

**BAR MINUTES  
CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW**

**Regular Meeting**

**May 20, 2025**

**Hybrid Meeting (In person at City Council Chambers & 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:** James Zehmer, Cheri Lewis, Kate Tabony, Roger Birle, Carl Schwarz, Jerry Rosenthal, David Timmerman

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

**Pre-Meeting:**

There was general discussion on the different items. Much attention was paid to the 1301 Wertland demolition application. There was consensus that members of the BAR were against the demolition of the house. There is going to be a lot of public comments for the 1301 Wertland demolition. Three former mayors wrote emails to members of the BAR expressing opposition to the 1301 Wertland demolition. Staff emphasized the importance of stating the specific reason opposing the demolition of 1301 Wertland. There was discussion regarding the length of time members of the public will speak, if there are many who wish to do so. It was decided to allow 3 minutes for all speakers.

The chair did bring up the possibility of changing the BAR application process. Mr. Zehmer did suggest the formation of a committee to explore this possibility.

Staff will be contemplating hiring a consultant to assist with updating the guidelines, code changes, and other possible changes.

Mr. Zehmer called the meeting to order at 5:33 PM.

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

**Genevieve Keller** (504 North 1<sup>st</sup> Street) – I did not comment or oppose the demolition [regarding proposed development at 218 W. Market Street] when it was considered the first time. We are starting to have a lot more experience with demolition requests and things happening in this part of town. I am concerned about this being part of the overall history of Vinegar Hill. I am not opposing the demolition or new construction however, I would ask that you consider asking for more complete documentation of what is currently there and ask for an archaeological consultation. I think this site has had many other uses, and the neighborhood deserves to document its history. It might be that the site has not been that disturbed over the years and it would be worth a consideration. As a community, we are interested in the history of downtown. We might not have another opportunity for 100 years.

**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 April 15, 2025

**The application for demolition of 218 West Market Street was moved from the Consent Agenda to Deferred Items.**

**Motion to approve the Consent Agenda – Mr. Schwarz – Second by Mr. Timmerman – Motion passes 6-0 with one abstention (Mr. Zehmer).**

## **C. Deferred Items**

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

BAR #25-0076

218 West Market Street, TMP 330276000

Downtown ADC District

Owner: Cavalier Hospitality LLC

Applicant: Jeff Levien

Project: Demolition of contributing structure

Note: BAR previously approved a demolition CoA, which recently expired

**Jeff Werner, Staff Report** – Request CoA for the demolition of existing commercial building at the edge of the Downtown Mall. The intent of this demolition is to accommodate construction of a proposed hotel.

**Ms. Lewis** – The Brown's Lock and Key property is not part of the demolition permit. The previous approvals did include that parcel.

**Mr. Werner** – That was a separate application, a separate parcel, and a separate approval. I thought they might be related at some point. They are not related. This is singularly about the Artful Lodger site and the old AMP building. From that top green arrow, going west on Market Street and Brown's Lock and Key would be to the right-hand side of that top green arrow.

## **COMMENTS FROM THE PUBLIC**

No Comments from the Public

## **QUESTIONS FROM THE BOARD**

**Mr. Rosenthal** – I would like to add doing an archaeological survey of this property as part of the demolition permit.

**Mr. Zehmer** – The suggestion was an archaeological consultation. An archaeological consultation and an archaeological survey are 2 different things. One implies shovels in the ground. That potentially incurs cost on the applicant that I don't know if we are allowed to force them to do that.

**Mr. Werner** – I would recommend that you simply add that to complete a phase I archaeological investigation of the site. That is that initial analysis. It may involve test bits. It may not. It is that the archaeologists do some of the due diligence on the historic background and determine if there is or is not the possibility of artifacts. With archaeology, an investigation does not always lead to digging a hole. With the language that you have

used with Wertland Street, it is the same language you used for the Courts Complex-just the completion of a Phase I archaeological investigation of the site.

**Mr. Zehmer** – The applicant for this demolition CoA is not here. The owner is here. Do you wish to comment on this?

**Al Patel, Property Owner** – I am not too familiar with what has been going on in the background. I am not sure what a phase I archaeological survey is. I have never done one before.

**Mr. Zehmer** – It is mainly research in terms of looking at historic maps like this and doing deed research to determine what former structures and history was on this site. That might potentially lead to a recommendation for archaeology either ahead of construction and/or monitoring during the demolition phase and early phases of site work.

**Mr. Patel** – We have done a lot of environmental borings and things like that on the site. It is not archaeological. I know that we have dug up a lot of things on the site to see what is underground. That is the extent of what we have done.

**Mr. Werner** – Phase I does provide some additional information, some historic background. The results would not, unless you stated it in the CoA, we could not compel them to continue. You can, by your motion, add a condition to the CoA. If an applicant feels that a condition is unfair, while they get an approval, they can also appeal a condition of approval. You all have an opportunity, if in your conversation, you have the right to do that within 10 working days of this meeting.

## **COMMENTS FROM THE BOARD**

**Motion to Approve – Mr. Rosenthal – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition of 218 West Market Street satisfies the BAR’s criteria and guidelines and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application as application with the following conditions:**

- **BAR staff approval of the demolition permit is contingent upon:**
  - **Applicant will submit for the record documentation and photographs of the existing building.**
  - **BAR approval of a COA for this building’s replacement.**
  - **An approved building permit for construction of that replacement.**
  - **Completion of a phase I archaeological investigation**

**Second by Mis. Lewis. Motion passes 7-0.**

## **D. New Items**

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

BAR #25-0079

759 Belmont Ave, TMP 580172000

North Downtown ADC District

Owner: Viewmont Associates LLC

Applicant: Elaine Oakey

Project: Chimney removal

**Jeff Werner, Staff Report** – Request for CoA to remove east brick chimney and repair parapet gable to match west end, where matching chimney removed. (Staff cannot determine when that work occurred.)

**Dan Oakey, Applicant** – One thing in the staff report that I don't think is a true representation of the proposed repair is that the chimney on the left-hand side has a furnace vent coming through it that needs to be maintained. It can't be repaired to exactly match the other side. I included a diagram of what we are proposing. We will demolish it to just above the ridge line of the roof and put a metal cap with a vent coming through it and paint the cap to match the red of the rest of the roof. It makes it easier to rebuild the chimney if it is so desired.

## **QUESTIONS FROM THE PUBLIC**

No Questions from the Public

## **QUESTIONS FROM THE BOARD**

**Mr. Schwarz** – When you guys wrote the staff report or the suggested conditions, were you thinking that they were going to take it all the way down? That already exists. They are not adding new coping

**Mr. Werner** – My assumption was that the parapet would be capped.

**Mr. Oakley** – On the other side where the chimney has already been demolished, that terracotta parapet that is on the left image continues over the ridge. With this side, what we are proposing to do is maybe leave 2 courses of the chimney above the ridge.

**Mr. Rosenthal** – The chimney cannot be saved?

**Mr. Oakley** – Not without demolishing in the interior chimney to the base and rebuilding very far below in the building.

**Mr. Timmerman** – Why is it open on the top?

**Mr. Oakley** – It is maybe disrepair, deferred maintenance.

**Mr. Rosenthal** – How long ago did the other chimney come down?

**Mr. Oakley** – We are not sure.

**Mr. Tabony** – Do you have a structural report?

**Mr. Oakley** – We have a report from a mason that has looked at it.

## **COMMENTS FROM THE PUBLIC**

No Comments from the Public

## **COMMENTS FROM THE BOARD**

**Mr. Schwarz** – Our guidelines say not to remove chimneys. I think that considering that it is going to be obvious that there was a chimney. It could easily be put back later. I could overlook that guideline and support this.

**Mr. Birle** – That is its saving grace for me. I don't understand the logic between why, as it is cut now, you are saying it is structurally sound. If that foundation is structurally sound at the lower level, why can't they just build on top of it with you reusing the new bricks with new mortar? I don't quite understand the mason's logic. I agree with Mr. Schwarz. Since you are not affecting the cap or the ridge, it would be very easy to do this at some later time.

**Mr. Werner** – In my conversations were that there was an uncertain point at which they would have to get to.

**Mr. Birle** – Why aren't they doing that? If they cut it short, that issue still exists.

**Mr. Schwarz** – Currently, if it falls, it falls on the house.

**Mr. Birle** – I think that it needs to be repaired.

**Mr. Schwarz** – If they cut it down to the roof level, it does not have any place to fall onto.

**Mr. Werner** – Repairing it would not be from the roof up. It is further down into the house. Not having a detail to refer is why I said 'simply reflect what is on the west side. This is fine.

**Motion to Approve – Mr. Schwarz** – Having considered the standards set forth within the City Code, including City Design Guidelines for Rehabilitations, I move to find that the proposed chimney removal and subsequent repairs to the roof and parapet satisfy the BAR's criteria and guidelines and are compatible with this IPP, and that the BAR approves the application as submitted with the following conditions:

- Prior to removal, the east chimney will be photographed and documented, including a dimensioned sketch, such that the chimney could be reconstructed at a later date. That documentation will be submitted for the BAR archive.
- Repairs to the remaining masonry will be completed using material, mortar, and methods appropriate for early-19th century masonry.
- The standing-seam metal roof will be repaired to match the existing pan widths and the joints will be crimped, including the ridge.
- The BAR encourages the owner to store on-site bricks removed from the chimney, such that can be re-used if the chimney is later reconstructed.

**Second by Mr. Birle. Motion passes 7-0.**

Staff let members of the BAR know of the new appointment of a landscape architect by City Council. Jenny Lauer is the new member of the BAR.

#### **4. Certificate of Appropriateness Application**

BAR #25-0077

540 Park Street, TMP 520183000

North Downtown ADC District

Owner: Patrick & Jessica Fenn

Applicant: Douglas Croker

Project: Window replacements

**Jeff Werner, Staff Report** – CoA request for the replacement of existing windows using Marvin Signature Collection Ultimate aluminum-clad wood windows.

**Mr. Zehmer** – Just to clarify on the leaded windows, the one that is on the stair landing, is that an original window?

**Mr. Werner** – We think that the frame and the wood sash were there. When you say leaded, I think of the individual piece of glass. That, to us, looks like a piece of plexiglass with a grill attached on both sides.

I sent the pictures at the end of the day. That is the difficulty. Was there originally a decorative window there? Probably. Is that it? I don't know. I did note that the grill varies. If we were going to use that window as the example, when you go around to the casement windows, it is different. I hesitate to use the piece that is installed outside of the front living room window. I don't know where that came from. It was difficult to determine.

**Mr. Rosenthal** – Are the existing windows wood frame single pane? What are the proposed new windows?

**Mr. Werner** – I believe they are going to go with insulated glass. Instead of a double-hung with one sash over the other, they would be in line. The image in a 2-dimensional view. It would be the same. They would operate as casement windows and not go up or down.

**Mr. Rosenthal** – Are they wood-framed?

**Mr. Werner** – It is clad. Where that existing frame is, you take the sash out, you take the stop bead out. You have the frame. These are manufactured to fit very tightly within that. There are other products out there that you fit in there. You have a 2-inch gap all the way around. It fits in there tight. It reasonably approximates the width of the sash as you see it there. The trim that you see, the frame inside the trim would stay. The sash would go. It would be replaced.

**Mr. Timmerman** – Can you go to the picture that shows the existing and the proposed with the panel underneath? Can you talk about that?

**Mr. Werner** – We have dealt a lot with this where a space is being utilized as a kitchen. We have advised people to not change the window opening. You could put in a different window but keep it within the opening and put in a panel of some type so that it indicates that had been a larger opening. That is typical of what we have required in other projects.

**Douglas Croker, Applicant** – The owner, Patrick Fenn, has requested that the windows be replaced. We are doing an extensive restoration of the building. I think this is purely motivated by the owner insulating the entire building. The owner would like to have insulated windows. He is replacing mechanical systems and doing an extensive restoration. Our goal and advice to Mr. Fenn is that we don't want to change the exterior appearance in any way except for allocating that panel treatment in front of a countertop in the kitchen that would run and create a well behind the countertop. The owner has requested that we use these manufactured windows. Not every opening is going to remain square. They are racked over the years. The option of just doing sash replacements was difficult. We did not want to influence the exterior of the building because of the existing stucco. It is a textured, heavy, old-fashioned stucco that we did not want to get into disturbing. The owner is requesting that the windows be replaced. I agree. I am not sure what the treatment on the kind of applied old sash on the front of the building is. It is literally hinged at the top of the frame. We have not requested to remove it. It does not seem to make much sense. The other issue on the stair landing is that one of the major things we are suggesting on that is that it be replaced again to look the same. We feel that it should be tempered glass for code. We are huge believers in the restoration process. The owner wants an efficient window. We are trying to honor that desire.

## QUESTIONS FROM THE PUBLIC

No Questions from the Public

## QUESTIONS FROM THE BOARD

**Mr. Schwarz** – You (Staff) said that you thought those leaded windows were plexiglass.

**Kate Richardson, Staff** – I spoke with the contractor on site who showed me the windows he thought were plexiglass. You can feel they are not glass as there was a chip in in one of the panes.

**Mr. Croker** – It has been manipulated over the years. It is strange.

**Mr. Schwarz** – We think that this was someone's 'arts & craft' project in the 1960s.

**Mr. Croker** – If you could have seen what we ran into inside, the answer is yes. It is just strange. We have tried to discuss restoration with the owner. The big problem is that we are going through a lot of trouble to insulate the building. It is not insulated at all right now. These single pane windows are an issue with replacing mechanical systems. We are not touching anything outside. There is no desire to change the look. We want to put in an efficient window. I am certainly willing to maintain the weird sashes.

**Mr. Schwarz** – It looks normal from the street.

**Mr. Croker** – It is on a hinge. That window, where it sits, has been replaced before. That is not an original window.

**Mr. Werner** – I sent some pictures this afternoon that we had taken that better show it. They also show that triple casement on the south side.

**Mr. Timmerman** – They probably hinged it so they could keep the bottom sash operational.

**Mr. Werner** – It is possible that this was a twin double-hung above it. At some point in time, it became that single sash. The thing that is there looks almost like a transom panel that came from somewhere. You can maybe consider if they wanted to remove that. I don't think there is anything historic about it.

**Mr. Croker** – I think that it sits on the face frame, on the front. It won't go into the sash.

**Mr. Rosenthal** – How many total windows are you doing?

**Mr. Croker** – We were going to replace all the windows in the building.

**Mr. Zehmer** – On the south elevation, with the attic window in the pediment, there is a double casement up there that has a multi-pane divided light. It looks like in your proposal that you would be replacing that with just a single pane.

**Mr. Croker** – We altered that this afternoon. We would go back with the design. We talked the owner into that. I think we altered the drawings that we submitted.

**Ms. Tabony** – I have a question about your choice in casement windows versus double-hung windows.

**Mr. Croker** – I don't know. It is not my choice. The owner loves casement windows. My recommendation to him was to use double-hung windows. He has asked for casement windows. He has agreed to the pattern, to the thickness of the rail. The styles and rails match. He loves casement windows.

**Ms. Tabony** – The other question I had was about the shutters. I did not see anything in your application about retaining the shutters.

**Mr. Croker** – We do not propose that we will retain the shutters. Our goal there would be to restore or repaint. We did not want to remove shutters. We did not want to change anything on the outside of the building. Our proposal is to restore the shutters.

**Mr. Werner** – Our policy has been that if someone wanted to add shutters or replace them, they would be wood and operable. We have been looking at composite material. If you are going to reuse the hardware, you can. You need to make them operable even if you don't use them. Don't bolt them to the side of the building. We can't require someone put shutters back on. We have tended to treat them as something I would prefer they stay on. If someone removes them, it happens. If they install or reinstall them, we will want to discuss that with them.

## COMMENTS FROM THE PUBLIC

No Comments from the Public

## COMMENTS FROM THE BOARD

**Mr. Zehmer** – There has not been enough of a survey to prove to us that the windows are in irreparable condition. I would advocate for preserving and restoring the windows. I feel that casement windows here are inappropriate. Even in the closed position, you might be able to 'fake it' to make them look like the historic windows. Our purview is the exterior of the building. The moment someone opens the window, the exterior of the building is anachronistic to what it should look like with a casement window.

**Mr. Croker** – I agree. I would imagine that I can talk the owner into it. I have already tried. This will help me to talk to him into double windows. I think that would make sense.

**Mr. Zehmer** – We will see how this goes. If that was the case and you come back to us, we would want to see a good survey showing the conditions of the existing windows to prove that they need replacement.

**Mr. Timmerman** – I agree with what you say. I would not support it. Number 2 of the pertinent design review guideline is to retain original windows whenever possible. Generally, windows are probably the most important defining feature in a historic house. We are dealing with a house on one of our best streets. There is a precedent. We are setting a lot of precedents these days. I want to set this precedent of keeping an important element of a historic house.

**Mr. Schwarz** – I would support replacing the windows. The windows are double hung. A double-hung window is a functional unit. It has a lifespan. With double-hung windows, there is nothing special about them that makes them irreplaceable. At one point, they were mass produced. I get hung up about special windows. I will skip the leaded/faux-leaded ones for now. With the attic ones, you need to put the divided lights back in. If those are leaded windows, maybe they had been there at one point. These windows that we are currently looking at were replaced in the 20<sup>th</sup> century. The living room window was replaced at some point. It still looks old today.



**Mr. Croker** – We have done plenty of projects where we rebuild the windows. I don't want to represent that. It is easy to rebuild windows. We do it all the time. We stockpile old weights and chains so we can use the old weights. These windows are not that special, which is why I am not embarrassed to make the request.

**Mr. Schwarz** – I think that you need to make them double-hung. From the guidelines, do not use inappropriate materials or finishes that radically change the sash depth of the reveal in the configuration, reflective quality. I would assume that switching from a double-hung, which has an easy to see shadow line where the sashes break to a casement window would be inappropriate. Overall, I would be in support of this application, but with double-hung windows instead of casements. I want to talk more about these special windows after that if this has any chance of passing.

**Mr. Rosenthal** – I would also support it with the double-hung windows as a replacement. I think the energy efficiency, what you are trying to do to the house, is important and getting efficient windows in. With our look, we need to go with double-hung.

**Mr. Zehmer** – I am curious if there is a way that we can or if the applicant would accept a condition of switching to a double-hung without talking to the owner.

**Mr. Croker** – I am not sure how that works. I happy to get back to staff. I can discuss it with the owner.

**Mr. Birle** – I would support the switch of the windows. It is hard to make people use inefficient windows. Did you look at historic homes?

**Mr. Croker** – I tried. I showed him photographs of around 100 projects that I have done in Alexandria, Baltimore, and Manhattan. I did not get too far with that. I have no issue going back to the owner. I cannot promise that he says Ok.

**Mr. Zehmer** – I don't know if there is a mechanism for us to approve this with the condition that they do double-hung windows. I think that you would have to come back to us.

**Mr. Schwarz** – I feel that we have done this before. We put conditions on things all the time.

**Ms. Lewis** – It is a major change to what was presented. I don't think it is a minor condition.

**Mr. Croker** – I am happy to submit new shop drawings. I am happy to advocate for that. I agree with whatever is required to do so.

**Ms. Lewis** – Could they resubmit and put it on the Consent Agenda?

**Mr. Werner** – There are a couple options. We have a couple boxes to check. This is the first time that you are seeing it. With any project on the first night, you are reviewing it, the BAR can defer it to the next month. When I receive an application on the deadline, I don't have to bring it that next meeting. I actually have until the following meeting. You all can defer this to June. The applicant would not even have to consent. You could make that decision. The applicant can request a deferral. They bring back the application when they are ready. The applicant could ask that you take action tonight and they can respond to that. I don't think that I would advise that. To let Mr. Croker have a conversation with the owner is wiser. If you went with double-hung, it is not necessary that you show drawings. We know what the product is. We are familiar with it. It meets our guidelines. They would be double-hung windows. If the owner was here tonight and agreed to make them double-hung, I would not have a problem with that. I think it is more the consultation with them. If you have any questions about these 2 unusual windows, I don't know what they are. We can assume they are

original. Talking with people at the site, the safest assumption they had was that the 3 casements were probably original and looked like they had not been tinkered with that much. They were very suspect of the stair and the window on the front porch. My recommendation would be that if you have some affirmation of where you stand, Mr. Croker could take that back. I would urge you to defer it.

**Mr. Croker** – The big thing for me is that it is a bit of a challenge. I have a challenging owner. I want to make certain that I am acting in his best interest. In my opinion, my best interest is for me to give him the advice again with your support that they should be double-hung windows and get him to agree to that. I don't want to go to him and 'sell it,' and come back.

**Mr. Zehmer** – We cannot necessarily give you 100 percent assurance because we must vote on what is presented to us. It sounds like there is a consensus that there would be support for this in the window replacement with a double-hung system. That is the best we can say right now. If you want us to defer this, that means you are required to come back next month. If you request a deferral, you can come back when you are ready.

**Mr. Croker** – It seems to me it would be better if I request a deferral, and I will be back next month. I will turn this around in days.

**Ms. Tabony** – Are we reviewing colors of the windows?

**Mr. Werner** – No. I review colors. People change things a lot and I say that they are fine as long as they stick within something. If it gets unusual, I will bring it to you. The other option is that you set this aside for right now, continue with your agenda, and if Mr. Croker wants to have a conversation and come back this evening.

**Mr. Zehmer** – I will bring up a comment at the beginning. The first guideline under the windows section is that prior to any repair or replacement of windows, a survey of existing window conditions is recommended. Note the number of windows, whether each window is original or replaced, the material type, hardware, the finish, the condition of the frame sash, sill, putty, and panes. To argue for replacement, you need to prove to us that they need to be replaced.

**Mr. Schwarz** – We already have enough people that would approve replacement without that. We always ask for that. We get pictures of the windows. I don't know that we need to change our guideline for that. I wonder how helpful that is to see. Do we want to talk about the weird one, the special windows before he comes back to us so there is an idea of what you should do with them? I am on the fence of how this would work. It is weird what is currently there. It is going to be even weirder when you put an aluminum clad window behind one of these things. For the stair window when it becomes a double-hung, there will be a hinged panel in front of that, which is odd.

**Mr. Croker** – My main thing on the stair was that I did feel strongly that spot should be tempered. That was a safety issue.

**Mr. Schwarz** – I was not saying to preserve that stair window. I am wondering about putting back the swinging thing.

**Mr. Birle** – Is the intent on that front gable and window on the first floor to replace it as a fixed unit? Would you try to put a double-hung into that?

**Mr. Croker** – My request of the owner was that we leave that one.

**Mr. Birle** – Just with the gable end, and not the pediment. It is the first-floor window next to the porch, the one with the funny hanging transom. What do you replace that with? Do you replace that with a big double-hung? Do you replace that with a picture unit and keep the little hanging transom?

**Mr. Croker** – We are not changing. The whole window is weird. It would have had to have mimicked the upstairs. Nobody would have done it any other way. I would probably go back that way.

**Ms. Tabony** – Do you know when the historic picture was taken? It looks like that sash is in it.

**Mr. Werner** – The picture from our survey probably dates to 1980.

**Applicant Request to defer – Ms. Lewis moves to accept deferral – Second by Mr. Rosenthal – Motion passes 7-0.**

## **5. Certificate of Appropriateness Application**

BAR # 25-0068

1301 Wertland Street, TMP 040303000

Wertland Street ADC District

Owner: 1301 Wertland LLC JSB

Applicant: Edward Carrington

Project: Demolition of contributing structure

**Jeff Werner (Staff Presentation)** – A CoA request before you for demolition of the structure at 1301 Wertland Street. Given the circumstances, I appreciate your patience while I go through and cover what I need to. This is the Wertenbaker House, and Ben Ford, from his research for the phase one archaeological [investigation], which was done at the site a couple years ago, was able to determine from Chancery records that the house was built in 1843. There had been some question about when, so we finally have a solid date. This is the Wertenbaker House, a two-story, three-bay, brick house with a rear ell. Constructed by William Wertenbaker, who was the second librarian of the University. He was hired in February 1826 by Thomas Jefferson, and was there for 54 years. The house was built in a Greek Revival / Federal style, but in the late 1800s you see the addition of the porch and the ornate cornice. The original house [is] still intact, but those changes reflect what was done in the late 1800s.

This [demo CoA] request came in—and I know we had had a prior COA request to construct a new building on that site that project, I don't know the status of that, but it's not relevant here. [See BAR CoA #'s 22-09-03 and 24-10-01.] The request before you is for the demolition. A lot of folks asked should the BAR do this or that, and [they offer me] recommendations, so I want to be clear that, per Charlottesville City code Chapter 34, Division 5.2.7 [etc.], when you are reviewing a demolition request--and, per our code, a contributing structure within an ADC district, and this is within the Wertland Street ADC District--the demolition of a contributing structure requires a COA. And whether that CoA is approved by the BAR or by Council on appeal, the COA is required.

Then, per code [the BAR's] review is limited to [a] finite list to work from, and it's in our code. So, I will quickly refer to that. (Note: Staff reviewed the summary in the May 20, 2025 BAR staff report.) [Per the code] the “review is limited to the following factors in determining whether or not to permit the moving, removing, encapsulation, or demolition in whole or in part of contributing structure.” The first [factor], the architectural, historical, and cultural significance, if any, of the specific structure property, including without limitation, and the first question is “the age of the structure.” We know that it was constructed in 1843. Next question is whether it has been designated on the Virginia Landmarks Register or the National Register of Historic Places. Yes, it is a contributing structure within the Wertland Street Historic District, which is listed

on the state and national registers. [BAR] purview over this project is determined by a local ordinance--so it's not because of the National Register designation that you have purview—however, in your consideration of the demolition of a structure, [it] is appropriate given that we use the Secretary of the Interior's Standards when evaluating [a CoA request], so the fact that it is on the state and national registers is an important fact to consider. It's worth noting that in 1974, the Charlottesville Landmarks Commission, in response to requests from Council, identified the Wertenbaker House as one of the city's historically and architecturally significant structures. In 1984, the Wertland Street Historic District was listed on the Virginia Landmarks Register and the following year it was listed on the National Register of Historic Places. For both [designations], 1301 Wertland is identified as a *contributing resource*. In 1999, City Council formally established by ordinance Wertland Street ADC District and 1301 Wertland was designated a *contributing structure*.

The next question is whether and to what extent the building or structure is associated with an historic person, architect, craftsman, or event. As I noted, the house was constructed in 1843 by William Wertenbaker, who served as the second librarian for the University, and serving until 1880. This was the residence for Mr. Wertenbaker and his family during that time. The next question is whether the building or structure or any of its features represent an infrequent or first or last remaining example within the city of a particular architectural style or feature. I wrote [in the staff report], within the city the Wertenbaker Houses is one of approximately 20 extent buildings constructed prior to 1850. Maybe one or two others, the numbers are a little odd in GIS. But, yes, this is one of the few houses in the city built prior to 1850. Certainly, it's significant due to its association with the early University; it's association as the oldest structure within the Wertland Street Historic District; and when the state and national register districts were established, 25 primary structures dating from 1843 to 1930 were identified as contributing, and of these 23 still remain, so only two of those 25 primary structures have been razed. This district is relatively intact.

The next question is whether the building is of such old or distinct design, texture, material that it could not be reproduced or could be reproduced only with great difficulty. I think you could argue that, but I would say that it could certainly be reproduced physically, but I think an accurate reproduction would require period materials and construction methods, so would not just be going to Lowes and rebuilding it. The next question is the degree to which distinguishing characteristics, qualities, features, and more materials remain. From best I can the house was constructed in 1843, and we know it was remodeled in the late 19th century. We know it has had a lot of repairs. Some of those are documented by the work that was done in 1983, working with the Virginia Department of Historic Resources. I'm not certain what exact year the work was done, but overall the house remains, in its current form, very close to what you would have seen--and you could see that the old photographs--in the 19 century.

The next question is whether to what extent the structure is linked historically or aesthetically to other buildings within [the ADC District]. Wertland Street is individually unique in its architecture and its association with the university. It's additionally significant as part of what is described in the National Register nomination as a cohesive district of 19th century dwellings associated with the University. [The guidelines] ask if the overall condition and structural integrity of the building has been evaluated by professional engineer. The applicant submitted a structural report prepared by Dunbar, dated April 28 2025, and the comments were that the building--I don't have the exact words--but they recommended some repairs were necessary. The next question is whether and to what extent the applicant proposes means, methods, or plans for moving or removing the demolishing the structure. Essentially, are they planning to save anything? No, my understanding is to raze the building entirely. Furthermore, per code, [the BAR is] asked to review any applicable information from the city's [ADC District] design guidelines. Those are very similar to what we just went through from the code. There is an additional question: Is there a public necessity for the proposed demolition? Not that I am aware of. [The guidelines then ask] the public purpose or interest in land or buildings [being] protected. [From the staff report], the Wertland Street ADC District was established by City code, adopted by the City of Charlottesville, so locally its historic significance has been acknowledged and this is not the question before you. That is a fact. And the fact that it's listed on the state and national registers certainly attest to that importance. [From the staff report], I said of the existing character of the setting of [1301 Wertland Street] and its surroundings, I mentioned that of the 25 primary structures listed as

contributing, 23 still remain. [1301 Wertland Street] being one of them. [In the guidelines, the BAR is asked to consider] whether or not relocation is structurally practical or a preferable alternative to demolition. I not qualified to comment on the practicality of moving this structure, but you can certainly raise that with the applicant. The next question is whether or not the proposed demolition would affect--adversely or positively--other historic buildings in the historic district. The response to that is, while unique and one of the oldest buildings there, a historic district is the *sum of its parts*. That's the intent of the historic district, and you can't just keep removing *panels from the quilt* and hope that the quilt will remain. The last question is whether or not a professional economic and structural feasibility study for rehabilitating or reusing the structure [has been prepared] and whether or not it's finding support the proposed demolition. As I noted. the April 28 2025 report from Dunbar concluded the structure overall is considered adequate and recommended a list of repairs being considered.

That is my review of what's required of the BAR to consider. In reviewing those, as I state in the staff report, applying that review criteria and the design guidelines, staff recommends against approving the requested demolition COA to raze the structure at 1301 Wertland Street. Should you all deny the request, I recommend that the motion include the specific reasons for the decision. You don't have to get into precision, but [if] this is appealed to Council, that that advice is communicated to Council in your motion. Should the BAR consider approval of the requested COA, staff recommends a condition requiring that prior to approval of the demolition permit--similar to what you did to 218 West Market [earlier on the agenda]--the structure would be documented thoroughly with photographs and measured drawings according to the Historical American Building Standards, with the documents submitted for the BAR archives. Finally, per City code Chapter 34 Section 5.2.7 E., within 10 business days of the date of this meeting, should you make a decision tonight, that action can be appealed to City Council, and that action can be appealed either the applicant or any aggrieved party that disagrees with the BAR's action. Because next Monday is a holiday, Wednesday June 4 would be the deadline for those 10 days to submit an appeal. An awful lot there. I appreciate your patience. D/o you have any questions for me?

**Mr. Zehmer** - Thank you very much. [Is] the applicant here or online?

**Staff** - No. [The applicant, Edward Carrington, was not present to make a presentation or answer questions from members of the BAR.]

## QUESTIONS FROM THE PUBLIC

No Questions from the Public

## QUESTIONS FROM THE BOARD

No Questions from the Board

## COMMENTS FROM THE PUBLIC

**Genevieve Keller** (504 North 1st Street) – I am representing Preservation Piedmont tonight. The Preservation Piedmont Board met on site on May 8<sup>th</sup> to acquaint ourselves with Wertland Street and the Wertenbaker House and the environments. We are concerned and shocked that anybody would seriously consider removing the Wertenbaker House from Wertland Street. At this moment, the Wertenbaker House is Charlottesville's most significant endangered historic place. Its demolition would, not only erase a piece of local history, but also disrupt a place tied to our community and the University of Virginia's historic, urban development. William Wertenbaker was among the early staff and faculty members to establish a neighborhood near and outside the boundaries of the Academical Village. He was selected by Jefferson as UVAs librarian. Wertenbaker worked in the nearby Rotunda and served in that capacity as librarian from 1826 to 1891. He was, at one time, secretary of the Board of Visitors. He served the community as sheriff and postmaster. This is not the first time that this house has been threatened. We have a file of clippings, letters, and notes documenting the other times. This house has endured. In the 1980s and 1990s, the City Council made decisions to support his house as part of our important Wertland Street District. It designated the house locally as an Individually Protected Property and denied developers approval to have it demolished. Instead of being

demolished, the Wertenbaker House became one of the first local buildings to be approved for a federal tax credit rehabilitation, signifying both state and national acknowledgement of its architectural and historic significance to our community. Instead of being demolished to provide more housing and revenue, apartments were developed behind it. In 2023, the BAR again approved new infill construction immediately adjacent and east of the house. It has not been built. Apparently, this was not enough concession because they are back again to propose destroying it entirely. Instead of destruction, this important place in our history warrants another updated federal tax reducing certified rehabilitation. As staff said, this is a rare surviving example of Charlottesville's early 19<sup>th</sup> century domestic brick architecture. Its 2-story porches are unique architectural features. The house spans our collective history as a residence established by one of the University's first students, its longtime librarian, the unforced workplace of at least 3 enslaved individuals, and later home to generations of students who have lived, studied, partied, and played music. It has witnessed desegregation and coeducation. Please vote tonight to deny this application for demolition.

**Jody Lahendro** (1335 Stonegate Court) – I am a preservation architect with my office here in Charlottesville. Thank you for the opportunity to comment. I wish to go on record in opposition to the demolition request for this house. The staff report and staff's introduction did a great job of talking about and indicate documenting the importance of William Wertenbaker and his role in creating the University of Virginia. The report highlights the 1842 house and Wertenbaker Subdivision of Property that created today's Victorian Era Wertland Street residential community. Compared to the shiny new apartment buildings, the Wertenbaker House and historic district are portrayed as shabby, worn-out artifacts that no longer serve a useful purpose. In fact, Dunbar's recent structural report found the house to be in sound condition with minor repairs due to the current lack of maintenance. Only a lack of imagination keeps the historic house from being revitalized to serve much needed modern uses. For over 50 years, since 1974, the city has identified the Wertenbaker House as one of its most historically and architecturally significant structures. It has enforced its preservation along with the Wertland Street Historic District for 26 years. After recent years of developers and the city eroding the historic district with large apartment complexes, a developer feels confident enough to seek destruction of the Wertenbaker House, the lynchpin upon which the district hangs. In evaluating this request, I urge you (BAR) to consider what it would mean to destroy the Wertenbaker House with its memory of our community in the 19<sup>th</sup> century, and even more impactful, to replace it with a large, transient housing complex.

**Breck Gastinger** (612 Wine Cellar Circle) – I wanted to call in today in opposition to the demolition. Knowing this project from multiple applications over the years and learning more about its history and its impact on the Wertland Street landscape made me understand how critical it is to our civic infrastructure. I love Ms. Keller's description of this as a witness tree. In a way, it is very much that. I think reasonable application of our Guidelines would recommend swift denial of this application. The thing that made me want to call in and register my thoughts on this was that, more than any other project in the last year, I have gotten more comments from the public to me thinking that I was still on the Board, in opposition to the removal of this house. Public members have some distress over potential removal of this structure.

**Kevin Blair** – This building, unlike 144 Chancellor Street, is a beautiful example of historic history. It is wonderful structure that should be preserved.

**Mr. Zehmer** – We received eight letters, two from the same person, in opposition to the demolition request. We will add those letters to the record, but for tonight I will read the names of the people who wrote the letters. Virginia Doherty, a former mayor of Charlottesville; Bill Emory; Christine Sweeter; Katherine Slaughter, also a former mayor; Bitsy Waters, a former mayor; Mary Wiley; and Robert Yule. Thank you for submitting those letters in opposition of the demolition of the Wertenbaker House.

## COMMENTS FROM THE BOARD

**Mr. Zehmer** – I think it is pretty clear in my mind that we cannot allow the demolition of this house. It is extraordinarily significant to the history of the city of Charlottesville. Having been intimately familiar with the Rotunda at the University, Thomas Jefferson called it his temple of knowledge. He built that in a time where most universities and colleges in the nation had a chapel as their central building. He called it the temple of knowledge because he championed the separation of church and state. It housed the library in his temple. That means this particular house [1301 Wertland Street] is the house of his first and chief priest. That reinforces the importance of education, the importance of a library, the importance of a librarian. This house is historic in its own right, and historic in the neighborhood that is built around it. I cannot support demolition approval.

**Ms. Lewis** – I am disappointed that the applicant is not here and has not bothered to call in. For such an important application, taking down a building this old in the city that I think they bear the burden of addressing our guidelines. That is what we are driven by. We are not just people that are randomly making a decision here. We are only charged with enforcing guidelines. There are specific guidelines that staff read out in their entirety that address demolitions. I have never seen a demolition where every single criteria is met against demolition. This is an important, historic figure associated with the building who built the building. He created this entire district. The quality of the craftsmanship and the beauty of this building. It certainly has been encroached upon by a lot of multifamily housing. It is too bad that it does not have a little more space around it. In my opinion, the applicant has the burden of showing us why it should be demolished and why it does not meet the criteria for keeping it. We are lacking hearing anything from the applicant tonight. I am disappointed in that considering how much that people have called in, written in. We have heard from people. Three of the letters that we received are from former mayors. Those mayors individually are businesspeople. They are advocates. They are not preservation people. They are mayors that advocated for the development of the Downtown Mall, who advocated for The Omni to come to downtown. They are economic development inclined mayors. They are falling on this in the same position that everyone on this dais thinks. This building should not be demolished. I am disappointed. I also want to note that this building does need maintenance. Demolition by neglect is not an avenue for this applicant. I would encourage the city to do its own inspection, make sure this building is stable, and cite the owner if there are things that need to be addressed. You can't let something like this fall apart. That is essentially what they have done.

**Mr. Schwarz** – This is probably going to go to Council. While many applicants will use the argument that the new zoning ordinance and Comprehensive Plan call for more housing and denser development. Our Comprehensive Plan talks a lot about historic preservation. Chapter 4 of the Comprehensive Plan, the Land Use Chapter, some of the goals that are at the front of chapter are 'systematically inventorying and evaluate all historical, cultural, natural resources, landscapes, and open spaces as critical elements that make Charlottesville special.' This building has been inventoried and evaluated. It has been declared an IPP. It is on the National Register. It is a contributing structure. It has been declared important. 'Communicate about historic resources, educate current and potential property owners of historic resources and the community in general about the significance of historic properties. Provide effective protection of Charlottesville's historic resources, including through recognition, incentives.' The Comprehensive Plan is not just about more density, more housing. It is also about protecting our cultural and historic resources.

**Mr. Werner** – Mr. Schwarz, you are correct. In 1973, the city established the Landmarks Commission to look at historic properties throughout the city. At that time, it was only the small district that existed downtown that was established in 1959. It took a while for the city to get to where it was establishing local districts. I checked that to see if it had been individually listed. I couldn't find it.

**Mr. Timmerman** – Based on the changing landscape that is happening, because of the new Comp Plan and the new zoning, it is important for us as a community to come together and start thinking about where we draw these lines in the sand. This is a great place to start. There is no one point on here that anybody can

really dispute. The fact that a structural report that tells us that the house is in stable condition only reasserts that. In some ways, it is a bit disrespectful in my opinion, as is the inability for the applicant to come and state their case. I hope that Council hears us and all these points.

**Ms. Tabony** – There is something special about Charlottesville. New developments can sit adjacent to old, very unique properties that are very much contributing to the history and the story of this place. The conversation between those two conditions is what I think will keep Charlottesville a unique city and continue to keep it a destination city and something that we can be proud of and love. I cannot support the demolition of this building.

**Mr. Birle** – It was Mr. Lahendro that said it is really a lack of imagination. Clearly, as Ms. Lewis said, it checks every box. There is no reason this should be demolished unless there were some structural reasons. Their submission of a structural report that says it is adequate structurally. Rather than thinking of it as a hindrance, this should be celebrated as an opportunity to do something neat for the community and restore it.

**Mr. Zehmer** – In the landmark survey, there is a handwritten note when they interviewed Ms. Alicia W. Flynn, who is the great granddaughter of the builder, William Wertenbaker, in 1971. It says, ‘offers have been made to buy the property; rumors, apartment building on site.’ We have been fighting this for 54 years. This is not something new. It is probably not the last time. Quite frankly, not on my watch.

#### **Motion to deny CoA**

**Ms. Lewis** – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition of 1301 Wertland Street does not satisfy the BAR’s criteria and guidelines and is not compatible with this property for the following reasons: I would note all of Mr. Werner’s comments and guidelines cited [from staff report].

**Specifically:**

- There is no public necessity to proposed demolition. There is no reason this has to happen. It’s just private greed.
- There is public purpose and interest in the building being protected. We’ve been trying to protect this for a long time, for half a century, against threats.
- No demonstration if relocation or other alternative might be available. The applicant is not here to address that.
- The proposed demolition would adversely affect all other buildings, 23 buildings in particular, in this historic district, because [the Wertenbaker House] is the anchor in the Wertland ADC District.
- There is no reason for demolition that has been stated, that is one of the guidelines for [the BAR] to consider to applicant’s reason. We don’t have that here because [the applicant] didn’t bother to appear tonight. The application doesn’t tell me the reason, except for redevelopment, I would guess.
- There has not been an economic feasibility study for rehabbing or reusing the structure. We have a structural report.
- The applicant has not demonstrated they have exhausted all other alternatives before the application to demolish.
- The applicant has not offered that if they demolish the building, they would document the building thoroughly with measured drawings [and etc.]. None of us want this demolished anyway, but there has been no offer of that. (I’ll accept any friendly amendments.) [Staff noted applicant had provided a 3D Point Cloud scan of the building as well as a Phase I archeological survey. Not certain if that satisfies documentation criteria. Don’t have technical capability to share tonight.]



- **Mr. Zehmer - This property is extraordinarily significant to the history of the University and to City of Charlottesville and as the principal residence of the University's first, technically second, but longest serving librarian who was selected by Thomas Jefferson.**

**Ms. Lewis - I'll accept that additional amendment, citing the reason why do not support demolition.**

**Mr. Zehmer - Do I hear a second?**

**Mr. Rosenthal - I second the motion. [Staff noted the draft motion in the Staff Report inadvertently referred to the Downtown ADC District. Ms. Lewis noted she omitted that in her motion.]**

**Mr. Zehmer - We will vote.**

**Mr Schwarz - Yes, for denial.**

**M. Birle - For denial.**

**Ms. Lewis - For denial.**

**Mr. Timmerman - Yes, for denial.**

**Mr. Tabony - Yes, for denial.**

**Mr. Rosenthal - Yes, for denial.**

**Mr. Zehmer - Yes, for denial.**

**Motion passes 7-0.**

## Appendix

E-mail received by BAR staff.

Wednesday, May 14, 2025 2:24 PM

From: Christine Sweeter.

I urge you to deny the demolition of the Wertenbaker house. We need to save history and the history of Charlottesville. Surely, a house that sheltered an important figure of UVA and was appointed by Mr. Jefferson should not be torn down. Please don't destroy history.

Thank you.

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Thursday, May 15, 2025 8:51:44 PM

From: Mary Wiley

Please do not allow 1301 Wertland St to be demolished. It is a beautiful and historic home with links to the University and to the community. Much of the original land around it is already used for housing. Don't allow more to be built in place of this lovely house.

Thank you

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Friday, May 16, 2025 9:38:02 AM

From : Kay Slaughter

I oppose the demolition permit for the Wertenbaker House at 1301 Wertland St., the centerpiece of the Wertland Street Architectural Design Control District. The house, built around 1830, may be the oldest remaining house in Charlottesville. It is a handsome period structure, close to the home where Georgia O'Keefe and her family lived in the early 20th Century. While the Wertenbaker House deserves protection for its own sake, clearly this demolition request is preliminary to destroying the entire Wertland National and State Historic District. Other

Virginia cities, like Richmond and Staunton, have done a much better job than Charlottesville in protecting its historic fabric. We have the opportunity in this case to preserve an important historic building in our beautiful and historic town. Please do not approve this demolition, and require appropriate enforcement of the law so that demolition by neglect of the Wertenbaker House, a designated National Historic Building, will not continue. Please vote no.

Sincerely,

Kay Slaughter

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Sunday, May 18, 2025 4:48:02 PM

From: Virginia Dauherty

Dear Mayor Wade and City Council members, Please do not allow the Wertenbaker house to be torn down. It is simply too charming and unusual architecturally and one of the many interesting structures that make Charlottesville and not just Any Town, USA. We have to work to preserve the special flavor of our city, especially with so much new construction going on. The historic significance of the house makes it even more important, because the forces against true history are strong right now.

Thank you,

Virginia Daugherty

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Monday, May 19, 2025 4:33:11 PM

From: Bitsy Waters

Dear BAR and City Council, I'm writing to strongly encourage you to deny the Certificate of Appropriateness for demolition of the Wertenbaker House on Wertland St. This is one of the oldest remaining houses in the city. It has very important historical significance and despite many changes in parts of the area, this house is still the main contributor to its namesake historic district. If we don't protect a property like this, we should question whether we are serious about protecting any of what remains of Charlottesville's historical fabric and character.

I realize this house needs reinvestment, but the current owners bought it very recently. They had to know it had historical protection. Often owners have allowed these significant properties to deteriorate so they or future owners have an excuse to demolish them. Demolition by neglect should not be an acceptable rationale for destroying properties with the significance of the Wertland property.

The City has many competing priorities. We have lost many of our historic buildings and areas to these competing interests. We have to draw the line somewhere or the U VA lawn and the Downtown Mall will be the only built history we have left. Great cities of all sizes preserve their history and character, otherwise they can become anyplace USA. Please save the Wertenbaker House and other historic houses on Wertland so we can continue to be a special great city.

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Monday, May 19, 2025 9:27:36 PM

From: Robert Yule

I read with dismay about the application to demolish 1301 Wertland Street. As a former historian of the University Guide Service (1996-1997), I knew well the history of William Wertenbaker, the second librarian of UVA and appointed by Thomas Jefferson. While many might not know his name beyond Wertland Street, he is an important part of UVA history, and is even more famous for his connection to Edgar Allan Poe. He had befriended Poe when he was a student in 1826, and is one of our best sources of Poe's life at the University. It is Wertenbaker's words you'll hear when you listen to the recording at Poe's room at 13 West Range The house is an iconic and beloved part of the Wertland neighborhood, and one of the last vestiges of that

historical time period. We're so lucky to still have it - please don't destroy this piece of history.

Sincerely,  
Robert Yule

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Tuesday, May 20, 2025 10:52:42 AM

From: Bill Emory

Dear Board of Architectural Review, Please do vote to retain the Wertenbaker House for another 200 years. I deeply appreciate your collective knowledge and selfless service to our City.

Bill Emory

(I recognize that the protective power of an ADC is set by state government. But I do hope you will oversee the rewriting of the guidelines generally. The continued destruction of the fabric of Charlottesville is disheartening in the extreme.)

***\*Meeting was recessed for 10 minutes.***

## **6. Certificate of Appropriateness Application**

BAR # 25-0078

Downtown Mall – 4th St. E & 2nd St. W.

Owner: City of Charlottesville

Applicant: Riaan Anthony, Director, Parks & Rec

Project: Repairs to Mall vehicular crossings at 4th Street East and 2nd Street West

**Jeff Werner, Staff Report** – CoA request for proposed repairs to the vehicular crossings on the Downtown Mall.

**Mr. Zehmer** – I am curious about the colors. I know they are proposing a dark gray brick and a light gray brick to try and mimic the continuation of the patterns. I am curious if there is a way to see a sample of that or somehow verify that it is going to come close to the granite or blue stone that is in the current pattern that would be retained outside the footprint of the project. I understand the need to switch the material so that the brick pavers are locked together.

**Mr. Werner** – My response when that was discussed in the meeting is that we have already messed with the original design. We need to fix it. We are not going back to what is original. We have a good example from what is already there and what the BAR approved. The question I asked was whether we should try and replicate the materials across the travel-way. The idea is as much as we can use the same thing, once you start changing thicknesses and sizes, I offered that to continue the image of the band.

**Mr. Zehmer** – What they are showing is doing just that by saying dark gray brick and light gray brick. Are we going to see samples of those?

**Mr. Werner** – The selection has not yet been made.

**Riaan Anthony, Applicant** – Thank you for allowing us to come before you to put this wonderful plan together. This has been in the works for nearly a year. City departments with outside landscape architects were part of our stakeholder meetings. We had a series of meetings as we repair the eyesore. It is both crossings. That was our goal. Our goal was to focus on how we repair but still try to keep what The Mall is supposed to be, a pedestrian mall but with vehicle crossings. How do we make it as safe as possible, but also keeping it as close to a simple design? There are things that we had to modify and tweak as you can see in the design.

**Daniel Hyer, Applicant** – In the specifications for the project, it details that there much be a sample panel that is approved and should probably be approved by you. There will be some color sample panels of appropriate size to compare.

## **QUESTIONS FROM THE PUBLIC**

No Questions from the Public

## **QUESTIONS FROM THE BOARD**

**Mr. Birle** – Is the travel lane being reduced to 12 feet? It is centered now on the street. It looks bad when I see it now on the existing plan.

**Mr. Hyer** – They are narrowed substantially to mimic a constrained width. One of the things you have that contributes to the degradation is that they are wide enough for cars to pull off, park, and drop off. That turning of the wheels on those larger pavers creates a nightmare of a condition. This came out of conversations with

numerous city stakeholders. The width was discussed at length with the thought that cars are not going to have that extra width to feel that they have space to parallel park for some period of time.

**Mr. Rosenthal** – I was downtown, and I looked at these things. They are badly degraded. I assume that the problem is the vehicles that is causing this degradation.

**Mr. Hyer** – The vehicles are the culprit. It is the starting, stopping, and breaking. The crossing itself was not set up for success with the material choices and the sizes of the materials that are there, specifically, the runnels, the reused brick, and the granite pavers themselves. All 3 of those have specific challenges in this environment. It is possible for brick pavers to support vehicles. The conditions in this crossing with the reused brick, the runnels, and the granite pavers are a ‘recipe for disaster.’

**Mr. Rosenthal** – I am assuming with your new plan that you are expecting this to have a good and long usable life for the vehicles going across and so that the pedestrians can come across without any problem.

**Mr. Hyer** – That is correct. I am not sure if you all were given the forensic study, we did in 2022 that detailed why they failed. There were lessons learned on the mechanics that led to the failures and the degradation that you mentioned. We have corrected for all those conditions. You should have as robust of system as possible under the current proposed repair plan.

**Mr. Rosenthal** – I noticed in each of them that there are 2 grates that are letting water go down. Are you planning to add more grates to deal with water that has been adequate?

**Mr. Hyer** – My understanding is based on the revised designs those grates do not end up within the travel way any longer. It has been constricted tighter. They are just outside the vehicle paths.

**Mr. Werner** – When they were discussing it earlier, what you have now is different sized things, different materials. They are moving. The solution is constraining that and interlocking that system. Instead of a brick that is this thick and some granite pavers that are that thick, it is now constrained into a system. That is the difference with the design.

**Mr. Hyer** – If you go out there now, most of the crossings in many cases are fine. Where you have a 4-by-8 and 2-to-1 brick bearing bone paved pattern through the crossings, those spaces are almost fine. It is really adjacent to a reused brick soldier course or a reused brick runnel or granite pavers. All those 3 items that fail, those failures ripple through and adjacent to those areas. Where you have 100 or 200 square feet of just pavers, they are fine.

**Mr. Zehmer** – Staff recommended bringing the brick border around the northwest corner at the southwest corner of 2<sup>nd</sup> Street by Violet Crown. Are you amenable to doing that?

**Mr. Hyer** – That was a good comment. That is a great comment. We are happy to do that. That is going to be outside the travel-way.

**Mr. Zehmer** – When we were out there this evening, we noticed at the 4<sup>th</sup> Street crossing the current bricks inside the travel lane are a 4-by-8 brick as opposed to 4-by-12s, which is the signature brick of The Mall. What are you proposing for the brick size?

**Mr. Hyer** – They are going to be 4-by-8. It will be a traditional 2-to-1 herring bone pattern. That is very intentional like that aspect ratio of a 2-to-1 paver is the strongest ratio. A 3-to-1 starts to deviate from that. A 3-to-1 paver system could be fine. We are going for the bulletproof version of the crossing. If you look at all

published guidance from the Brick Institute of America, they are going to say that a 2-to-1 herring bone is going to be your best bet for success.

**Mr. Schwarz** – Are you considering moving some of the planters to keep people from driving over the flush curb?

**Mr. Hyer** – We had not recommended moving. That is not something we recommended.

**Mr. Anthony** – It came up because we also look at the safety of the pedestrian mall. How do we make sure that at 2 AM there is a car driving on The Mall? How do we prevent that? We are still looking at working with the fire department. There are certain rules that we need to keep open fire lanes. How can we make sure? It might not be a planter. It might be something so that there is no option for a car to take a left but to turn on 2<sup>nd</sup> or 4<sup>th</sup>.

**Mr. Hyer** – It might already be apparent, that flush curb is the structural edge restraint to the paving system.

**Mr. Schwarz** – I am worried about people continuing to try to pull off to the side to let people off. At that point, you have extended the granite pavers. They are now parking on top of those. If they pull off to the side of the curb, is that a problem? Is there a way to prevent that? People are still going to try and drop off.

**Mr. Hyer** – You are right. People are probably going to have that habit. I think it is more operations and what the city wants to do for how to prevent that.

**Mr. Anthony** – It is another great question. The focus is how do we prevent that from happening? One of the solutions is, you can see in the design, taking the street from this size to that size. When you come in, you are slowing down. We are hoping that it will make an effect with other things on the side so that a vehicle feels pressured of not to stop. They must keep moving. That is the intent.

**Mr. Tabony** – I was wondering if the speed bumps were also a cause of the degradation. I know we need to slow cars down there. Was some of the degradation occurring because of the speed humps?

**Mr. Hyer** – It would be my impression that the answer is ‘no.’ The speed humps themselves don’t cause any degradation. It is the vehicles as they come over them. Some of those are ‘humpy’ speed humps. That is that breaking force of the cars coming right over it. If you are coming over and a person is walking and you stop, the next element past the speed hump is a reused brick soldier course. Soldier course is horrible at resisting any kind of imparted loads. The reused brick will never bond to mortar the same way as it does the initial time. You have a weakened structural system resisting a lot of eccentric loads from the wheels. It is not the speed hump. It is more the condition of the other element that is causing it to break.

**Mr. Rosenthal** – Are you starting with all new materials with this?

**Mr. Hyer** – Yes. We are asking them to salvage the existing brick. It is going to be new materials.

**Mr. Zehmer** – Where you are patching in, that is not in the vehicular way. For example, that return of the border, The Violet Crown, could you try to reuse some of that salvaged brick, so it matches the rest of that border?

**Mr. Hyer** – In the specifications, it talks about the feathering to help with that color gradient.

**Mr. Werner** – It is less the color. We were walking out there today. I noticed in the soldier course at the end of each lane appears to be the original brick.

**Mr. Hyer** – Anything that is set in mortar is an original brick, which is a different size than the current sandset bricks. You have 12-inch bricks that are not identical sizes out there.

**Mr. Rosenthal** – Is the city going to do the work themselves or is this going to be subcontracted?

**Mr. Hyer** – It is going to be contracted out. I believe that we were going to ask for contractors to have some record of successful paved installation that they could show almost performance-based bids.

**Mr. Anthony** – That is going to be very important for us as a city. It is something we are looking at through our procurement process. Our procurement process is a support process where the lowest bids need to be responsive. That is why we are working on whoever is going to be providing us some bids, must have some type of sample, some type of experience working with not any brick, but pedestrian-type of bricking system.

**Mr. Timmerman** – The tactile strips are being replaced. Is there just one kind of tactile strip? Are there different options?

**Mr. Hyer** – We were going to go with one very similar. I think we are going with the tactile brick. You can get a 4-by-8 brick tactile. The question of pulling off on the side. Right now, those tactile warning strip pavers break because they are 12-by-12, which is a problematic size. If we go back with 4-by-8 tactile brick, you are building in that inherent strength. Even if someone is pulling off, you are going to be more likely to have a resistant system.

**Mr. Timmerman** – They have always seemed to be the most aberrant of all the different new materials brought in.

**Mr. Rosenthal** – How much time do you expect it to take doing that?

**Mr. Hyer** – To replace a crossing, that is a good question. I would think it could be demolished. It will have to be phased because the Downtown Mall will have to remain open to pedestrians during construction. I think that it could be done in a couple of weeks. The pavers are going to be sandset.

**Mr. Birle** – You mentioned the pavers in the drive path are sandset as well.

**Mr. Hyer** – That is correct.

**Mr. Birle** – That is preferable. You want them to move.

**Mr. Hyer** – You want them to be able to flex. Sandset pavers are incredibly resistant because all the friction of the sand and the paving units. They will move a little vertically. It allows them to move in in unison together. It should be visibly pleasing. You won't even notice.

**Mr. Zehmer** – Are you going to drill any drain holes through your slab?

**Mr. Hyer** – There are drain holes in the existing slab, every 12 inches on center. All the brick on The Mall is sandset as well. I don't know if there are holes drilled in that slab. That is a new slab that they replaced when the Downtown Mall was rebricked in 2009.

**Mr. Zehmer** – You are not proposing to replace that slab.

**Mr. Werner** – Currently, the runnels were continued across the travel lane. They will not be extended. I had a conversation with them. I am Ok with the explanation. I want to make sure someone does not ask me in the future what happened in the runnels.

With the 2008 approval by the BAR, this is what the BAR approved for the crossings in 2008. You can see that the runnels were extended across the travel lane. They will not be included in this new plan.

**Ms. Tabony** – That is due to durability only? Is that right?

**Mr. Werner** – I had always understood the runnels to replicate the old end of the gutter sidewalk. Why are they running across here? When they weren't extended, I perceived it as good. There is a mechanical reason. I want to make sure that you are Ok with that, you realize that, and it does not come up later.

**Ms. Tabony** – Are the runnels currently serving a drainage function?

**Mr. Hyer** – That is a great question. It probably depends on who you ask and how hard it is raining. Mr. Werner is correct. The runnels replicate the original curb lines of Main Street physically. The runnels were intentionally removed from our repair design because of the reasons I have already mentioned about what makes a brick paving system durable and strong. The runnels 'fly directly in the face of that conventional standard.' If you were to replace them, it is a matter of when they will break. We are going for the bulletproof option to the greatest extent we can, so they are not currently in the design. There is a feathering effect that happens adjacent to the repaired crossing where the runnels, which currently have a shallow V-shape, will feather to match the existing grade as it comes into the crossing. In terms of drainage, if you walk out there after a good rainfall, you will notice there is water in the runnels. It is usually sitting directly adjacent to the inlet where it did not make it. Because the Downtown Mall themselves are sandset, there are holes on the slab below the paving systems, the runnels are serving an aesthetic function more than an actual drainage function.

**Ms. Tabony** – Is your design changing the drainage pattern that is currently there?

**Mr. Hyer** – No. The drainage patterns are largely uninterrupted. The inlets that are adjacent to the crossings are now going to be just outside the crossing. Any water coming down, if there was water running down, it is going to hit the inlet before it goes into the crossing.

**Mr. Timmerman** – With the tactile strips, on your plans, they are shown as squares, but they are not actually squares?

**Mr. Hyer** – If you read the specifications, they are detailed as a 4-by-8.

**Mr. Zehmer** – I think we got these specifications. We just got the plans. Graphically on the detail sheet, they look like squares.

**Mr. Hyer** – You are correct. We will correct that when we add the soldier course that staff recommended. I am sure that the specifications indicate a 4-by-8 size tactile.

**Ms. Tabony** – Are those herring bone?

**Mr. Hyer** – They will be herring bone.



**Ms. Tabony** – That herring bone pattern will continue seamlessly until the concrete curb.

**Mr. Schwarz** – With the soldier courses that staff wanted to have extended a little bit, would another option be to, instead of extending them, have them turn the corner of each building and ‘die’ where it hits the concrete? I feel that cars are going to move beyond the edge of the curb. At either end, you have that tiny piece where it wraps the building and cuts down. Mr. Werner, you were saying that you want to take it from the dashed line to the tactile strips. I am wondering as an alternative; would it make sense to have it wrap the building and remove that little piece that comes down along the concrete? I have a feeling that cars are going to move beyond the edge of the curb.

**Mr. Zehmer** – It does make the relationship to the building make more sense. Otherwise, it is hanging out there. Is there an engineering reason for one option is better than the other?

**Mr. Hyer** – I would say that the suggestion is better from my standpoint. You are getting more of the reused mortar set brick out of there. If you walk out there now, you see a lot of it falling apart. You are just mitigating additional risk by stopping it.

**Mr. Werner** – We all have our various relationships and connections to The Mall. People with different expertise on The Mall and its design and where it is now. I know a lot of people who feel strongly about the architecture of The Mall. One of the things that I asked Mr. Anthony when this process was happening was that there be a landscape architect involved to talk about what is happening and the continuity of the design. I am not comfortable removing an element from The Mall. We are talking about a detail that is possibly continuous on The Mall and disrupting that. I am not qualified to offer an opinion one way or the other. I want to offer caution.

**Mr. Zehmer** – What is the condition at the non-vehicular cross streets?

**Mr. Schwarz** – It carries across. I was not sure. They rebricked The Mall 2 years after I moved here. I don’t remember what was before.

**Mr. Werner** – Those were repaired. They did that stretcher and soldier course that runs the perimeter. Those are the old brick. What is in the infill is that 4-inch-by-12-inch-brick. Those that are there, and existing within the soldier course and the travel lane now are 3.25 and 11 5/8. We have them that we could use. I felt obligated to say that.

**Mr. Schwarz** – I would defer to staff in that. We carry it down to until it meets the tactile strips.

**Mr. Rosenthal** – Are trucks allowed to go as vehicles across here?

**Mr. Hyer** – Some large vehicles do cross. There are some delivery trucks and food trucks that go across. I don’t think that you are getting full size interstate semis across it. You are getting some large vehicles.

**Mr. Timmerman** – Is the main reason for changing the proportion of the bricks for stability?

**Mr. Hyer** – Those are 4-by-8 right now. They are also a thickened 4-by-8. They are not the standard thickness of a brick paver. They are a half-inch thicker. They will be the thickened version again as well.

## COMMENTS FROM THE PUBLIC

**Genevieve Keller** – I want to thank staff for his comments about having a landscape architect involved on the project. I understand that there have been informal consultations. Now that The Mall is registered on the

National Register of Historic Places as a historic landscape, anytime the city is undertaking something other than just routine maintenance, there should be a qualified historic landscape architect on the project. It should be included in an RFP or there should be somebody on retainer. When we were meeting for the Downtown Mall Committee, I said that we need a curator for The Mall. We don't have a curator for The Mall yet. You are the curator of The Mall. It is hard for me to follow this conversation. I have not followed what happened. I would like to make a resident request that you involve a qualified historic landscape architect. The Federal Register has qualifications for what a historical landscape architect is. It would not be hard to get somebody to come for a few hours and have them involved through the whole project. They could be doing periodic inspections of the work.

## **COMMENTS FROM THE BOARD**

**Ms. Tabony** – Is it possible for the BAR to request a mockup? There is a lot happening in a small area with a lot of different materials coming together. It would be great as a public service to let the public know that this is what we are doing and how it is going to look.

**Mr. Werner** – I know the landscape architect that has been involved. I don't know if that is formally or informally. Mr. Anthony can speak to that. For the purposes of moving forward, it is like the courthouse where we selected the brick later. Conceptually, we can approve this design. What color gray is gray? What do we want it to be? It does not change the design. We can express that appropriately. There will probably be a sample panel because someone will have to make a decision. The first question is whether the design is Ok. Are there any things or fixes that you will have to condition? As a matter of a condition, if it was approved, request that the sample bricks, the colors are available for approval. That would allow them to proceed with construction documents and getting their permits knowing that we will be picking out the bricks at later date, unless you had something that would materially change what they are showing here.

**Ms. Tabony** – This is a nice proposal. I am compelled to support it. I wonder if the alternating brick color within the drive lane will be effective. There is something nice about the different textures of the different materials on The Mall. I understand there is a durability concern and a longevity concern about those materials. I assume they will have to cut bricks. They will be 4-by-4 bricks along those edges. Is that correct?

**Mr. Hyer** – That is correct. That is why those dashed lines on the image are steel edge restraints in the system to pick up the load of those cuts. You are interrupting the pattern and therefore decreasing its strength. You won't see the steel angles. They will be hidden down below, anchored to the concrete. Since we are interrupting the pattern, we need to put an edge restraint. The cut brick results in us having to anchor it.

**Ms. Tabony** – I wonder if we are already introducing a structural weak point. Why not have the original material there? There could be a steel edge to support those different materials.

**Mr. Hyer** – With granite, there are a couple thoughts. I am not opposed to anything. I am going to share some technical insights for your understandings. One of the biggest considerations with modular paving systems is the aspect ratio of the pavers themselves. If we were to go back with a granite paver in place, it is inherently going to be weaker. It is not able to get into a pattern. One way of compensating for that is a much thicker piece of granite. It could be possible to explore robustly thick granite as an option. As compared to this interrupted pattern, that is going to have a 4-inch cut brick on repeat through the crossing. In comparison to the granite option, it is still going to be much stronger in terms of being able to generate that resistance to the forces that are applied to it. I feel that one of my responsibilities as the engineer of record is to do whatever I can do to make sure it is not going to break again. I would worry about some requests of us that would lead me to feel I am making a decision that I don't want to stamp as strongly. It is not to say that we cannot investigate

thicker granite. I would have to do some research on how thick it might need to be to be able to start resisting the rocking that is going to happen.

**Mr. Zehmer** – Are there currently metal restraining edge bands at those changes?

**Mr. Hyer** – That is correct. What happened was at the runnels and the granite. The granite and/or the runnel ended up acting as an edge restraint to the brick that was there. There was no other edge restraint installed, which is why those failures have rippled away. You can see the failure. It is twofold. One, the granite was acting as an edge restraint. It should not have been. When the granite failed, that is why it rippled through the brick in the way that it has. You can see a ripple effect around the failures of granite in the brick.

**Mr. Zehmer** – There is steel edging?

**Mr. Hyer** – No.

**Mr. Zehmer** – How thick is the setting bed between the concrete and the new pavers?

**Mr. Hyer** – I cannot say how thick it is now. I would imagine it is about between 1 and 2 inches. In the proposed condition, it will also vary. It is going to vary because the grades across the crossing vary.

**Mr. Zehmer** - I tend to like your idea of trying to maintain the different materials. I am worried if you are exploring thicker granite, does that mean you are cutting into the slab?

**Mr. Hyer** – Before they were repaired in 2009, the bandings went across the crossings. It was concrete banding. The concrete was integral with the slab below it. It was a very strong scenario. The current one with the granite is much weaker than what was even there prior with the original Downtown Mall.

**Mr. Timmerman** – I would be interested in your exploration of the granite as opposed to the concrete. The clarity of the design is good. It is now clearly ‘telling’ a car to stay within this amount of space versus some sort of nebulous space. The intention is to move on through and park your car. This is one of the main intentions of the improvements.

**Motion to Approve – Mr. Zehmer** – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed Repairs to Mall vehicular crossings at 4th Street East and 2nd Street West satisfy the BAR’s criteria and are compatible with the Downtown Mall and this ADC District, and that the BAR approves the application as submitted with the following conditions:

- The soldier course border should continue up to the tactile strip [band] but not across the vehicular lane.
- The BAR recommends there should be a landscape architect involved who is qualified to advise on historic landscapes.
- The BAR would like to be included in material and color selection and be provided a workmanship mock-up to review.

**Second by Ms. Tabony. Motion passes 7-0.**

**Ms. Lewis** recused herself from the 218 West Market Street Project.

## **7. Certificate of Appropriateness Application**

BAR # 24-0038

218 West Market Street, TMP 330276000

Downtown ADC District

Owner: Cavalier Hospitality LLC

Applicant: Bob Pineo, Design Develop

Project: Construction of multi-story hotel

**Jeff Werner, Staff Report** – Request CoA for a multi-story hotel: Six stories facing Old Preston Avenue; five stories facing West Market Street. (Maximum height allowed under DX zoning is 10 stories, 142-ft.)

**Jeff Levien, Applicant** – We have been working on this for 7 months. What we initially brought you was not up to my standards, not up to your standards. It was very corporate driven. We spent a lot of time with your patience, your collaboration getting to a point where we are all confident that we have met the Design Guidelines. We have an amazing project for the end of The Mall. I am going to go through some of the development and design concepts. I can toss specific questions to others on the applicant team that I cannot answer.

### **Next Slide**

We have materials here. I think we have every material covered that needs to be submitted. This is the birds-eye view.

### **Next Slides**

This is where we laid out how each part of the building complies with the design guidelines as written. We were specific on pointing out where we hit those guidelines.

### **Next Slide**

This is the Preston Avenue side. This is not a view you would see. It gives you an idea of what we were thinking and our priorities. We want the base to be like a sturdy, distinguished bottom part with a pedestrian experience focus. We did the brick. We brought it up to 3 stories. That was partly in response to lining that up with The Whiskey Jar, top of roof. It seemed more fluid with that part of The Mall and the continuation. It also added a heavier base, which lighter part of the upper floors sit on. We provided a lot of glass. We added some additional glass on the West Market Street side. We added some glass above. I will show you when we get to the eastern view looking down The Mall. We wanted to read open air vibrant, active. We lined up a lot of the columns and spacing.

### **Next Slide**

One significant move that we made, partly in our conversations, was that we pulled our building back from The Whiskey Jar. It helped let the building breathe. It provided us with this opportunity to do a pocket park, which is for the building and for that retail. I envision that it will be an open park. It will have a public/private piece. We looked at it between that and the 2<sup>nd</sup> floor that has a roof terrace that is an extension of our restaurant in the lobby. That was what we thought was like the activity of glasses clinking, people talking, and to bring people past The Whiskey Jar. One of my visions was to have The Mall extend past where it is like a dead end right now. That was a critical point. What we did along Preston was we extended the retail. We brought the retail down all the way to the door, the entrance to the hotel. We have added more lights and air and allowed for the shopping experience to continue. We figured it would be used and more accepted than having a big stair, which would only be used at certain times. I will point out that the gap between the hotel door and that last piece of retail is screened off operational space where trash will come out. It is hidden behind the building, so you don't see it. It allows that to wheel out. We wanted to minimize the dark spots. By adding the air and

light between the 2 buildings, that was active bringing people down to the retail and having that small little space seemed like a more pleasurable walk. We added the landscaping. It is a tree lined street.

#### **Next Slide**

This is a tightened shot of that retail experience and restaurant experience. The restaurant on the 2<sup>nd</sup> floor is a hotel restaurant. We think that we will get some customers not from the hotel. We do envision food and entertainment retail along the ground floor to keep that active into the evening.

#### **Next Slide**

This is more of that. This is a tighter look looking up Preston.

#### **Next Slide**

This is a tight shot of the entrance from Preston into the lobby. That opening is for hotel residents. The experience will come from walking from the West Market lobby through Preston. The interior of that will be in a position to draw people over. We added the awning. None of this has signage. We talked to staff about that. We can submit a signage package separately. Part of what we will have to do is get powerful signage along the retail and along this opening to bring people down. We might have to get a little wiggle room from there for the retailers to have some signage. There is tightening on that screen. That screen is not architecturally designed to be complete. It is just an example of a screen. If we do something and it requires BAR approval, we will come back. Our understanding is that we can get an approval without that detail being done. We will then bring it back to you. We would like to spend some more time with that.

#### **Next Slide – West Market Street Side**

It is a similar concept of the heavier base here. Some of the additions we made over time was that we added windows above the parking garage entrance. The parking is attended. Everyone will be dropping their car off. There is no reliance on a guest driving a car in there and out of there. It is part of the reason to do on the Preston side an egress and ingress. Cars can come out into 2 different roads and not just all onto West Market. We made it less industrial with adding those windows. We planted a large tree out front. We brought it out and gave it enough area for the roots to grow. That could be a sizable tree. We recognize that we are taking down trees along the Preston Street side. We wanted to put back something of some size and not some boxwoods. We have a significant grade drop. With the walk towards Browns, you have the wall and the stairs. It thins out. We created the patio above that wall so it would not feel like a wall. It has an indoor/outdoor feeling to it. The lobby doors and windows open to that. We tried to do a lot of that indoor/outdoor feeling. That is like the pocket park. This patio and the restaurants on the second floor have 2 different patios. We showed you this large stair on Preston that we talked about last time. That stair had a double height. By minimizing and moving that, we were able to put up another level. That added another outdoor terrace. That is a gathering spot. With the stair, we brought that in a little bit. It was larger last time. We thought that it was not a design use of space. We were calling it a ceremonial stair. It was not as inviting or desirable as the way it shows now with the green. All the way to the left is the handicap access to get up to the hotel.

#### **Next Slide**

This is a picture down Market Street. We added a little detail design to the wall there. It was a little stark, a little bland. We cannot put glass because it abuts the browns. What we did was we prioritized glass. If you look at the property line and all the windows there, we moved the building back a little on that side and the Lighthouse side to get windows there. They would be protected if development happened there on either the Lighthouse or Browns.

#### **Next Slide**

This is a tightened shot of that patio. The wall meets the design guidelines. I don't think it is 100 percent done. I think it is like those rail fences on the other side. With this, we need to spend some time. I would like to see it

beautified with some greenery maybe. Right now, it had to work with the grading. To get the terrace there, it was better than just having what we had before a big wall.

#### **Next Slide**

This is a tightened shot of the experience. The cars will pull in. John Wilson of Timmons can speak to that. That is permitted. It is on our property line or within the right-of-way. I know there was a question of whether we can do that. We are permitted to do that.

#### **Next Slide**

This is our landscape plan. We have a couple of constraints here, specifically on Preston. Stormwater goes under that. We must be mindful of the trees that we plant there. That is why you will see that sized tree. We had a little detail along Preston with a path to walk down. Those move out from the trees. It brings the guests from either way, from The Mall down or up. With the Market Street side, we have 2 trees planted there.

#### **Next Slides**

Here is some more landscaping and material.

The one slide not in the presentation but in your packet is the view looking down The Mall with the piece of building above The Whiskey Jar.

We have added a lot of brick. That is where we prioritized our cost and focus on that base. We also added windows to the whole wall going up. In the earlier iterations, it was just a wall. We worked hard with Nitton. We moved some rooms, reconfigured some things, and structurally got the 2 windows going up that whole wall. With the view looking down The Mall, that helped it a lot with beautification. One member of the BAR pointed out that we maybe did not have brick on one of the things. We did solve that. We made sure that the entire full 3 floors were in the brick. It is not EIFS. We are past the days of EIFS. The paneling system that is on the top portion is stucco. It is a panel system. We have the materials here and we can show that. We don't call it that. That system is being called an EIFS top. We look at it as a stucco top. With the coloration of that, we made it a lighter color but not subtle. We did not want it to pop in the skyline. We wanted the base to be the focus of it and have that top fade away. There is not a lot of color because a lot of it is glass. We wanted that to be secondary to that base experience.

#### **QUESTIONS FROM THE PUBLIC**

No Questions from the Public

#### **QUESTIONS FROM THE BOARD**

**Mr. Schwarz** – You (staff) said one of the or some of the tree species were not on the master tree list. In your referenced or attached document, I could not find that. Which trees are they not allowed to use?

**Mr. Werner** – I know that gingko was removed. I said that I will cover it with a note.

**Mr. Schwarz** – You had a comment in there that one of the trees was not on the master tree list anymore. I was not sure which one that was that they cannot plant.

**Mr. Werner** – It might have been when I was referencing something attached. It might have been what I sent to the applicant team. I know that they had removed gingko. I was just covering the bases. On page 2 of the staff report under the discussion, I list some of the things that I had asked about and mentioned and how they might be resolved. I had EIFS, the masonry, rooftop screening, landscaping, and the condition that the trees be from the city tree list.

**Mr. Zehmer** – Is this the proposed color?

**Bob Pineo, Applicant** – No. It is hard to get a panel made up.

**Mr. Zehmer** – It is similar. You have color samples. Of the layered system, this is what the final texture would be. Which of these colors?

**Mr. Pineo** – Those are the 2 accent colors. It is the base color and the accent color.

**Mr. Werner** – With the screening of rooftop mechanical units now required as part of the zoning ordinance. That is not to say you don't have to think about it. The fact that it was not shown, and we will have something; They provided a detail. If that is sufficient or if you want more information, you can certainly ask. Even though it is said in the ordinance, I think it is screened.

**Mr. Zehmer** – You are proposing a cedar finish on a fiber cement board?

**Mr. Pineo** – There is no fiber cement board. There is the masonry stucco.

**Mr. Schwarz** – We are talking about the screen.

**Mr. Levien** – We don't have a form of mechanicals up there.

**Nitin Kulkarni, Applicant** – We have one [unintelligible] unit, which is probably 5 feet tall. Every window has a V deck. It is not central air condition [sic]. It is just the corridor air that we are pushing into the corridors. That unit 5 feet, 6 inches tall. One side is elevators. You are not going to see that. What we typically do is, once it is installed, see if it is visible, cover the areas.

**Mr. Zehmer** – The new code requires them to be screened.

**Mr. Schwarz** – It is not from the street level. I assume that you are looking from a neighborhood building. The zoning code requires it. They are not asking you to walk around on the street level and see if you see it. It is assuming that you are going to see it from an adjacent building.

**Mr. Zehmer** – With the finish and the coloring of this, the cedar finish is a reddish, wood tone.

**Mr. Kulkarni** – Those cement boards can be any color you can select.

**Mr. Werner** – I can clarify my reason for pointing this out. When the construction drawings come in and I am looking at the building permit that there is a 6-foot panel running around the perimeter of the roof. That is all that we are screening. I thank you for being the one who has raised this over the years that the location of that screening and what it is, is important. I don't want it to show up and this suddenly looks like an additional story on the top.

**Mr. Zehmer** – I would be curious to see. You could argue that the screening is taller than your unit. What if you are in a building that is even taller than that and you are looking down on it. There is nothing you can do about that.

**Mr. Schwarz** – Where this comes from is on West Main Street. There was the argument that you cannot see it from the street. The street is hilly. From a distance, we have a lot of tall buildings that have very large pieces of equipment. I know that you are saying yours is one small unit.

**Mr. Levien** – You are saying that you need the screening regardless of whether the pieces are this big or there 100 units up there. That is our sketch of what we would provide. You are saying that you did not like the material. Would you want something different? Is it something we can bring you later?

**Mr. Kulkarni** – It is going to be more towards the center area. You are not going to see that. We will provide screening.

**Mr. Pineo** – A lot of these bigger buildings have more air chillers, big pieces of equipment so the screening becomes part of the architecture. In this case, it is going to be discreet.

**Mr. Levien** – This is more code compliant and design oriented. We are not practically having to screen a farm of condensers. We have some flexibility. We don't need like 9 feet.

**Mr. Schwarz** – The code says it needs to be as tall as the tallest piece of equipment. I am pretty sure that it says that it just needs to be as tall as the tallest piece of equipment. It does not say you must put a fence around the whole perimeter. You could put it as close to the equipment as long as it keeps the equipment functional. I made sure that was in the code. It is a pressure treated fence. We don't allow that anywhere in the ADC districts. Would paint be sufficient for us?

**Mr. Kulkarni** – It is a wood building. The podium is concrete. The building above is wood framed. When we frame it, these posts are embedded into the structure. The roofing is then complete, and this is applied. The screening is applied to it. What you see there is the pressure treated wood because that is what 'marries' with the structure.

**Mr. Timmerman** – With HVAC, are the windows going to be operable?

**Mr. Kulkarni** – Not operable. It is a composite window. You can see that it is high quality sections.

**Mr. Birle** – Do you have a manufacturer?

**Mr. Kulkarni** – It is Indus Windows.

**Mr. Levien** – We don't have operable windows in the hotel.

**Mr. Kulkarni** – It creates more problems with the insurance. People leave it open, and it kills the moisture.

## **COMMENTS FROM THE PUBLIC**

No Comments from the Public

## **COMMENTS FROM THE BOARD**

**Mr. Timmerman** – With that entry from The Mall, you were saying that is mainly for guests. Is it a locked entry up to that stair?



**Mr. Kulkarni** – The lobby is 24/7. That is how those hotels operate. What they do for safety purposes, they will have some cameras. The person at the front desk will release the lock and they can come in. That is strictly off the normal business hours.

**Mr. Timmerman** – I am going to reiterate the points that we talked about last week. I want to thank you for your cooperation in this and your collaboration. You have spent a lot of time. You have come in front of us in a way that allowed us to be heard. I feel that you have heard us. It is appreciative. It is appreciated by all of us, especially considering the previous submission where there was not a gesture towards that. That is an important part of this process; for everybody to come together for bettering the community.

With the overall design, there are massive improvements from the beginning. The continuity that is now provided on The Mall side is working well with the continuation of the brick and the relationship of that lower part of the façade with the existing fabric. The separation of the buildings is a huge move to create that pause. There is the separation between the old and the new, and the opportunity it affords is a great advantage that you have found. The biggest issue is the connection that is allowed between The Mall. I was disappointed when I saw the grand stair go away. I still want to see some sort of ability to walk through the hotel. Even if that is just meant for hotel guests, when I am walking on that section, I want to be able to get through that big block. It would be a good thing for the city and a good thing for that location.

**Mr. Kulkarni** – We reached out to Marriott to get their feedback. They have a life safety team. They are big on mod 14 like safety. These guys shot down the grand staircase. They said it is a life/safety issue. On the top, that is a 14-foot fall.

**Mr. Timmerman** – That makes a lot of sense. The design team explained to us separately and showed us that it was not feasible. That makes a lot of sense. I would love to see that canopy raised another floor as a nod to something more than just a private entry and possibly a connection or beginning of a connection through the hotel; something that more of a welcome and more of a heightened sense of entry from The Mall. It encourages people up, which would probably would not be a bad thing for the hotel. As you are walking underneath all these clinking glasses, you want to be able to access that if you want to. That would be some kind of move to allow people to come in.

My other big issue is with the West Market Street side. This is more of an aesthetic thing. It is also related to the idea that is in our guidelines of what is appropriate for a particular region of our city. In the Downtown Mall, I like the drop off in the lower portion. The upper portion is still very prominent. It still feels placeless. It does not ‘jive’ with the uniqueness. I am not even looking for historic. There is something special about our mall. I would like to see something that has something that separates it. When I look at the façade, I think of every other hotel that you see around a place that does not have a unique special identity. If we had this conversation a few weeks ago, I would have loved to have seen the other idea you came up with. I would like to push you in thinking about that more. This is such a special place, and it is a unique opportunity for the city.

**Mr. Schwarz** – This is vastly improved from the last time we saw it. There are still some things that I am concerned about. They must deal with the streetscape. Going back to the zoning code, I have mentioned this a couple of times since you have come before us. With the streetscape, the plantings, the sidewalks, the trees, and looking at zoning code, Section 4.4.5.a3, when there is not enough room in the right-of-way for the required streetscape, the clear walk zone and green scape zone must be provided on site as a permanent public access easement. I have mentioned this before. When there is not enough room for the street trees, the building must get smaller. You are continuing to try to squeeze it in there while keeping your building the same size. It is a lot better. You have not met the zoning code. You will have to get an exception. I have a feeling that staff is going to listen to the BAR. I am sure that they are going to lean on us for that. I don’t like setting precedents for things that we really want in the city and that we want in our ADC districts. I looked up the street

typologies. West Market Street is a downtown street typology. That requires 6-foot clear walk zone and an 8-foot green scape zone. For the green scape zone, you are required to have large trees on average every 30 feet or small/medium trees if there are power lines involved. You have a power line at the top corner every 15 feet on average. If we are going with the large trees, you would need 4 large trees on Market Street. You have given us 1 large tree and a large shrub. I realize it is really constrained. It is much better than what you started with. We would be setting a precedent for throwing away that part of the zoning code, which is an important part of our zoning code. Our guidelines call for street trees. They are encouraged. I am worried about that. You have almost done it with the small street trees on Old Preston. I am still worried that the trees are in the sidewalk. I think that was somebody realized that where you have them, there is not enough room where you have put them. It does not seem like there is. I would hate for you to get through your design and then there are no trees because they don't fit between the foundation of the building and the edge of the sidewalk. Your views make it obvious how important those are. I would be worried about what if you lose those as this building gets through its site plan process. I don't want staff to think that the BAR said this is Ok, and we can just ignore the trees. I would be weary of that.

I am worried about the portion of West Market where you go from garage door entrance to transformer. I guess you have not figured out what that transformer is yet, an 8-foot-tall wall. It is a nice treatment once you get up to the steps. You have a low wall and a planter. That all seems nice. Coming down the hill seems nice. That section walking from the Vinegar Hill Theater is going to be severe. I don't know what more you guys can do. It seems that the patio area is nice on your elevations and in your perspectives. I am wondering how much use that would get. Would that be better stepped or turned into a planter? Putting any green space there is going to hurt your signage opportunities. I apologize for being harsh about that. I have mentioned this every time you have come before us. You need to make sure there is room for the streetscape. I am worried that you have not done that.

**Mr. Kulkarni** – There are 2 sides. You must leave the building to the building setbacks. You are telling me that the building all the way in to create 2 different things. One is saying that I must bring the building to the property line.

**Mr. Schwarz** – Your setbacks move if you don't have room for the streetscape. That was the intention of that part.

**Mr. Kulkarni** – I understand that. The code is saying that I need to bring the building to the front.

**Mr. Schwarz** – Has city staff told you that?

**Mr. Levien** – It is our obligation to comply with the code. What Mr. Schwarz is saying is that he is concerned that we don't comply with code. He is reading the code. We are not here for the code. You are nervous if you approve the design of this.

**Mr. Schwarz** – I would like to see, as part of our reviewing of this building. One of the problems that I have as far as it being in the ADC district is that you don't have any street trees. On Old Preston, you do have an attempt at putting in some trees. I can approve that they are going to be there. I know that is what staff is probably going to tell me to do, go with what is in the application. I am worried that they show up in 2 different places on your landscape plan versus your site plan. It does not seem like they fit.

**Landscape Architect** – Those trees are fitting on the Old Preston side. As far as I know, gingko is an approved tree that is at the Code Building unless that has change in the last few weeks. The issues that we are dealing with here on Market Street, we have a Jefferson Elm going down close to the old Vinegar Hill Theater. Unfortunately, we have underground utilities up in the area. That Hawthorne is a compromise. If we are going

to go into the code, we are going to have to look at tearing up a block system underneath the street, underneath those sidewalks to get those trees in. I think that is a bigger conversation. There is a bigger issue there.

**Mr. Levien** – That is why the code has that the zoning administrator can look at the site. I never thought we would have to get the special exception and then come here. If we don't comply with the code, we will have to get some special exceptions. The code is specifically filled with ways to discuss that with staff to know that what you are saying. We can only comply to this level.

**Mr. Werner** – We talked about it last. We have had meetings of trying to resolve this. It is where we have had many conversations about this. That is where I don't know 'how to thread the needle.'

**Mr. Schwarz** – As far as the BAR purview is concerned, I am concerned that the streetscape still is not quite there between the blank walls. We want to know what that is going to be and the lack of greenery.

**Landscape Architect** – What you are seeing today is going to be adjusted to the site plan. This is exactly what we are submitting into it. We believe that this is fitting minus other concerns of the greenery. The limited space is a conversation. We are still in development of creating the pocket park, the wall screening, and all that. I think it is not misrepresenting the greenery. I think it is the challenges of this space. I wanted to address that. This is accurate for what we have.

**Mr. Schwarz** – With the screening on the roof, use something like aluminum, something that is permanent, not pressured treated wood. It is a small item. It should not be a big cost. There is another code section that says to use durable permanent materials.

I am going to back off on the stucco. I know that had been an issue of mine. I feel that it is not a common material for tall buildings in a downtown area, especially in a historic downtown. We do have some precedent. The fact that it is mostly glass helps. The fact that you are dividing it up a lot helps more. I would rather see some sort of stone panels that are held on, something you would see in other tall buildings. It is trying to get there. I have struggled with that a lot. You are using stucco. Are you putting it on top of rigid insulation?

**Mr. Kulkarni** – The concern about the EIFS is Styrofoam.

**Mr. Schwarz** – I don't have a concern with EIFS.

**Mr. Kulkarni** – People have this conception that they get dinged. It does not last long. This does not have Styrofoam. This is all concrete.

**Mr. Schwarz** – That is not our purview. Are you doing exterior insulation?

**Mr. Kulkarni** – It is a wood building. These systems do come with continuous insulation. Once we run our com check, we will know if we need any exterior insulation. There is a lot of glass on this building.

**Mr. Pineo** – It is 60 percent glass if you look at the façade where the windows are.

**Mr. Kulkarni** – There is a huge amount of glass. I must put a lot of insulation wherever I can. That is why we picked the triple pane windows.

**Mr. Birle** – Since I have been on this board, this is the most dramatic improvement I have seen of a project. It has been a good back and forth to get to this point. I commend you. I am going by what I see here. If we can get trees that look like this on the Downtown Mall, this is the Downtown Mall elevation that you have shown

us here is successful. It does everything that we were hoping that would happen. The building has an anonymous quality once you get above that cornice. I don't mind that so much because it is quiet. I would be worried if there was more articulation up there. It goes away to the sky. I feel strongly on the Market Street side. There might have to be some looking at sacrificing a little bit of that patio space for greenery. We had talked about potentially having something growing down that wall or from above it. From this view, I can't tell what the requirements would be in the patio. That might be a way to get some more greenery in this elevation. I would support this right now.

**Ms. Tabony** – I agree with Mr. Birle's last comment and the other comments from the Board. I have a question about the little blue stem on this façade. I would love to see something as you have rendered continue across onto the patio side. It is important to articulate that tall wall more. That can maybe happen with recessed lights along that wall giving a nod to the people on that street walking down the road. That could be interesting and playful. Something must happen there. I agree that this is a great improvement. I am happy to see all the development thus far. There is something that keeps bothering me about both facades. There is like an AB rhythm across the façade. On the mall side, there is a C with the width of the stucco. A building of this size and grandeur of presence on The Mall should be more definitive. The B should be a bigger width, or it should all be the same. Right now, they are too similar. It feels like a mistake. I would recommend looking at that façade on both sides to regularize that and make it stately. Make it look intentional.

I did have another question about lighting. It looked like you had 2 types of lights for the exterior. There was a wall sconce and a down light, a recessed light.

**Mr. Kulkarni** – There will be 2 wall sconces. This is to comply with the code. When you come out of the staircase, you must have certain candles. We don't have any ceiling in a couple of places. That is why we have the wall sconces. The rest of it is ceiling lights.

**Ms. Tabony** – I was wondering if there would be an opportunity for another type of light at the ramps or the stairway. I feel that you could have some step lights just for pedestrian safety coming up the stairs and at the entrances.

**Mr. Kulkarni** – We can have recess lights in that wall.

**Ms. Tabony** – That would be great.

**Mr. Kulkarni** – We can make that wall more interesting. We are talking about different ideas about how to make that wall more interesting.

**Mr. Levien** – A part of this is the advancement into details. We are going to attach something to the structure. What would it attach to? With some of this, we need the blessing, decide what that is, and bring it back to you for the final approval. With a lot of these areas, you want to 'blow up' like its own room, sit there, and spend time on it.

**Mr. Zehmer** – Seeing this view on the screen makes me want to ask, are you the landscape architect? Do you think the blue stem will do well on the north side of the building like that with the shade of the building?

**Landscape Architect** – It should.

**Ms. Tabony** – I also wanted to echo your point about the entrance on The Mall. I am Ok with the stair going away. I think having something grander there would be great. In looking at this, I wonder if you want your

guests to be coming in with cars at such proximity. Is there a screen that happens at that point that blocks the view of the car entrance? I wonder about that adjacency. I see the garage door next to the pedestrian entry.

**Mr. Kulkarni** – We need to make sure that we don't stop the walkway. The walkway is beyond that. Up to the walkway, we can bring out some screen.

**Ms. Tabony** – My last question is about this gate beside The Whiskey Jar. Is that necessary? Can we leave that more open? Could it be lower? I love this space.

**Mr. Levien** – It is designed to be the building's space and that retailer space. Operationally, it will be that. It is our goal to have that be open for parts of the day and be more public. To lease that space, operationally for Marriott, it must be a building driven space.

**Mr. Zehmer** – This has come a long way. We appreciate you all working so hard on it. Mr. Timmerman and Ms. Tabony had a good point about the entrance on Old Preston. I thought you had a good idea of raising the canopy up a floor, raising that canopy and maybe even making it bigger. The grade change of coming down that hill off the Downtown Mall. By raising that canopy up, you might see it from The Mall. Hopefully, it is something that is not too hard to do raising the canopy up as a feature. The Preston side façade is successful with the rusticated base. I wonder if there is a way to carry some of that to the Market Street side. It is not wrapping the whole building. I don't know if it needs to. With the cornice line here, which is a comment I had, of trying to pick up on the cornice line of the historic block. At that same level on the Market Street side would be just that 1 story up above the lobby. If you could accentuate that, that might break down that mass and to keep it from looking so plain. It would give both entrances to the hotel some character.

**Mr. Rosenthal** – I want to thank you. You guys have done a good, professional job. You have presented it to us in a way that is helpful for non-architects and for us to be able to feel this. I want to echo a desire to have on The Mall side more integrated, a way to feel like the hotel and The Mall are more integrated. Overall, I appreciate what you have done. I feel that you have gone out of your way to help us. That has been great.

**Mr. Schwarz** – We need to address the thin brick. Our guidelines say not to use it. I know that you have provided a product that has a drainage plane behind it. We have allowed it on other buildings. One thing I have noticed on the other buildings, is that I know that they make corner pieces. Most of the buildings that have used this have minimal corners. The CODE Building has metal strips preventing any corner from happening. I think with 1000 West Main, it is used in a flat way. You have a lot of ins, outs, and articulation.

**Mr. Kulkarni** – This manufacturer comes with the whole system. It comes with corners, transitions, full brick of the same color, and the thin brick. We selected one, which we can use it the way it suits.

**Mr. Schwarz** – With the corbeling that I am seeing in this view, that is going.

**Mr. Kulkarni** – They provide the whole system.

**Mr. Schwarz** – This articulation you are showing in the brick is great. I don't want to lose it. Please keep it through value engineering.

**Mr. Timmerman** – The thin brick is more expensive.

**Mr. Kulkarni** – It is more expensive up to a certain point. It gets more complicated once you use the full brick. The amount of space required to build in a cavity with full brick is tight.

**Mr. Timmerman** – It is interesting because the recesses that you are showing those windows. It seems like you could accommodate a typical masonry construction. That is not part of purview.

**Mr. Kulkarni** – We will if we can in places. These large openings create a lot of challenges. We must put in sharp angles. It is more complicated.

**Mr. Timmerman** – I have used thin brick before. It is a newer product.

**Mr. Kulkarni** – There is a slide in the presentation about the system that we are using. It is neat. It has the metal panels behind it. We installed it then.

**Mr. Timmerman** – I would like to address the comment about the top portion that I had an issue with and in response to Mr. Birle's comments. What I was referring to was on the street side. The top part is more prominent than the base. That is why it is more of a concern to me. I do want to clarify. The point I am making is not for something more elaborate that calls attention to itself. You brought up a good point when we were talking The Omni and how successful it is as a monumental thing. Its whole design intention was to, in some ways, disappear, not to call so much attention to itself. There was a monumentality to it. There was subtlety and a quietness to it. It is also unique in that way. That is more what I am looking for here. You responded to it as well and your comment about. This is not a material thing. It is more of a compositional issue and a design issue. I am looking for something that is a little more appropriate, a little more identifiable with our special place that we are putting it.

**Mr. Pineo** – It makes sense. I tend to disagree with you. This is the rationality of the building, the rationality of the units, and how the building works as an extension of program. All the units want to stack. There is a bow house view to it that the ornamentation is stripped. I think that it is in addition to all the great things that we like about Charlottesville. This is another element that is going to enrich it. I tend not to think that it needs that level of ornamentation.

**Mr. Timmerman** – It is not really ornamentation. That façade and composition feels like everywhere. It seems like any Marriott you see anywhere.

**Mr. Pineo** – I disagree with you. This is subjective. Many of the images that we showed is about what it feels like from the pedestrian perspective or what it feels from the car, what it feels like from the approach.

**Mr. Timmerman** – This perspective does a good job of showing that. That is what I am reacting to. The base makes a lot of sense. It is just that the top portion is very prominent. We all drive up that road every day.

**Mr. Kulkarni** – One side of the building is more of a pedestrian feel because you cannot see. There is not much distance available. This is the road where you are going to see it. It is a different perception from both sides.

**Mr. Pineo** – This is the view that you are going to see. That is why we showed this view. It is a difference of opinion about whether this is appropriate or not appropriate. Most people's focus is going to be as you approach it. This is a view that you will see. It is a difference of opinion about what the intention of the building is. I think that it is rational, proportional. A lot of the activity of the building façade. 60 percent of that façade is glass. Articulating the activity inside of it. We have had those accent panels as discussions that we have previously had. I like the simplicity of it. I like the organizational structure of it. It identifies the program behind it in a rational way. I like the stripped-down aesthetic. There are other elements that are playing well within that framework. In my opinion, it is where it is supposed to be.

**Mr. Levien** – I agree with many of the comments of the entrance on Preston. Things are hipper and cooler if you must find them, and they are not in your face. There is a part of this marketing branding of this hotel that has a hipness to it. I think that we will be denigrating that if we start like flashing lights, calling that to that area. Preston is retail. That is the activity. Most people that enter there are going to be hotel patrons or maybe going to that restaurant. They are going to be intrigued by the people there. What I am concerned about is that our intention having that ‘behind the velvet ropes and behind something.’ We are going to destroy that versus the other side with the patio and the more lights and bigger thing. That is the big ‘light in the sky.’

**Mr. Timmerman** – When I started talking about this, my point was not to draw attention to itself. I think it is rooted in the guidelines. Is this appropriate for this area? Does it tie into the historic nature of where it is being built? I would argue that The Omni does in a way. It is modern complex. It houses a lot of hotel rooms. It is unique in the way it uses a mundane material. It is unique in the way that it is a subtle design. It does not call attention to itself. It is a monumental building. It is quiet. I am looking for more in that direction. That is what I would hope for. It still does have a corporate feel on that side.

**Mr. Levien** – With the stair, we could placate that. Do you understand what I am saying? That area to us is hipper and cooler. It is almost what is happening in more urban lobbies in residential buildings. They are not these big things anymore. They are quaint. There is the connection between West Market and Preston internally. The design of that internal staircase of going down. That is the draw internally for the pedestrian, the guest to go either way. We were envisioning a quieter thing. I am hesitant to bring something back to you. We can look at the awnings and a couple of things. What we all know over time is that people get trained. People know where to go. They know to turn the corner and get to this place. I am less concerned with that.

**Mr. Timmerman** – Part of my comment relates to Mr. Schwarz’s point. In this kind of a bigger building, you would expect to see something a little bit more. Not that I am against the EIFS. This is more of a design thing. I would expect to see something more class A, big-time commercial, something you would see in a downtown space. We are all about tying into our guidelines. What I am talking about is a way of tying into the guideline of trying to find something appropriate for this space and create a precedent so that in 40 years, we have a downtown that is noble.

**Mr. Zehmer** – It comes down to whether we feel like this application is ready for approval now. Are we hoping that they were going to come back with some tweaks? It is maybe a good problem to have. We have worked with this applicant a lot over the last 6 months. They have made great improvements from where they started. We are getting into the details of picking it apart. How much further do we go? They have responded well, and this building does meet our guidelines.

**Mr. Levien** – I am going to be candid. With all due respect, I don’t think we are going to do something different on the upper portion. It is an aesthetic that we would like. It is contextual. We must do something with that wall. We are about the pedestrian experience. We need time. The chipping with these things is always tough. We are trying to figure out what we can build and go into DD. That wall needs something. We know that. That will improve. With that entrance on Preston, we can make some improvements. We can draw more attention. I am stubborn about that. It is supposed to have that feel and not the ‘look at me’ feel. The retail is supposed to have that. Could we make some little things there? We must comply with code. Timmons will go back and make sure that we are. We know we must comply with the code. I always find that conversation interesting. You are also giving the approval on the exterior of the egress. We must comply with the code on the egress. I have typically never had these conversations because the BAR is blessing the general aesthetic. We must comply with the code. If we don’t have enough trees, we better put enough trees there. We will look at that, make sure we comply with the code. We have worked hard to have green scape there.

**Ms. Tabony** – I think it is the width of the stucco that changes at every window. I would love for it to be all the same. Between the HVAC units, it is thinner. It gets thicker when there is no HVAC unit.

**Mr. Pineo** – The big picture is that this has been going on for some time. There is a point where how far down are we going to go down to the nth degree to create it and figure this out. I am talking process-wise. There is a lot of information that has been given. From my perspective as a designer here and working with the community, you have a great ownership group. You have a great architect who was open to our suggestions. We listened to everything that is going on here. We listened to staff, and we read the guidelines. We have had 1000 iterations through this. I am not suggesting that there is an end to this. I am asking that question. Where is the end? It goes on and on. There is a certain point where, as somebody who is being paid to try to deliver something for the clients, and knowing this community, it is designing by committee. It is hard. All the steps it takes to get movement and to get what I think is a good design that is good for the owner, good for the other architect, who is working here. It is a lot to do. I am happy with the way that the building is. From my perspective, it fits a lot of what I consider to be good design. I guess this is a procedural question. How many more times? Process-wise, it is hard to keep up with all the iterations. I don't know how to solve that. If you could make the bay structures the same, if you could get some lights on the wall, if you could dematerialize the lighting.

**Mr. Levien** – Part of that goes into that wall thing that we are working at. I also understand the lights on the stairs.

**Mr. Pineo** – Let's take the other example of the stairs that we are talking about. There is a whole system that is an egress path. It is in the location it must be or is at this point because of the pattern. If you look at the interior floors system. We cannot move that staircase. The staircase is anchored. Articulating that so it is more open; we did that. I don't know if you saw where we pushed the front door out, so it was not recessed. We increased the glass that was there. All these moves are important. A whole scale look at the whole thing. I am not suggesting that anybody is doing that. These little incremental things all over the place take a lot of energy and a lot of time in trying to get to yes.

**Mr. Timmerman** – I appreciate that. We have all been there.

**Mr. Levien** – I think that we defer. I think we come back with 4 or 5 things that we took away that we worked on and say that we did the best we can. There are some valid points here. We cannot get a partial CoA. I am not going to ask that they rely on that yet. We will take care of the lights. I think that we go back, and we do what we can do when we come back. We will come back with some of the larger things.

**Mr. Timmerman** – What we are talking about is being a more proactive BAR. This is a lot that we are 'throwing' at you. I appreciate the position that you are in. We are not trying to make it difficult. We are just trying to make an important part of the city better, as good as we can get it. The part that we have been trying to do more is give clear direction. Of all the comments that I made, sometimes priorities can get lost. My priority was the pedestrian nature and the entry on The Mall. If I had anything that I would love for you to push as this last push. Where does this end? You have come so far. We are right there at the finish line.

**Mr. Birle** – For me, the only issue is that wall. It sounds like you are all over it. I think you are right there.

**Ms. Tabony** – There is a certain point when we need to trust you. As a designer and an architect, I understand where you are. When is that for us? That is a question for all of us up here.

**Mr. Birle** – We cannot micro-design this.



**Mr. Zehmer** – We are not required to come to a unanimous agreement. I would support this as submitted. We can take a vote and see where it lands.

**Mr. Birle** – It would be trusting you to respond to some of the issues that we brought up.

**Mr. Levien** – I would take an approval and still commit to come back in June showing the 4 or 5 things. We are frozen in going to that past CDS.

**Mr. Zehmer** – We could potentially offer an approval with our condition that they bring that site retaining wall back to us.

**Mr. Werner** – Please don't start to develop CDs based on a CoA. With the internal discussions that I have had, there are some zoning questions that must be resolved. I don't want to get into them. We are not making the determination about it. What I heard tonight was a lot of close detail issues and some questions. I have some detail issues. I will have to look at these building permit drawings and say that it matches what the BAR asked for.

**Mr. Kulkarni** – That is where we need to progress. This is good enough information. I can start pushing it.

**Mr. Werner** – Look at these materials. I am learning a lot. Look at The Verve and some of the things. I am concerned about how these things turn a corner and is that appropriate? That was a big deal at The Verve in the corners. Where were the joints? What did the joints look like? For an entrance corridor project to get that level of detail, I was stunned. With the visibility of this project, I want to make sure that the details, corners, and joints are right. With the design overall, I hear good things. I know that what I will hear about 3 to 5 years is why that is a 2-inch joint there. I am referring to our design guidelines. Our design guidelines are awfully clear about not using thin set brick. We have used it. We acknowledged that. Don't use EIFS. We have acknowledged that. We have used it. There are valid questions about what it will look like. I am trying to offer them guidance. I am hearing positive on this. There are some details that I think that I need to hear, or we take a break for 30 minutes and write a motion that would be acceptable. You are leaving me hanging. I am not entirely comfortable there.

**Mr. Levien** – Is there stuff you could do at staff level? If the design is acceptable, but you are going to look at how corners come together. We can bring that when we get to detailed drawings.

**Mr. Werner** – I would be for the BAR voting to approve this design. It is not out of the realm of possibilities. There are some small things in here that you asked about. You could say 'make sure you do that.' Add lighting to the sidewalk. Do something different in the back relative to that entrance. Change some of the lighting. Address some of the street trees. You can put those in there. You will have to construct a motion that addresses. As a former builder, I know that things move. A wall is probably going to shift. I will bring that back to you all for that.

**Mr. Levien** – We tried to make it easy. Why don't we defer? Why don't we come back? We have heard 3 or 4 things. I am now alarmed. I don't know what you mean. You will have to tell us exactly. If we are drawing sketches to show you exactly how things line up like we did with it.

**Mr. Werner** – Each of these products come with information about the specs. I learned a lot on The Verve. I was so happy when they called that they were going with metal panels instead of EIFS. I want to be certain that we are clear. This is a visible project. We can hide some things in some places around town. We will not be able to hide them here. It is in the details.

**Mr. Timmerman** – There has been a lot of information put out there. While it has gone for a long time, you have been very responsive.

**Mr. Zehmer** – This is the first CoA application. Everything up to this point has been preliminary discussions.

**Mr. Timmerman** – The last comment that we were giving you was at a period where you were asking for our comments. There was no chance to respond.

**Mr. Levien** – We are going to defer and come back. I would want to work and make sure. You are talking about some real detailed stuff that I would not want to be here next month. I don't know how these come together.

**Applicant requests deferral – Motion to accept deferral – Mr. Zehmer – Second by Ms. Tabony – Motion passes 7-0.**

*\*Ms. Lewis rejoined the meeting.*

## **E. Other Business**

### **8. Staff questions and updates**

- Martha Jefferson House – door replacement [1600 Gordon Ave.]

## **F. Adjourn**

### **Adjournment**

The meeting was adjourned at 10:24 PM.