms. Fenton stated that could be easily acquired. Ms. Fenton told the developer that the motion would be enough for them to move forward and the details could come back with hope that they could have a circulation the Board is clear on that seems to work that satisfies the general public. Ms. Fenton called the question. The motion carried unanimously.

Ms. Lewis moved to adjourn. Mr. Knight seconded the motion. The motion carried unanimously whereupon the Board stood adjourned at 10:46 p.m.