

**BAR MINUTES**  
**CITY OF CHARLOTTESVILLE**  
**BOARD OF ARCHITECTURAL REVIEW**  
**Regular Meeting**  
**November 19, 2024 – 5:00 PM**  
**Hybrid Meeting (In person at City Space & virtual via Zoom)**



Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review. Staff will introduce each item, followed by the applicant's presentation, which should not exceed ten minutes. The Chair will then ask for questions from the public, followed by questions from the BAR. After questions are closed, the Chair will ask for comments from the public. For each application, members of the public are each allowed three minutes to ask questions and three minutes to offer comments. Speakers shall identify themselves and provide their address. Comments should be limited to the BAR's purview; that is, regarding only the exterior aspects of a project. Following the BAR's discussion and prior to taking action, the applicant will have up to three minutes to respond.

**Members Present:** Jerry Rosenthal, Carl Schwarz, James Zehmer, Roger Birle, Ron Bailey, Cheri Lewis, David Timmerman, Kate Tabony, Breck Gastinger (Remote)

**Staff Present:** Patrick Cory, Jeff Werner, Remy Trail, Kate Richardson

**Pre-Meeting:**

There was discussion regarding the Monday night Council meeting and the café guidelines. Council will need more time to revise and update the café guidelines. The plan is to have the café guidelines on the Council agenda for one of the January Council meetings. Ms. Lewis did bring up that the BAR should talk to the affected property owners with updating the guidelines in the historic districts and conservation districts. All café and restaurant operators were notified by staff of the changes to the café guidelines.

Ms. Lewis brought up the suggestion of inviting Council to the last BAR meeting adopting the new and updated guidelines for the historic districts.

There was discussion of the items on the meeting agenda.

The chairman called the meeting to order at 5:34 PM.

**A. Matters from the public not on the agenda.**

No Public Comments

**B. Consent Agenda** (Note: Any consent agenda item may be pulled and moved to the regular agenda if a BAR member wishes to discuss it, or if any member of the public is present to comment on it. Pulled applications will be discussed at the beginning of the meeting.)

**1. Meeting Minutes – October 15, 2024**

**Motion to Approve Consent Agenda – Ms. Lewis – with edits to the Meeting Minutes – Second by Mr. Timmerman – Motion passes 8-0.**

**C. Deferred Items**

NA

## **D. New Items**

### **2. Certificate of Appropriateness Application**

BAR # 24-11-02

946 Grady Avenue; TMP 310060000

Individually Protected Property

Owner: Dairy Central Phase 1, LLC

Applicant: Mike Stoneking /Stoneking - von Storch Architects

Project: Exterior alterations at west elevation

**Jeff Werner, Staff Report** – Request for CoA is to modify four existing, non-historic doors/windows at the NW elevation. No changes to masonry openings are proposed, except to modify the bottom courses at the relocated door and sidelites.

**Mike Stoneking, Applicant** – The bottom image is existing conditions. It would have the mutttons in it. In either case of the overhead door or the accordion style door, the mutttons will absolutely line up with the center line of the existing on the front. They are all custom units. We could do anything we want. We are not bound to some dimensional constraint. On the right, this is a measured drawing of the overhead door condition. On the left is a measured drawing of the trifold or accordion style. You can see in the overhead door, because of the way it functions, the horizontals are thicker, and the verticals are skinny. It is the opposite in the accordion style. That was the case in the existing conditions as well. I think the horizontal is skinny and the verticals to support the door weight are fatter. All the ones on the north side are skinny because they are the old steel windows. This is the closest this technology can get. We are asking for a blessing of both approaches. We are still examining the financial structure of the project. One of these costs more than the other. We would like to retain the flexibility to let the proforma tell us which to choose if you find both acceptable.

### **QUESTIONS FROM THE PUBLIC**

No Questions from the Public

### **QUESTIONS FROM THE BOARD**

No Questions from the Board

### **COMMENTS FROM THE PUBLIC**

No Comments from the Public

### **COMMENTS FROM THE BOARD**

**Mr. Bailey** – I am looking at the proposed project. You are going to relocate a door. If you went with the folding doors, why would you need a door there?

**Mr. Stoneking** – The person door is one of the entries and one of the two exits to the space. The folding doors/overhead doors do not come down to the floor. The brick sill that staff is talking about is about 8 inches above the sidewalk and 16 inches above the interior floor. They are not passageways.

**Mr. Zehmer** – With the question of preference, the rollup doors might be nicer. As this indicates, the folding doors would protrude out 30 inches past the façade of the building. That is only a minor preference. I would agree with either one.

**Mr. Schwarz** – My concern would be that the rolling doors be set such that they must be recessed into the interior face of the wall. I prefer the folding doors. I am OK with either.

**Mr. Werner** – That is the weather face. Mr. Stoneking, how do you feel about the weather preference? Do you have a preference?

**Mr. Stoneking** – We are not troubled by the 30-inch thing. The sidewalk is huge. This area is private property, and it is not the public right-of-way. We are not intruding there. Our furniture out there will show that is not an issue. We really do not have a preference. Both have their benefits. As we finish pricing everything out and mock it up more, we will then decide.

**Mr. Timmerman** – Where are you going to relocate the door? Is it to the right or left?

**Mr. Stoneking** – With the bottom image, you will see the person door off to the left. In the upper image, we are moving it 2 bays over and in the right third of that bay, as opposed to the middle third of that bay.

**Ms. Lewis** – With the opening where the door is, the remaining two-thirds would not be movable. They would be static. Are you proposing a folding door there as well?

**Mr. Stoneking** – It will be fixed. It needs to be fixed. The jam for the door needs to be there. That will stay fixed.

**Mr. Zehmer** – You had mentioned that you would have the horizontal muttons put into the door. Is that in the application?

**Mr. Stoneking** – You can make it a condition.

**Mr. Werner** – My understanding is that it was an attempt to reuse what is there, rearrange it, and move it. If that was not possible, it would not replicate.

**Ms. Tabony** – With the fixed portion next to the door, I presume that detailing would match the doors of the other openings.

**Mr. Stoneking** – Yes, it will.

**Mr. Timmerman** – Why not leave the door in its original location?

**Mr. Stoneking** – The floor plan does not support that location.

**Mr. Timmerman** – Can you confirm the color?

**Mr. Stoneking** – It would be white.

**Mr. Birle** – With the new door, will it have a small bottom rail like you are showing in the image? Will it have a taller bottom rail?

**Mr. Stoneking** – I think that we would keep it equal to the rails and styles on the other sides. I do not see why we would have a tall rail.

**Mr. Werner** –With the door that is there, the goal was to simply move it. In the motion, it would be that a new door and sidelights are necessary, and that they will match the door in that current opening.

**Motion – Mr. Schwarz – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed door and window alterations at the west elevation satisfy the BAR’s criteria and are compatible with this IPP, and that the BAR approves the request as submitted with the following conditions:**

- **That the horizontal muntins will line up with those on the north elevation**
- **That there will be muntins in the door**
- **That the sill at the existing door will be infilled with brick to match the existing [brick].**
- **The new door and sidelights will match.**

**Second by Mr. Birle. Motion passes 8-0.**

### **Discussion following Second of Motion**

**Ms. Lewis** – I am supporting the motion. I would prefer the folding doors. What has been a real attribute of this project in the neighborhood is its engagement with the street on the front patio. You are now proposing to wrap it around on 10<sup>th</sup> Street. It is important. I believe we have had 3 folding doors in historic districts: one on West Main, two on Water and an adjoining street off Water. They tend to be either fully closed or fully open. I have seen them in the old tempo half raised. That would be infrequent. I feel the folding doors would provide some engagement between the activity on the inside and the neighborhood on the outside spaces and maybe some flexibility for all parties. I would like to express a preference there. I am thinking that is the more expensive option.

### **3. Certificate of Appropriateness Application**

BAR # 24-11-03

301 East Main Street; TMP 33023100

Downtown ADC District

Owner: Williams, J & D Pettit, Tr. - Advance Auto Ld.

Applicant: Greg Jackson / TOPIA

Project: Art installation on south and west elevations

**Jeff Werner, Staff Report** – Request CoA is for the installation of art panels onto the south (primary) and west (side) facades.

**Greg Jackson, Applicant** – It is simple in what is proposed here. The owner has been doing a lot of art to his properties around town. This is an ongoing thing with the owner. He is acquiring a lot of art and improving his properties with it. I asked him if he would like me to take another picture without the person taking a nap there. He seemed to like the idea that he was there. We were going to put them on the side/west façade. When the property owner brought me in, I raised them up where they were below the windows on the side there. I raised them up above those windows. We saw these empty panels and thought why hide them around the corner. They were in danger of maybe getting vandalized and making more of an element of the building.

**Mr. Werner** – Are these 17<sup>th</sup> century pieces of art?

**Mr. Jackson** – Other than the description, they are from the 1600s to the 1800s. It looks like there is an overlap when that property first had a building on it in the 1800s. I spent 30 minutes to an hour getting into it and looking at all the artwork from that time. It was a popular style and a big part of the culture during that time.

**Mr. Zehmer** – Are these pieces of art from the period or are they reproductions?

**Mr. Jackson** – They are reproductions. They seem like they are isolated portraits. From what I reviewed. They were scenes of individuals with horses and landscape. This artist pulled these certain characters out of this and recreated it. I am probably going beyond what I know.

## **QUESTIONS FROM THE PUBLIC**

No Questions from the Public

## **QUESTIONS FROM THE BOARD**

**Mr. Schwarz** – Are they going to be covered with something like a plexiglass? Is there going to be anything that prevents them from fading? What will happen if they do fade? What would the owner plan to do at that point?

**Mr. Jackson** – I do not know what the final clear coat is on it. I believe this is a similar artist that has done some work at the Woolen Mills President's House. It is like a museum of sculptures throughout the whole grounds. There is a sculpture over in the Michie Building courtyard with water. They are well protected with a shellack type of coating. I can find out the information. I assume the artist is aware of what is needed to keep it protected.

**Mr. Schwarz** – It is not going to be a sheet of plastic or a sheet of glass.

**Mr. Jackson** – It seems more like a fiberglass with a coating over the top of it. It is a thick clear coat.

**Mr. Timmerman** – Is the intention for these to be permanent or just put up for a certain period?

**Mr. Jackson** – I don't know. I imagine that he is going to put them up there and see how it feels, how far it goes, and how they hold up. They were made, and he was looking for a place to put them. With the center panels, where there are 7 of those little portraits, it would be made custom if this is given an approval. The other ones were already made. He was looking for places to put them. He has a lot of artworks, and he is trying to find an appropriate location. It is not as if they were custom made for this site. I could see him moving it at another time, but also keeping them there if they become part of the lively scenery of The Mall.

**Mr. Timmerman** – Are the sizes accurate on the rendering?

**Mr. Jackson** – It is the best I could do. It is pretty much there.

**Mr. Zehmer** – Is the intent to have a border around the artwork as opposed to have the artwork fill up the entire freeze?

**Mr. Jackson** – These are already made. You can maybe see in the final page of the presentation. That might be the property owner's house or something with other artwork around it. They were made and we are finding a good spot for them. They happened to fit well in this condition for this building. He picked the building. They ended up being in these locations as a proposal.

**Ms. Tabony** – I have a question about the color that you have chosen for the area behind the artwork. Is that color a chip you can hand us or is that a general representation of a warm gray?

**Mr. Jackson** – It is a general representation. I am open to suggestions. Frankly, I felt something mellow, soft, and pulling back would be better than white or off-white that is there now. It seems too bright. We can provide a chip to tell you the exact color.

**Ms. Tabony** – The other question I had was about the scale of these artworks relative to the building. Have you done a mockup? Have you put them on the building to see whether you can read the drawings?

**Mr. Jackson** – No. We have not placed them. I believe they are still in California. I imagine that we could put a size mockup, something up there at the same scale.

**Mr. Timmerman** – Is there any kind of a statement about why they are there? It sounds like these are interesting pieces of artwork and we need a place to put them. Is there anything more than that?

**Mr. Jackson** – This is where it would be great if Allen could have made it in. I don't know. A lot of his art recently has a Japanese feel to it, especially at that timeframe. I imagine it as art as nothing to be of referencing anything. The only thing I think is interesting is this time period of this art. It did overlap a little where it is not the same building. At that site, there was a building during that same period. It is a long way from Japan. It is the style, color, and expression and to have something interesting.

**Mr. Werner** – In 1997, when this was being reviewed, the woman involved referred to some Japanese process of the design and the coloring to it. That might have stuck with the applicant. It does seem plausible. Somehow the color selection of when the façade was changed, she was referring to this Japanese process of selecting colors. If not true, it sounds like a good story.

**Ms. Lewis** – With the mockups that we are looking at with the panels superimposed, they are not necessarily to scale. You said that you have done your best.

**Mr. Jackson** – That is correct, without getting the scaffolding up there.

**Ms. Lewis** – I am glad that the sleeping person is there. Let's say that he is a normal man, and he is between 5 and 6 feet tall. He is laying directly down. Your application says the panels are 2-by-8. It seems like the panels are going to be a little bit longer. It looks like with the length of that man; the panel is only a little bit longer than he is. Eight feet is another two feet. I am sure that you have made sure that these panels will fit in those spaces. I think it will take up more of those spaces.

## COMMENTS FROM THE PUBLIC

**James Shu** – I don't know if I like the color of the gray paint behind the paintings. Maybe a yellow ochre or a blue. I like colors that are in the painting. That will maybe work better. I don't know how well that would end up fitting with the rest of the façade of the Downtown Mall. That is my suggestion.

## COMMENTS FROM THE BOARD

**Ms. Lewis** – There was discussion by staff that we should talk about the wood bench on 3<sup>rd</sup> Street, and the fact that is under a CoA.

**Mr. Werner** – It is an opportunity to emphasize something. I have been asking the store to remove the green lights. Adding it as a condition for this owner to comply might see those green lamps removed, not the fixtures but the lamping.

**Ms. Lewis** – Were the lamps put up without approval?

**Mr. Werner** – I don't know about the fixtures. I know the green bulbs went up. We would like them removed. This is an additional mechanism to accomplish that.

**Mr. Jackson** – I can speak about the bench. We did get an email today from Mike of Rapture. They have already ordered the materials. They were already on it. They said that they hope to have it done and repaired and painted within the next couple of weeks. With the green light, even though it is in the photos when I was there taking it, I had to go back to see what you were talking about. It is obvious to me that must be the tenant wanting to have more of a presence on the outside of the building of their store. I don't think Allan is attached to it. It would be fine to tell the tenant.

**Mr. Werner** – I will leave it to the BAR. Staff would like to have them removed. With the bench in the back, we have so many good bench stories on The Mall with trying to find the original Halpern benches. This bench was one of the first CoAs I had to work with. This had been previously located at a building that was demolished for the Code Building. This bench has been around. Hopefully, it will take on a mythology of its own.

**Mr. Zehmer** – In terms of the lights, I was looking at our guidelines and seeing if we have guidance on color. I am not really seeing anything.

**Mr. Schwarz** – I remember Mary Joy used to not allow it. Violet Crown had to get special permission for their purple lights on their sign.

**Mr. Zehmer** – My suggestion was going to be that if they wanted to use green lights, they could bring it to us for approval, which is the process. It sounds like they are working on the bench.

With the artwork, looking back to the architecture of antiquity, the freezes of buildings were often ornamented with artwork. I do not have any problem with this, especially if it is installed in a reversible manner. I have no objection.

**Mr. Birle** – I agree with Mr. Zehmer. It is not a historic freeze nor is it a particularly attractive freeze. It is clunky the more I look at it without these artwork pieces the more I want to see something up there. Toning the color down is a good move. This is an improvement.

**Ms. Lewis** – Considering the whole building volume, at the street it is 1997. There is nothing left of what it was before then. I have no objection. Ali and Gabe were the 2 individuals who did the most for The Mall in the early days. This was one of the first buildings that was completely redone and reused. We would not have the Babar lights at the Michie Building had it not been for Gabe and Ali and the artistic touches that we have through downtown, which give us a sense of place. I have no problem with these. They are quite beautiful.

**Mr. Jackson** – I am glad that you brought up the lights at Michie. I was going to mention that. It goes back far with these guys in incorporating art.

**Mr. Gastinger** – In terms of our purview, this is reversible, and it is appropriate. It enhances the historic district. Personally, I find it fun and interesting. It brings some interest to The Mall. I accept that it is not our role to judge the content of the art.

**Mr. Rosenthal** – While it is not like anything else on The Mall, it is quite attractive. I like the whole concept of bringing art, some color, and excitement to The Mall. I really like it.

**Mr. Timmerman** – I would reiterate what staff had to say. There is nothing here that goes against the guidelines, not in our purview. In some of the questions and comments, I would be interested in looking at some different colors. Even if you stuck with the same kind of green or whatever the rest of the body is, darkening that a little bit to create a little more emphasis up there. That might help some. A mockup would be helpful. Those are just suggestions as part of a process that has not yet been finished.

**Motion – Mr. Schwarz – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed art installation at 301 East Main Street satisfies the BAR’s criteria and is compatible with this property and other properties in this ADC District, and that the BAR approves the request with the following conditions:**

- **The artwork will be maintained in good condition.**
- **If the art panels are removed the underlying façade will be repaired and repainted.**
- **The green lamps will be removed from the exterior fixtures on the south and west elevations and replaced with light bulbs that comply with our guidelines in terms of intensity and color temperature.**
- **The wood bench at the 3rd Street café space will be repaired, refinished, and maintained in good condition.**
- **Staff will approve the eventual background color selection for where the art panels are installed.**

**Second by Ms. Lewis. Motion passes 8-0.**

## **E. Other Business**

### **4. Consultation with BAR (Ref CoA #22-12-02)**

116 West Jefferson Street; TMP 330183000

North Downtown ADC District

Owner: Jefferson Street Properties, LLC

Architect: Kristin Cory

Review design for emergency egress stairs.

- The staff presented the proposed project at 116 West Jefferson Street
- According to the code, the applicant is going to need emergency egress for this project.
- The project is to be an egress stair and nothing more.
- The applicant does want to turn this building into a boutique hotel.
- The applicant shared some additional information with the design of the egress stairs.
- The project is across from the McGuffey School.
- The applicant intends to rehab what is there. Emergency egress is going to be needed.
- There will be no decking on the 2<sup>nd</sup> balcony.
- Staff is seeking BAR recommendations and suggestions for the applicant to make the emergency egress stairs.
- The intent of the applicant is to make this into a boutique hotel.
- Staff did speak with the building code official regarding the location of the egress stairs.
- Mr. Zehmer expressed frustration that there was no mention of this at the December 2022 BAR meeting.
- The applicant is working with a structural engineer on this project.
- The owner did want to keep the porches, but the building code official ruled against keeping the porches.
- The stairs will be a painted composite trim for the risers and skirt boards.
- Members of the BAR provided feedback and asked the applicant questions regarding the project.



- The BAR would like to see more detailed and accurate drawings and renderings for the final project. The BAR would also like for the applicant to re-present to the BAR.
- The applicant intends to provide more detailed drawings and renderings of the finished project when he re-presents to the BAR.

The meeting was recessed for 5 minutes.

**5. Discussion** – At BAR’s discretion. No formal action will be taken.

218 West Market Street; TMP 330276000

Downtown ADC District

Owner: Cavalier Hospitality LLC

Applicant: Al Patel / Cavalier Hospitality LLC

Project: Multi-story hotel

- Staff did go over the proposed project plan and the plan is to get some input, feedback, and questions from the BAR.
- There are a significant number of trees on the site that will be removed as part of this project.
- A connection to The Mall that was discussed in the April 2024 Preliminary Discussion.
- The demolition CoA for this property is still valid.
- Came before the BAR in April 2024 for a preliminary discussion.
- There has been a change in the architect since the April 2024 preliminary discussion.
- The proposed project will be 5 stories on Market Street and 6 stories on Old Preston Avenue.
- There are also some other zoning issues to be resolved with this project.
- There have been several iterations of this project over the past years.
- The new applicant team presented the changes that they are proposing with the new revisions and changes for this project.
- The intent is to get feedback and suggestions from the BAR and to get a vote from the BAR on a CoA public hearing at the next BAR meeting.
- The applicant intent is to break up the facade so as not to read as one large wall. The intent is for the height to be more contextual and be more modest than the neighboring buildings (Code and Omni).
- There will be a pedestrian path through the building that will connect West Market and Preston.
- The entrance for the parking garage for the site will be on Market Street and will descend to the garage under the building.
- The ground floor on The Downtown Mall side would be retail and the ground floor on the other side would be the lobby of the hotel.
- The BAR did provide suggestions and feedback regarding this project for the applicant to include in the CoA application.
- There was appreciation from Mr. Gastinger in addressing the parking on the site.
- Mr. Gastinger does not believe that the building articulation fits in with Charlottesville and did not feel right. The building does not reflect The Mall.
- Mr. Gastinger felt that the materiality was off. There are some opportunities to improve the building.
- Mr. Timmerman expressed disappointment with the design of the building and how it works with the design guidelines.
- Mr. Timmerman hoped that the design would reflect how special the site is being next to the Downtown Mall and being an extension of the Downtown Mall.
- Mr. Schwarz did speak about the pedestrian experience on the Market Street side of the building and the height of the building.
- Mr. Zehmer and Ms. Lewis did read and summarize emails that were sent to the BAR into the record. The emails provided suggestions, criticism, and feedback for this project.

- The director of Lighthouse Studio (Deanna Gould) did provide public comment regarding this project. The main point of the concerns for the director were safety, operational concerns, and eventually financial concerns.
- Staff brought up that the signage that is shown would not be allowed. Staff did notify the applicant that a separate sign permit would be required.
- Staff does not know how to address the landscaping plan and the screening of the rooftop equipment.
- Mr. Zehmer did bring up the importance of showing lighting in the formal CoA application when it is submitted.
- Mr. Rosenthal and Ms. Tabony brought up the importance of having an entrance on the Downtown Mall to get up to the lobby.

**6. Pre-Application Conference** – No formal action will be taken.

200 West Main Street; TMP 280010000

Downtown ADC District

Owner: Violet Crown Cinema Charlottesville LLC

Applicant: Jeff Levien /Heirloom Development (contract purchaser)

Project: Multi-story residential

- This project would require a CoA from the BAR for the demolition of the current and a design CoA for the construction of the new residential building on the site.
- A pre-application conference with the BAR is required by the code. There will be no formal action taken by the BAR during this pre-application conference.
- There has been no formal CoA request submitted for this proposed project.
- There are zoning considerations for this project. The BAR does not have purview with what is happening inside a building (affordable housing, zoning, etc.). The purview of the BAR is on the exterior features of the building.
- Staff recommended that the BAR be honest and sincere in providing feedback and criticism to the applicant.
- Staff also mentioned that BAR is not afraid of height for big projects.
- Staff did remind the applicant of the importance to show the shadows on the Downtown Mall.
- The current zoning ordinance allows a height of 10 stories by right.
- This is a sensitive and important project given the site and the location on the Downtown Mall.
- The applicant is going need to permission from the BAR to demolish the current building on the site.
- The applicant emphasized the importance of starting the conversation of whether development is possible on this site.
- Mr. Bailey did state that there needs to be more people living downtown.

**APPLICANT PRESENTATION**

- The applicant is under contract to purchase the site for this project.
- The applicant does understand the importance of this property and the history of the property on the Downtown Mall.
- This is the first test of the new zoning code.
- The applicant wants to start the conversation and discussion on whether the site can be developed under the current code.
- The applicant is going to need approval to demolish the current building and approval for the “massing and satisfaction” as outlined in the code.
- The applicant did present the massing and height that could be permitted under the current zoning. The applicant does not intend to build to the maximum height.

- According to the applicant, there is not much difference with the shadows between a 6-story building and a 184-foot-tall building.
- The applicant outlined what he would submit for a partial CoA to demolish the current building to develop something on the site.
- According to the applicant, the Mall needs 24/7 activation, and the code is designed to provide more housing.
- According to the opinion of the applicant, the Violet Crown has become outdated in terms of movie theaters.
- The new zoning code was written to develop a site like this.

## COMMENTS FROM THE PUBLIC

**Michael Payne** – We all know the current code and stories are limiting factors. The height bonus has an affordability requirement. City Council has not made any decision to waive any requirements in the existing code. I wonder if further discussion between City Council and the Board of Architectural Review might be needed going forward. Has any existing height study been done looking at the Downtown Mall? If there is going to be height, where would it be? What would the number of stories be? If there is a certain number of stories, what are the building materials or design elements? What is the shadow impact in terms of your visual experience on the Downtown Mall and the health of the trees? Are there existing guidelines that will allow you to put that in the context, not just of one context, but thinking 20 to 30 years into the future if the city made a zoning change that allowed this level of intensity in multiple areas throughout the Downtown Mall. In the future, do you have the ability for developers to assemble multiple lots? What does that look like if you see this level of intensity throughout the Downtown Mall or on blocks that extend to a greater amount of The Mall? Maybe a lot more discussion is needed on these points. You saw from the last presentation that if finances change and you have a project that changes to owners who own many properties, you are going to see a standardized architectural design even after you have granted certain approvals. What does that look like long-term on The Mall? Having more housing on The Mall is a good area. There is a big conversation for our community. Is the long-term vision of the Downtown Mall to be a traditional mixed-use business district that has good pedestrian access? Is it a piece of public architecture that is rooted in the specific history and design of Lawrence Halperin and has a unique sense of place and architecture? That is a big debate that our community has not had. I don't know if you will have the guidelines to discuss it in that context.

**Genevieve Keller** – As members of the BAR, you are the curators of The Mall. It is listed in the National Register. The landscape is listed in the National Register. Any demolition of an existing building on The Mall warrants serious consideration. You make that decision. A lot of the preliminary discussion was about the height and setbacks. It is a very serious thing to approve a demolition, especially one of this size on The Mall. We are not concerned about height. The BAR has not been especially concerned about height. I would be enthusiastic to see a project of this type on Water Street, Ridge-McIntire, and other places on The Mall. If this was to be a trend on The Mall, I would be very concerned. This ordinance has monetized our space. Do we want to transfer development rights or something like that? Here we are. You are the first guardrail, and you make the decisions. I ask that you take your positional responsibilities seriously. To me, this is Vinegar Hill. That hotel space is Vinegar Hill. It was the mixed-race whiter part of Vinegar Hill. You could talk to older residents. They might have different opinions. We cannot specify what the boundaries of Vinegar Hill were.

**Mo van de Sompel** – I feel that you are missing fundamental information here that could be provided by the applicant. If your role as a body, is to try to figure out what maximizes the aesthetic appeal of The Mall, and what does not fit within the aesthetic purview of The Mall. If the counterfactual for this site is that we have a boarded up 1-story former movie theater, we should be begging the applicant to build anything here that might inject some more life. If the alternative is not that, the current layout is economically feasible and could

retain in the long run. That seems like an entirely different story and this debate is built on what the counterfactual is. Without the information on what that would be, whether a movie theater or a 2-story building is economically viable in the long-term. That seems like a more relevant question here. I don't see how you can have any of the discussions you have been having until you know the counterfactual.

**Breck Gastinger** – I would suggest to the city that if they are looking to grant bonuses based on affordable housing, I will be skeptical of affordable housing being truly affordable in one of the highest valued sites in the city. I am not afraid of the height architecturally. That is a very big bonus, and I am skeptical of that claim.

**Mike Parisi** – Nobody is talking about the effect that trees would have on the visibility of the building. When the trees have leaves, you are not going to notice the building as much. I am hearing a lot of critiques or observations about the building and aesthetics perspective and the experience of The Mall, but not about our housing crisis. I would encourage you to think about this project from that perspective if you are going to take the Comprehensive Plan into account. The most sustainable kind of building for people to live in is an apartment building. This would make a lot more of those units possible. I would encourage you going forward to look at this through a different lens.

## **COMMENTS FROM THE BOARD**

- Ms. Lewis did go through the guidelines for the demolition of a contributing building, such as the Violet Crown Theater.
- Ms. Lewis did emphasize the importance of the CoA for demolition first and foremost before granting a CoA for the design of the building that would replace the current building.
- Mr. Zehmer did emphasize that the burden is on the applicant to convince the BAR to approve a CoA for demolition.
- Mr. Zehmer also emphasized the importance of providing feedback about the scale and massing of the building. The burden is on the applicant to convince the BAR for the demolition of the building.
- The architect for this proposed project did state that the proposed building would not be blocking any sunlight on the Downtown Mall during the prime evening hours. The members of the BAR disagreed with this statement by the applicant.
- Mr. Schwarz did bring up that Council and the BAR do need to discuss development on the Downtown Mall.
- Mr. Schwarz did state that the BAR can impose 25 feet in setbacks for this project.
- Mr. Timmerman did express concern about the location of the proposed parking on this building.
- Mr. Birle did bring up the importance of the pedestrian experience on Second Street and the connection from the Downtown Mall.
- There was consensus that there would not be a problem or issue with granting a CoA for the demolition.
- The applicant brought up that bringing these kinds of projects to the Downtown Mall and area will change the area and the Downtown.

## **7. Staff Questions/Discussion**

- Update: CC's Nov 18 review of Outdoor Café design guidelines
- BAR comment letter: NRHP nomination of James Minor House
- 128 Madison Lane – Terrace
- 422 East Main – Elevated café platform
- 500 Park Street - Fence at First Presbyterian Daycare

- 321 East Main—Install door at east elevation, on 4th St NE
- Review design guidelines – next steps.
- 2024 BAR awards

## **F. Adjourn**

### **Adjournment**

The meeting was adjourned at 10:18 PM.