

**From:** Scala, Mary Joy  
**Sent:** Friday, August 22, 2014 9:36 AM  
**To:** Ross McDermott (charlottesvill muralproject@gmail.com)  
**Cc:** Jones, Maurice; 'rs3@virginia.edu'  
**Subject:** BAR Actions - August 19, 2014 - 200 block West Market Street

August 22, 2014

Charlottesville Mural Project  
100 5<sup>th</sup> Street NE  
Charlottesville, VA 22902

**Certificate of Appropriateness Application**

BAR 14-08-06  
West Market Street Retaining Wall  
Tax Parcel edge of 330174000 and 3301742A0-3301742Q0  
McGuffey Hill Owners Association, owner/  
Charlottesville Mural Project, Applicant  
Bike Mural

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on August 19, 2014. The following action was taken:

**The BAR approved (7-0) the mural as submitted, with encouragement of other points made by the BAR (lighter color palette; trim greenery with light touch; reverse direction of bicyclists), but no absolutes.**

In accordance with Charlottesville City Code 34-285(b), this decision may be appealed to the City Council in writing within ten working days of the date of the decision. Written appeals, including the grounds for an appeal, the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions the applicant deems relevant to the application, should be directed to Paige Barfield, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902.

This certificate of appropriateness shall expire in 18 months (February 19, 2016), unless within that time period you have either: been issued a building permit for construction of the improvements if one is required, or if no building permit is required, commenced the project. The expiration date may differ if the COA is associated with a valid site plan. You may request an extension of the certificate of appropriateness *before this approval expires* for one additional year for reasonable cause.

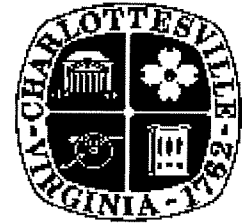
Upon completion of the project, please contact me for an inspection of the improvements included in this application. If you have any questions, please contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,

Mary Joy Scala, AICP  
Preservation and Design Planner

**Mary Joy Scala, AICP**  
Preservation and Design Planner  
City of Charlottesville  
Department of Neighborhood Development Services  
City Hall – 610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902  
Ph 434.970.3130 FAX 434.970.3359  
[scala@charlottesville.org](mailto:scala@charlottesville.org)

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
August 19, 2014**



**Certificate of Appropriateness Application**

BAR 14-08-06

West Market Street Retaining Wall

Tax Parcel edge of 330174000 and 3301742A0-3301742Q0

McGuffey Hill Owners Association, owner/

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Bike Mural

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**Background**

The retaining wall is located at the back of the City sidewalk along the 200 block of West Market Street, and borders the McGuffey Condominiums property and the McGuffey Art Center property. The wall is considered a contributing structure in the North Downtown ADC district.

McGuffey Park and the McGuffey Art Center (the former McGuffey School ) were added to the North Downtown ADC District in January 2006. McGuffey school was built in 1915 and is individually listed on the National Register.

March 19, 2013 – The BAR approved (8-1 with Adams against) as submitted a mural wall on the north side of McGuffey Art Center.

**Application**

The applicant proposes to cut back existing overgrowth, power-wash the concrete wall, potentially repair the masonry cracks where the mural would be applied, and to paint a mural on the existing concrete retaining wall, in one of two color schemes.

The applicant would also maintain the painted area of the mural, including covering potential graffiti, repairing minor cracks, and cleaning.

**Criteria, Standards and Guidelines**

**Review Criteria Generally**

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

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

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

**Pertinent Standards for Review of Construction and Alterations include:**

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*

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

**Pertinent Guidelines for Public Design and Improvements include:**

*J. Public Art, Statues, & Fountains (Amended October 21, 2013)*

1. *Maintain existing features related to public art, statues and fountains.*
2. *Public art is preferred that offers a place-making role in celebrating and communicating the history and culture of the districts.*
3. *Develop an appropriate relationship between materials, the scale of artwork and the surrounding environment.*
4. *Choose artwork that is appropriate for the current general character of the site.*
5. *Consider the appropriateness of the sculpture base.*
6. *Public art, statues, and fountains shall be maintained as accessible to the public.*
7. *A mural's appearance, materials, colors, size, and scale should be compatible with the building and historic district of which the building is a part.*
8. *The use of neon, luminescent, or reflective paint or materials is discouraged.*
9. *A mural should not obscure or distort the historic features of a building, and should not cover an entire wall.*
10. *Murals painted on primary facades are rarely permitted and strongly discouraged.*
11. *In general, previously unpainted masonry should be left unpainted.*
12. *Painting directly onto the walls of a non-contributing building, or adding a mural to a previously-painted, non-primary elevation of a contributing building will be considered on a case-by-case basis.*
13. *In general, murals should be created on removable material, no directly on a building wall; installed on framing that allows water to weep between the mural and the wall; and attachments should not irrevocably damage the building.*
14. *Mural art that constitutes a sign shall conform to the sign regulations.*

**Discussion and Recommendations**

Staff anticipates a number of new applications for wall murals, especially from the Charlottesville Mural Project. Staff will first review any mural to determine that it is not a sign. That is, the artwork and/or text should not relate to the proposed use of the building. Unlike murals, signs are more limited by size, and may not be located above the second floor window sill line.

When the BAR reviews an application for art, it should consider its appropriateness based on specific criteria, but not content. Considerations are:

- The building surface material, and whether it has been previously painted
- Location
- Scale of the project
- Medium or materials, and
- Compatibility with the character of the building and the surrounding historic context.

Previous mural approvals:

- A painted mural on a low wall located north of McGuffey Art Center that is intended to rotate periodically.
- Painted animal mural by the Charlottesville Mural Project (facing west on 6<sup>th</sup> Street NW) at 513 West Main Street.
- Two mosaic murals on 5<sup>th</sup> Street SW and in McGuffey (childrens' play) Park.
- Painted mural at the Para coffee shop on Elliewood Avenue.
- Painted black and white mural on the courtyard side of 513 West Main Street (never completed).
- Painted mural with two Native Americans painted mural facing a former courtyard opposite the Sacajawea statue on West Main (soon to be obscured by the new Marriott Hotel).

A "mural" consisting of applied brick arches and glass was denied on the RR abutment at the Corner. In that case, the proposed material would have completely altered the utilitarian wall.

A mural in this location, facing West Market Street, would be highly visible to passing traffic and pedestrians. The proposed painted mural would be compatible with the public art on display at the McGuffey Art Center. The mural does not attempt to obscure or alter the existing utilitarian concrete wall. The subject matter, diverse bicyclists, is generally appropriate. Staff recommends the more muted of the two color schemes.

### **Suggested Motion**

Having considered the standards set forth within the City Code, including City Design Guidelines for Public Design and Improvements, I move to find that the proposed painted mural satisfies the BAR's criteria and is compatible with this property and other properties in the North Downtown ADC district, and that the BAR approves the application as submitted.

## Scala, Mary Joy

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**From:** Heather Danforth Hill <heatherraedanforth@gmail.com>  
**Sent:** Monday, August 18, 2014 11:15 AM  
**To:** Scala, Mary Joy  
**Cc:** jbright075@aol.com  
**Subject:** West Market Street Retaining Wall Mural - NDRA Consolidated Feedback

Mary Joy,

We shared the McGuffey Mural plans that you provided to Jon Bright last week with the North Downtown Residents Association Board and invited them to engage with other stakeholders in the area and provide feedback in advance of the BAR meeting tomorrow evening. While several Board members had no notable concerns with this plan and/or feel that BAR is best equipped to evaluate the appropriateness of this mural, there were some items of concern raised by others which I wanted to pass along for consideration, including:

1. Lack of notification to surrounding property owners or via posted sign at/near proposed mural location
2. Appropriateness of mural design for this location
  - a. Viewed as less than 'bike friendly' given the traffic patterns and lack of bike lane
  - b. Considering historic overlay district and surrounding landscape aesthetic
3. Handling of unfortunate future graffiti given prior presence
4. Wear due to observed heavy water flow down wall following heavier rains

Please note, these are not my personal opinions but a summary the feedback collected among our Board and additional stakeholders some of them have engaged with. Please let me know if you have any questions or if this should be directed to another resource(s).

Sincerely,  
Heather Hill  
NDRA Board of Directors

Heather Danforth Hill | [HeatherRaeDanforth@gmail.com](mailto:HeatherRaeDanforth@gmail.com) | 434.825.7374

**From:** Mark Kavitt <mkkav3@gmail.com>  
**To:** Jim Tolbert <tolbert@charlottesville.org>  
**Cc:** City Council <council@charlottesville.org>; Bar <bar@charlottesville.org>; "ellis <ellis"@charlottesville.org; "chrisp6871 <chrisp6871"@mac.com; NDRA <colettehall@embarqmail.com>; Jane Myers <jrsmyers@comcast.net>; mkkav <mkkav@aol.com>  
**Subject:** Notification  
**Date:** Mon, Aug 18, 2014 5:40 pm

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Jim.

I did not come in last week to "complain" about notification. I came by to ask Mary Joy Scala if the location for the proposed mural was in the historic overlay district. She confirmed that it was.

I did received the letter about 10 days before tomorrow's BAR meeting. After I received the letter I sent a email to Ms. Scala asking her if she could clarify what was taking place. She promptly sent me a email that gave me the details that I was looking for.

You may remember that over 10 years ago I spoke to City Council about notification on matters coming before the BAR, Planning Commission, and zoning. You were in the audience that evening and council ask you how notification was being made. You told council that notification was being done in accordance with state law. You further stated that a posting was place on the property. I later learn that the posting you refer to was a paper about 10" by 5.5" place on the front door. I spend years trying to convince you that was insufficient.

A few years ago I organize several neighborhoods to bring the issue up at the quarterly meeting held with Mr. Jones and the neighborhood leaders. At that meeting you agreed to some changes. You went to work on the changers and keep me infom. It was not totally what I was hoping but it was a start. I feel we need to adopt protocols similar to Albemarle and what is done by most of the state.

What I recently discovered is that the highly visible signs are no longer being use. Instead we have gone back to paper posting on the front doors. This is a step backwards. These are for the most part not visible. Please see the separate email with attached pictures. These properties are on the agenda for tomorrow BAR meeting. You tell me if you thing a reasonable individual would notice the posting.

It not enough to send a letter to adjoining property owners. The neighborhood as well as the general public may what to be inform.

This is best done my placement of a sign on the property, as well as written notice to nearby neighbors. More that 10 days notice should be given. This can be accomplish my placing a sign on the property announcing that the property is in consideration of change. It would then be the responsibility of the public to keep up with thru the city web site or calls to Neighborhood Development. This is the method use by many of the locality throughout the state.

I believe it can actually reduce work load for staff and help reduce expenses.

Jon Blight had agreed with me to bring this subject up at the last neighborhood meeting with Mr. Jones at my request.

We felt that some modification and clarification was in order. Unfortunately my schedule did not allow me to move forward that month.

I would be happy to work with your staff to develop new ways to keep the public inform.

Mark Kavitt  
434-825-5222

Sent from my iPhone



Board of Architectural Review (BAR)
Certificate of Appropriateness

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3130 Fax (434) 970-3359

RECEIVED

JUL 29 2014

NEIGHBORHOOD DEVELOPMENT SERVICES

Please submit ten (10) copies of application form and all attachments.
For a new construction project, please include \$375 application fee. For all other projects requiring BAR approval, please include \$125 application fee. For projects that require only administrative approval, please include \$100 administrative fee. Make checks payable to the City of Charlottesville.
The BAR meets the third Tuesday of the month.
Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 4 p.m.

Owner Name MCGUFFEY HILL OWNERS ASSOCIATION Applicant Name Charlottesville Mural Project
Project Name/Description CHARLOTTEVILLE BIKES Parcel Number EDGE OF 330174000
Property Address W. MARKET ST. RETAINING WALL and 3301742A0

Applicant Information

Address: 100 5th St. NE
C-ville, VA 22902
Email: charlottesville mural project@gmail
Phone: (W) 434-987-3562 (H)
FAX:

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. (Signature also denotes commitment to pay invoice for required mail notices.)

Signature: [Signature] Date: 07-18-14

Print Name: Ross McDermott Date: 07-18-14

Property Owner Information (if not applicant)

Address: MCGUFFEY HILL OWNERS ASSOCIATION and THE CITY OF CHARLOTTEVILLE
Email: rs3@virginia.edu, MJONES@charlottesville.org
Phone: (W) (H)
FAX:

Property Owner Permission (if not applicant)

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

MHOA -> [Signature] Date: 7-25-14
CITY -> [Signature] Date: 7-29-14
MHOA -> RUTH STORNETTA Date: 7-25-14
CITY -> MANUELL JONES Date: 7-29-14

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

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

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

For Office Use Only
Received by: [Signature]
Fee paid: Cash/Ck. #
Date Received: 7/29/2014
Approved/Disapproved by:
Date:
Conditions of approval:

\* Note: Fee Waived per Jim Tolbert.

After extensive research with the assistance of the Charlottesville City Planning office, Charlottesville Parks and Rec, Charlottesville City Assessor, and the Charlottesville Commonwealth Attorney's office, the Charlottesville Mural Project has determined that the West Market Street retaining wall is owned by both the McGuffey Condos Homeowners Association and the City of Charlottesville. Approval from both owners was secured for the Certificate of Appropriateness.

Furthermore, the Charlottesville Mural Project will be responsible for the technical production of the mural and its ongoing upkeep. The CMP works with Benjamin Moore and Blue Ridge Paint and Decorating to ensure the highest quality materials and longevity of the murals.

Description of proposed work (upon approval, work would begin at the end of August and completed by mid September):

1. Working with the city to close the sidewalk and provide necessary safety precautions during the installation period.
2. Cutting back over-grown bushes and weeds.
3. A thorough power-washing of the wall to remove mold, grime, automobile exhaust build-up.
4. Potential masonry repair to large cracks where the mural would be applied.
5. Working with the artists to layout and prime the base mural outline using concrete-specific primer as advised by our Benjamin Moore rep.
6. Working with the artists to paint the mural using Benjamin Moore's highest quality exterior paint with a 20 year guarantee before fading or cracking.
7. Ongoing maintenance to the painted areas of the mural including covering potential graffiti, repairing minor cracks, and cleaning.



# West Market Street – McGuffey Retaining Wall | Mural Proposal



## Charlottesville Bikes

Charlottesville has been recognized as one of "America's Healthiest Small Cities," one of the "Top 100 Places to Live," and has earned status as an ecologically-aware and bicycle-friendly city. Its mix of urban amenities and compactness makes it ideal for discovery on foot and on bike.

Our proposal for a large-scale mural, "Charlottesville Bikes," builds on our city's strengths. It portrays a series of cyclists rolling downhill along the retaining wall below the McGuffey School as it wraps its way westward along West Market Street.

The mural project has the support of the nonprofit, The Charlottesville Mural Project.

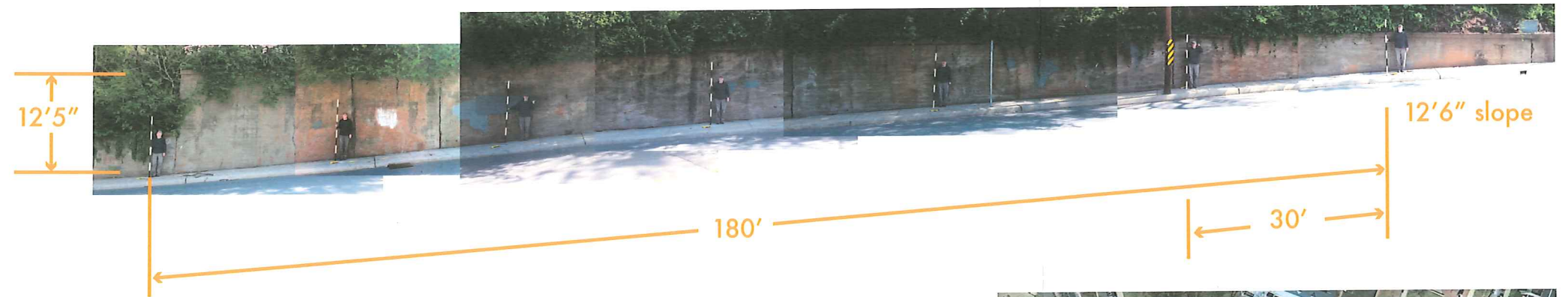
The theme and simple, colorful graphics fits well with the City's goals of promoting alternative transportation and enhances a neglected and prominent structure along the main approach road to the Downtown Mall.

Mark Quigg, MD, MSc  
Professor of Neurology

Charles Peale  
Illustrator/Artist

Jeff Hill  
Web and Publications Editor  
University of Virginia Library

Mike Powers  
Illustrator/Designer



Color Palette 01



Color Palette 02



# CITY OF CHARLOTTESVILLE

*"A World Class City"*

## Department of Neighborhood Development Services

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org



August 5, 2014

Dear Sir or Madam:

This letter is to notify you that the following application has been submitted for review by the City of Charlottesville Board of Architectural Review on property that is either abutting or immediately across a street from your property, or that has frontage on the same city street block.

### **Certificate of Appropriateness Application**

BAR 14-08-06

West Market Street Retaining Wall

Tax Parcel edge of 330174000 and 3301742A0

McGuffy Hill Owners Association, owner/

Charlottesville Mural Project, Applicant

Bike Mural

The Board of Architectural Review (BAR) will consider these applications at a meeting to be held on **Tuesday, August 19, 2014, starting at 5:30 pm in the City Council Chambers, City Hall**. Enter City Hall from the Main Street pedestrian mall entrance and go up one floor.

An agenda with approximate times and additional application information will be available on the BAR's home page accessible through <http://www.charlottesville.org>. If you need more information, please do not hesitate to contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org)

Sincerely yours,

A handwritten signature in cursive script that reads 'Mary Joy Scala'.

Mary Joy Scala, AICP  
Preservation and Design Planner