

**Board of Architectural Review**

**June 27, 1996**

**Minutes**

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**Present**

Kurt Wassenaar  
Blake Caravati  
Eldon Wood  
Gregg Bleam  
Martha deJarnette  
Todd Bullard

**Absent**

Dawn Thompson  
Pryor Hale  
Diana Betts

**Staff Present**

Satyendra Singh Huja  
Ron Higgins

**A. BAR 95-04-473 (6/27/96) Regal Cinema, Downtown Mall, 2nd and Water Streets**

Mr. Wassenaar called this meeting to order at 8:33 a.m. and explained the purpose of the meeting which was to discuss design revisions for the Regal Cinemas on the Downtown Mall. He said the meeting will include a portion of open discussion with the public and he explained the procedures that he would follow that included a presentation by the staff, presentation by the applicant, questions from the Board, questions or comments from the public and then consideration by the Board after the public portion. He asked Mr. Huja to present the materials which had been provided since the last meeting.

Mr. Huja explained that the developers and their architects have responded with design revisions and elevations which incorporates a number of responses to concerns raised by the Board of Architectural Review in their last meeting. He then explained these in some detail using the sketches provided by the Architect. He indicated that he had sent a letter to the architect on June 19, 1996 outlining the comments made by the Board of Architectural Review. He also indicated that the Zoning Administrator had issued a Stop Work Order on the exterior work on June 19, 1996. Mr. Huja added that the design changes are the result of unauthorized changes made by the developers during construction which include dropping the ceilings and demolition of the exterior facade.

Mr. Huja said that he had talked to the architect on June 25, 1996 about responses to the Board of Architectural Review comments. He said the revised sketches respond by making the materials primarily brick and revising all three facades in terms of design details. Mr. Huja indicated that a July 2, 1996 occupancy will require that the developer post a bond to insure completion of the exterior work as approved.

Mr. Bob Lauer, the Architect for the Development, described the changes they had made in response to concerns brought out by Board of Architectural Review members in the previous review. He said they have broken up the building facade to reflect the original construction of two separate buildings on this property. He confirmed this with older photographs of the area. He said the brick patterns have been added to the upper floors which include an argyle pattern on the west building and a herringbone pattern on the building at Main and Second. He said this pattern is in a panel system to reflect the geometry of windows. He added that the theatre wants

to be a good neighbor and part of this community which is further demonstrated by their expenditure of approximately \$40,000 to upgrade one auditorium for public use during the film festivals. He pointed out that using brick in the facade above the marquee will likely require an additional steel beam across that opening which would have to be ordered and will take additional time and add cost. He presented a proposed alternative to the brick treatment above the marquee that would use acrylic stucco there and over the three bays in the center section to the west.

Board of Architectural Review members asked a number of questions of the Architect as a result of his presentation. These were as follows:

- What type of corbelling at the top cornice and brick detailing is being used. Mr. Lauer said they would use a brick soldier course and that the west facade projects approximately 8".
- Are there footings for the brick facade. Mr. Lauer explained that these are in place on the front but some alternate detailing will be needed on the Water Street facade to carry this.
- They asked about the design and materials for windows and doors. Mr. Lauer explained that some of the windows are painted wood but that larger panel windows and doors are metal painted, with wood strip attachments.
- It was asked if they could open on time if steel beam work was being done in the lobby. Mr. Lauer said they could use the west door and sell tickets inside temporarily.
- Are the poster frames shown at the right height. Mr. Lauer said these would have to be lowered so that they would be at eye level.
- Are they planning to paint the brick and if so, why. Mr. Lauer said that they would be painting it all a brick red color due to the variations of brick on this structure which cannot be matched.

Mr. Grover Smiley, Chief of Building and Life Safety, indicated that there are footers for brick work in the front of the building, but not on Water Street since the block has been laid flush with the back of the sidewalk. He asked how they could support the brick on Water Street. Mr. Lauer said that they would probably use some type of steel ledger attached to the building. Mr. Smiley said that this facade will encroach into the right-of-way in some fashion. There was some discussion on this, with Mr. Wassenaar pointing out that this is something that has occurred on other buildings along the Mall which can be dealt with through the City Council. Mr. Smiley said that his office will need to see revised engineering drawings of the new structural detail and that he would be concerned about freezing and the stability of the brick.

Mr. Wassenaar asked if there were any questions or comments from the public. Ms. Martha Gleason, representing the North Downtown Neighborhood Association, said that she feels the Water Street facade is much better than the previous design. However, she said she is horrified at the use of stucco in the way that they have shown it. She asked why false windows cannot be used that would reflect sunlight.

Mr. Huja again said that the internal configuration changes of dropping the ceiling as well as removal of the front wall, all done by the applicant, have affected the advisability of placing windows on the upper floor. There being no further comments, Mr. Wassenaar closed the public portion of the meeting and called for board member discussion.

Mr. Wood said that the design scheme is much improved over the stucco scheme that they had seen earlier and that he is not too concerned about the brick pattern treatment but would like to see more consistent detailing of this.

Mr. Bullard said the design has come a long way. He said the articulation of the facade could be different, but what he sees is more appropriate in concept than what he had seen earlier. He said he prefers the original scheme with the arched detail over the marquee but not the synthetic stucco version alternative presented by the architect. He said that stucco on the cornice could work, but it will show stain and discoloration. He added that there is some precedent for the use of that material as a cornice detail elsewhere on the Mall and he could accept this as an appropriate treatment. He also said that he felt a more contiguous single building facade was stronger architecturally in his opinion. He said the panels over the marquee and on the 2nd Street facade should be reworked as this is an awkward proportion.

Mr. Bleam said he prefers the revised scheme over the stucco. He said he is concerned about the number of brick patterns that are emerging. He said he agrees that the 2nd Street facade is too severe with the three panels of different heights. He said he likes the Water Street facade change.

Mr. Caravati said he is particularly concerned about the vertical elements on the Mall frontage in the center section. He said the other mall facade seems to need further detailing to break it up since it is out of proportion with the rest of the facade. He agrees that the 2nd Street upper floor detail needs more work as it is awkward. He said he too likes the changes to the Water Street facade. Finally, he said that he would rather see the details worked out prior to the board taking any action.

Ms. DeJarnette thanked the developers and their Architect for revisions to the design which provide a more pedestrian scale to the facade, improve the Water Street facade, and use brick as the predominant material. She said that she too is concerned about the vertical panels in the center section on the Mall. She agrees that the 2nd Street facade upper level needs to be reworked.

Mr. Wassenaar said that the Board has a long tradition of respecting the work of architects and trying to work with the designs they prefer. He asked if Mr. Lauer would like to comment on some of the suggestions that had been made during the discussion so far.

Mr. Huja summarized some of these in light of what he had heard which included:

- Breaking up the west facade on the mall.
- The use of an arch in brick over the marquee and on 2nd Street.
- Acceptance of the Water Street facade changes.
- Consistent use of brick patterns in the recesses.

Mr. Lauer said that he feels he can work with the suggestions including the arch in brick over the marquee and on 2nd Street and the use of the same pattern of brick on the facade upper floor details.

Mr. Wassenaar also suggested that they continue the brick base line in some form of recess there and that they address the verticality especially with the center section. However, he did add that

he didn't believe that the panels and variations would read as dramatically as the drawings indicate since its all the same material, will all be painted the same color and the reveals are very subtle in depth.

Mr. Bullard commented that breaking the building on the Mall frontage to read as two facades is not justified by what is happening on the inside of the building in terms of spaces and use. He said he would like to see them move closer to the first scheme that had a singular facade. He also suggested that the marquee face should be brought out more.

Mr. Caravati asked how the poster panels were installed. Mr. Lauer said these would be applied to the face of the brick as they are standard items. Mr. Caravati also commented on the arches above the doors with Mr. Laurer confirming that they would be projecting.

Mr. Wassenaar confirmed that all members present agree that the Water Street facade is acceptable. Other board members said that this is true. Mr. Huja again summarized the items of agreement that he has heard including the arches in brick over the marquee and on 2nd Street, the use of the same brick pattern in the recesses and reworking of the facade to reduce the verticality and improve symmetry on the west portion.

Mr. Wood said that some type of continuity of details on the upper cornice should be made even though they will not exactly align. There was some general agreement on this.

Mr. Wassenaar said he would like the board to act in such a way that would allow the applicants to proceed with the concept approved subject to final submittal of details to the Board. Mr. Huja agreed that the concept could be acted upon with details provided for later approval.

Mr. Caravati said he agrees that the concept can be approved but he does not feel that the details should be approved administratively, but the full board should see them.

Mr. Lauer summarized the comments made on the design as he has heard them including:

- Articulating the brick base with a reveal on the mall facade.
- Making the west facade more symmetrically with the addition of pilaster or other detail.
- Consistent design of the cornice line even though it will not align.
- Alteration of the center section with the same brick detailing as on the west building.
- Use of an arch recess in brick over the marquee and on 2nd Street.
- General acceptance of the Water Street facade design as presented.
- Provision of final details on colors, brick support, canopies and medallions.

Mr. Huja said he agreed with the summary and that canopies should be canvas instead of plastic.

Mr. Wassenaar and Mr. Bullard briefly debated the merits of a facade design on the mall frontage which would read as a single building versus two buildings. Mr. Wassenaar said that we are not in a position to redesign the building and we have arrived at some form of consensus that should keep the process simple from this point. Mr. Bullard said that he could vote to approve the concept today with the arch treatment over the marquee and on 2nd Street in brick as discussed.

It was moved by Kurt Wassenaar and seconded by Blake Caravati that the Board of Architectural Review approve the concept of exterior development with the following understandings:

1. Maintain a horizontal band at the base to maintain the pedestrian scale of the Mall.
2. Lowering of the posters to eye level. If necessary, some of the posters could be put on 2nd Street.
3. Breaking up of the upper brick pattern to be more symmetrical.
4. Reduction of verticality in the middle section.
5. Elimination of the herringbone pattern and maintaining one brick pattern in the recesses.
6. Introduction of an arch above the marquee.
7. Introduction of an arch on the 2nd Street facade.
8. Consistent cornice detailing. This could be synthetic stucco.
9. Brick as a material on all facades and not synthetic stucco.
10. The Water Street facade is acceptable as presented.
11. Provision of detailed design for materials, colors, medallions and method of construction.
12. Canvas canopies.
13. Provision of interim sketch of the concept including these ideas.
14. Final approval by the full Board of Architectural Review.

The motion passed unanimously.

There being no other business to discuss, the meeting was adjourned at 9:39 a.m.

# Board of Architectural Review

## Minutes

June 18, 1996

### Present

Kurt Wassenaar, Chairman  
Todd Bullard  
Dawn Thompson  
Blake Caravati  
Gregg Bleam  
Diana Betts  
Martha deJarnette

### Absent

Pryor Hale

### Staff

Satyendra Singh Huja  
Fred Boger

Mr. Wassenaar, Chairman called the meeting to order at 3:00 p.m.

### BAR 95-04-473 (6/18/96)

Mr. Huja, Director of Planning & Community Development briefly reviewed the revised plans submitted by Mr. Mike Deyer, Architect for the Developer of Charlottesville 2000.

Mr. Deyer explained to the Board the details of the revised elevation plans. Mr. Deyer said in order to pick out the rhythm of the windows they are using projected header courses, row-lock courses, with lintels across the top. Mr. Deyer said we are still talking about the same color scheme. The rear elevation, Water Street, I know you don't like to call it a rear elevation, but for Regal, Water Street is a rear elevation.

There is an emergency exit and we hope it will never be used. I talked with Regal about the potential of putting poster cases on this wall, but they said they don't like to put them on areas that are not the main entrances because they are vandalized. They are broken into and the posters are stolen. They prefer not to do that. We have indicated carrying brick all the way up with the crown molds and details as shown.

On the windows and doors in the front, they are already up in place and they are hollow metal, we are proposing to cover those with forming which will be screwed in, but I don't have a sample with me today. But, we will get them to you.

Mr. Wassenaar asked if there are any questions for Mr. Deyer.

Mr. Wood asked on the right hand side where those two double windows located, I assume was no attempt to restore the existing windows locations there.

Mr. Deyer: No there wasn't.

Ms. Thompson: What does that consist of now?

Mr. Deyer: Currently its just blocked up, its totally in, masonry.

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Mr. Wassenaar: Do I understand the coping block which is currently the capping line on the right is going to stay there or is that going to come off or going back up. I don't see any indication that will be there.

Mr. Deyer: In this, the honest truth I haven't gotten out there to measure. If I can, I would like to leave that and create a detail at that point.

Mr. Wassenaar: I was noticing today that the building that was an entrance/exit here and what will that treatment be? Do you have an indication what that will be?

Mr. Deyer: I do not. Other than its an emergency exist and a sample treatment of a header or lentel out of EFIS over that.

Mr. Wassenaar: I am going to ask you to explain that material so that everyone knows what that is.

Mr. Deyer: Okay, it is known as dry-vit exterior insulation and finish system. Dryvit goes on initially as a hardboard onto metal studs. Then applied to that is a one inch styro-foam and a thin ground coat of gray cement material fiber glass mix rolled in it and a finish coat on top of that which has color added to it. Our proposal is that the color be the same as the color as the brick that is to be painted so it will all match.

Mr. Wassenaar: The windows on the second floor will be blacked out or painted on the back.

Mr. Deyer: I would think it would look better not painted on the back and let anything exposed in back be painted black for a certain distance. I think blacked out windows tend to look just like that.

Mr. Wassenaar: The lighting Fixtures shown are?  
Do you have any information on them.

Mr. Deyer: Have we given that information previously.

Mr. Boger: No, we have not received any information on this.

Mr. Wassenaar: The awnings on the front have been deleted?

Mr. Deyer: Yes they have.

Mr. Wood: I think we need to bring up the question as far as the sign is concerned. We have been through several phases on that and I don't think this matches the last one.

Mr. Deyer: It tends to match exactly what was on the previous scheme.

Mr. Huja: Said no. The sign maker finally came back after BAR decision. You will have two signs, one on each side so that you can see the sign. The sign maker made the change.

Mr. Deyer: I haven't seen that.

Mr. Wassenaar: As I understand it the marquee is a rectangular or is at a wedge shape.

Mr. Deyer: Wedge shaped.

Mr. Wassenaar: So how is the sign sitting on it?

Mr. Deyer: Said I haven't seen the shop drawings.

Mr. Huja: It has changed.

Mr. Caravati: We changed the ordinance for this.

Mr. Huja: We had somebody bring us the old drawings, pictures showing what the building looked like at these different times.

Mr. Caravati: This proposal today proposes brick at the rear, at the water street elevation?

Mr. Deyer: Yes.

Mr. Caravati: How will you accommodate that?

Mr. Deyer: We have brick coming up right now. Coming up at the water table course and we will simply carry it on up there.

Mr. Huja & Mr. Caravati: There is no footing there.

Mr. Deyer: I am saying the brick is coming up at that point. In our scheme of things.

Mr. Bullard: I thought the CMU had been built out to the edge of the sidewalk.

Mr. Deyer: Again, I have not been around to see that.

Mr. Deyer: Are we going to put relief angles at the bottom, Doug?

Ms. Thompson: Is there any lighting on the Water Street side?

Mr. Deyer: Yes. We are going to have light fixtures at that door.

Mr. Wassenaar: Asked if there was anyone from the public that would like to speak?



Mike Stoneking: The area that has the real windows on the second floor, really opens up to the attic. Is there potential to capture that space and raise the ceiling so that they aren't just windows into the attic?

Mr. Deyer: There is, in fact on the original plans we had them that way. However, due to cost cutting he had to lower that ceiling and change the lobby.

Constance Smith: So that you could finish it up as office space or studio space?

Mr. Deyer: Yes, Initially it went in to be a high ceiling and we were well under way before the cost overruns got into confusion between who was paying for this.

Mr. Stoneking: I cannot think, but that it is the most modest saving you are enjoying in this version by dropping the ceiling. From the street it would be much more convincing, and enjoyed and live up to the exceptions of those who want real windows. You may want to try again.

Mr. Wood: Some of us may be thinking the way I thought one time and when I saw the drawings realize it wasn't. Isn't that space, where the ticket booth is, essentially an open area? In other words, this is an open area with the ticket booth standing in the middle of it.

Mr. Deyer: It is essentially, but larger than the old time ticket booth. It looks like a ticket booth under cover. Even in the original scheme, over this portion, the windows went into a false space.

Mr. Huja: We have the floor plans.

Mr. Huja: Does this still reflect what you are doing?

Mr. Deyer: Yes.

Ms. Smith: Does the lobby run the full length of the ground floor?

Mr. Deyer: Yes.

Ms. Smith: So where you have the poster boards, the lobby is behind them.

Mr. Dyer: That's correct.

Ms. Smith: The original building on the right half of the building, there was a definite 1-3-1 rhythm of the second floor windows. Was there any effort to do that instead of a 1-2-2 rhythm.

Mr. Dyer: I looked at it today and actually there wasn't a 1-3-1 on the original building. If the blocked in openings are as they are, they are pretty evenly spaced all the way across.

- Mr. Stoneking: Are some of the owners here today?
- Mr. Stoneking: There is an enormous opportunity being thrown away by not making all of the windows on top real ones opening onto space real there. It's just a huge loss, and I wonder if there is anyway possible to find the capital to do this.
- Mr. Wassenaar: By way of clarification, it is one of our frustrations but we are limited to talk about the exterior of the building and things related to the exterior and seen directly. But we are not allowed to get into the interior per se'. There are limitations.
- Ms. Smith: What was the purpose of changing the cornice height making it to appear two distinct buildings? Previously, it was two types of facades, whereas it was more of a single building.
- Mr. Dyer: I don't recall. There was a reason and there was some discussions on it, I don't recall.
- Mr. Wassenaar: From having seen what they built, it would be my guess that part on the right exists now and the part on the left doesn't. From what they built, the parapet wall above the cornice line, on the right hand side exists, whereas it doesn't exist on the left hand side.
- Ms. Betts: I think the windows on the second part are not going to be glass, it is almost a little better to have it a little bit different rather than making it look like it did before.
- Mr. Dyer: When we were putting this together for today, you had two different materials, it is almost better to go ahead and let it suggest that when you are talking about rhythm. There aren't many buildings on the whole Mall that I know of that are that wide and treated as one facade all the way across. So in breaking it, you are breaking it up more in keeping with the majority of the existing facades.
- Mr. Kevin Lynch: It appears to me this design is combining the worst values of both this and the original which was to stucco the whole front. The gentlemen from Regal argued that for the previous design that at least it was honest. It was a big building and it wasn't broken up into a lot of little windows and it seems to me that this is the most dishonest thing you can have. You got a bunch of fake windows, you got drop windows, you got windows with attic space behind them. To me, I am not sure this is any improvement at all. I think from the beginning of this project, the City of Charlottesville has bent over backwards to accommodate development and it bothers me that it may be about to happen again. You may recall two years ago, the City agreed to open Second Street to traffic to accommodate this development despite the protests of 8,000 people, majority of merchants, despite the objections of the Planning Commission. This issue has been

brought up that by making the developer stick to his original design this city is anti business. I don't feel this is the same at all. The City has bent over backwards to accommodate this. I think the issue here is whether the City of Charlottesville can afford to allow the developer to act in complete disregard of City building regulation and to renege on promises he made when the original design and original accommodations were made for this building. I want to remind you that he is not proposing this design, he is in fact already starting to implement it. They are in progress as we speak. He started on these design changes without notifying anybody. Some people would argue that the old Grand Piano building was not particularly attractive and should not be upset if another ugly building goes up. Those people forgot the main reason the City made those concessions was because the developer promised an attractive facade, an attractive face lift on this end of the Mall. For us to settle for anything less is not acceptable. As far as the delayed opening of the theater goes, you will recall the developer originally planned the theater would be open by Thanksgiving. So it is already seven months behind schedule. It is hard to see how three whole weeks are going to make things worse. Personally I resent the developer trying to create a climate of fear. When the problem has been poor management. Finally, I heard Regal talk about cost overruns when it only costs about \$70,000 to complete the original design. I urge them to consider what the costs to their reputation in the community if they renege on their original design.

So I would like to urge the Board to issue a Stop Order to stop development until the developer agrees to complete the original design.

Ms. Gleason: It is possible to have windows on the Water Street entrance to the building?

Mr. Wassenaar: We can put that on the table with the things to talk about.

Ms. Gleason: Is the brick being painted?

Mr. Dyer: The brick will be painted as well.

Mr. Boger: The paint color has not been approved as of this date.

Mr. Wassenaar closed the public portion of the meeting and asked for staff recommendations.

Mr. Huja: We have reviewed the revised plans and have the following comments:

1. We believe the exterior of the building should be primarily brick as originally approved.
2. The proposal shows too much dry-vit which is not in keeping with the rest of the street.
3. The exterior design should reflect the architectural character along the Mall. The elimination of the second floor windows is not in keeping with

this character. The Board spent a lot of time discussing these windows and how the marquee will work with them.

4. The Water Street facade also has an inappropriate appearance. The original design with the entrance, windows and brick were in keeping with the architectural character along the street. Now, we have basically a blank wall. Extensive use of dry-vit and/or cinderblock is not appropriate or compatible with the architectural character along the street.

Mr. Bullard:

I looked at the revised design and I do have reservations about it. I am not a proponent of dry-vit. I will briefly explain it. Dryvit is an insubstantial material. It is a material that can be cut, punctured, when it is down at the street level. People can carve their initials into it. So it is a vulnerable material. It is not a substantial thing. A number of the projects I have seen around town with dry-vit have exhibited staining, discoloration in a very brief period of years and that of course is unsightly. Finally, most important in my mind, dry-vit does not connote quality. One analogy would be the difference between a polyester suit and a cotton suit. I believe the downtown mall should be held to a higher standard than the suburban malls on 29 north. I personally believe it is time to establish a clear precedent to guide future development in the downtown mall historic district certainly regarding the use of dry-vit. I for one certainly favor limiting it severely. Beyond my personal dislike of the material, I think the use of it in this particular design is confusing. It is used #1 as a trim material, i.e. cornice, # 2 it is also used as a wall material imply it is bearing weight and finally #3 as a structural material as lintels over the windows. I think the expression of it all in these different ways is confusing. It certainly doesn't hold up weight.

Another concern I have are the windows. Most of my comments have already been made, but to put residential double hung windows that are high on the wall for an attic space seems odd. Double hung windows are made to be open and these will not be opened that way. They have a residential quality to them.

I think in terms of trying to salvage the existing facade, perhaps it made sense to restore them, but since the facade has been torn down perhaps it doesn't make sense anymore.

One question I had may have been answered, and that was the use of wood frames and hollow metal frames on the same facade. I guess the intention was to have all frames appear to be wood. Another comment on the windows, I think the desirable thing would be to have a monumental window on the corner over the entrance. In fact this was shown on the first drawing presented to us but it was not ultimately the approved design. In my opinion this is a much stronger scheme than the one I see now. There is a monumental window on the front as well as turning the corner on the side street. I guess to some degree the applicant is suffering a little but because expectations were created by virtue of these early designs. It

is awfully hard to show someone a cadillac then a chevy. I really wish we could get a little closer to some of the early designs and I really think we need to do a little more work.

My last point to make is that I do believe work has to be stopped on the exterior facade of the building until the design is resolved and approved by this Board.

- Mr. Bleam: I agree with much what Mr. Bullard said, I would rather see a design that is more honest rather than make a artificial condition on the second floor. Also, I am not in favor of dry-vit on the mall, I would rather see brick. I fear approval of this project will result in more, dry-vit being placed on the mall. I also agree a stop work order should be issued.
- Mr. Wood: One thing that doesn't disturb me as much as the two previous speakers was the use of the windows on the second floor, even though they may be false. When you look at the original building, they are as original as you can get. It was a two story building with commercial on the first floor and probably apartments on the second floor. But, I don't know that would not be unusual. I like that reminiscence picked up on this. The size bothers me. The proportions of the windows seen to be rather squat. Again, as far as the general nature of the mall and nature of the original building was brick and I think should stay brick.
- Mr. Caravati: I prefer to make a motion and I'll defer to the left of me. My comments will be made in the motion.
- Ms. Thompson: I agree with what has been said and I am in agreement that the building should be brick.
- Ms. Betts: I agree its not perfect and not exactly what everybody wants. But, I think there is an awful lot of arrogance on the part of some people speaking. The way something looks is very subjective which we all discussed before. We are sort of renegeing on where we left the last meeting. I think its pretty appalling and its very easy how you tell a person to spend his money. I think a compromise should be worked out. May be it won't be the way people on the street want it.
- ?: We want them to live up to the original approval.
- Ms. Betts:  
I You know what, things happen and people should be able to compromise. don't see the people in here really are.
- Ms. deJarnette: My concerns are basically two. More brick on the building and the Water Street elevation. I feel we have made a commitment in the past to give Water Street elevations special treatment, I think better than what was proposed, but its not as good as it could be, I would like to see more attention given to it.

Mr. Wassenaar:

I would like to make a few comments. I felt our last meeting was constructive in asking the applicants to come back and take another look at what we can do. I don't disagree there are some problems with the present design. One of the things we tried to do over the years in terms of trying to establish a precedent is to try to have a meaningfulness or reasonableness about what we do on the mall in terms of real materials or not. I would like to see an opportunity afforded to this applicant that would be commensurate with that afforded to all other applicants. If you look at it what we have done in the past, we at least allowed a working opportunity for compromise, for consideration of other alternatives. If there are no strenuous objections from the Board. I would like to ask the applicant if there is any maneuvering room that we have with Regal Cinemas or your representation of them to incorporate any of the comments made today by members of the Board in design terms of taking it further beyond this. I am being real candid. I like you to have every opportunity to see if there grounds that we can move forward on or where can we go with this from your standpoint.

Mr. Dyer:

Well, I have to say I'm not sure. As you said, I thought we left the last meeting with an attempt to come back and make some compromise. What I am hearing is one person saying one thing: someone else saying something else. There is a lot subjectivity to work out. You talk about double hung windows and yet I am looking at photographs here taken in 1938 and what I see are double hung windows. Where do we come up? I have no idea.

The feeling I got from Regal was that on the whole way this has come about when we first understood there was a problem, we immediately addressed it and were welcome to come to the meeting. Before we could come to the meeting there has been sort of a circus atmosphere in which Regal has already had their reputation questioned through the public without really having the change to try and work in the normal fashion with this Board. I am trying to work something out.

Mr. Wassenaar:

With all respect that's what we are trying to do now. This is the moment we try and figure out where we go with it. I need some help from you in terms of what we can do with this.

Mr. Dyer:

Well, I'm not sure what to say. Because I have heard many diverse comments. If we go by honesty, this is single level tall building. I heard some, they say we shouldn't have windows up there there. We were sort of chastised last time because we didn't have windows, up there. As I said, I'm not sure where we go.

Mr. Wassenaar:

I would be interested in briefly exploring to see if there are any compromise scenarios the board members would suggest so we can extend this dialogue a little longer. Blake do you have any?

Mr. Caravati:

I guess the way I look at it, we will do this in the normal fashion. Usually the applicant, developer, homeowner has been willing to work with us. It has not been a circus act because we certainly did not make it a circus act.

The thing that bothers me is that I am really prepared to work with this group anywhere, and anytime. However, because the time is of the essence, the push is on us that the opening date will soon come, we can do it in time to beat that. If we met this afternoon, and Mr. Deyer went back to make his drawings in response to that and came back tomorrow or the next day; you are looking at a minimum of 3 to 4 days to work out any type of plan that's going to satisfy the comments of the eight people who are going to sit at this table and vote. The thing that bothers me most is the fact that work proceeds and yet nobody knows what anybody is doing. Even this design doesn't sit with what's up there now. At least its typical. Metal studs are in and you have windows, you frame the windows out so you don't have to come back and do it. I'm of the opinion to echo what Gregg, Todd and Eldon said. I'll meet anytime, any place to resolve this. However, I think we need to take a step back. That's not an arrogant thing to say. That's just asking this applicant, like all other applicants, to work with us. Its not an overt use of the police powers that we may or may not have. I think it will help keep the edge off. My motion is exactly this;

"That we disapprove the latest submitted plans dated June 17, 1996 because they are not in keeping with the original approved plans and were not keeping with the historic character of Downtown and surrounding buildings in design, material, details and fenestration. That staff is instructed to issue a Stop Order for all exterior construction on the project until revised exterior plans are approved with the Certificate of Appropriateness. The Board of Architectural Review will work with the applicant and the Architect to come to an acceptable solution in an expeditious manner."

Politically, I have never had so many phone calls on an issue in my life. We rezoned one third of the City and didn't get this many phone calls. I'm feeling pressured by all sides. I think we need a good decision and a good compromise and that's why we are here to be subjectively compromising people. That's the only atmosphere that is going to happen in.

Mr. Wassenaar:

Could you give us the status of any Stop Work Order.

Mr. Huja:

No Stop Orders have been issued. We have asked the applicant not to do any work to the exterior of the building that has not been approved. That advice has not been followed. They feel what they are doing could accommodate any changes. So they take the risk of having to take it down if it is not approved. The City can issue a Stop Order if the Board of Architectural Review wants us to do that.

We have been trying to work with the applicant like anybody else. We tried to first talk with people individually to see if we can work out things. There is a lot of activity going on and we don't want to necessarily stop the project. We would like to see the project completed. I hope we can come to some agreement which will be acceptable to both sides, or reflect what you would like to see happen. It is only 4:00 p.m. and there is still time to discuss and find a solution.

- Mr. Wassenaar: I would also like to ask the applicant if he could give us a feeling on what the present situation is on in terms of occupancy. We have talked about working with you perhaps getting an occupancy permit without completion of the building's exterior.
- Mr. Dyer: Regal would very much like to show movies on July 2, 1996. They would like to work towards an occupancy permit if the exterior is not completed. At least, be able to show movies.
- Mr. Huja: The Building Official would have to determine if the building can be occupied.
- Mr. Wassenaar: I understand that. I think one of the goals we have is not to cause an undue economic hardship for this applicant. I would like to put that on the record as an issue we might want to discuss.
- Mr. Dyer: It is more than just ticket sales. The films have to be ordered ahead of time and once they are ordered, they will have to pay further if they are shown or not. It's very expensive.
- Mr. Caravati: I think we have consistently tried to avoid creating undue hardships for the applicant. Any economic hardship is on the part of the applicant. Our call here is clearly to service the rest of Charlottesville for the long term, maybe not even us, maybe the next generation who live in this town. I think that is by and far the most important thing given the circumstances. Initially, the applicant was very comfortable with the approved drawings. We are brought into it and compromised on it.
- My motion on this floor tries to take that into consideration anytime, any place to do this. It's just that, the further construction goes on the work, it gets on us to have less flexibility over the design.
- Mr. Wassenaar: We have a motion. Would you refresh us on this motion. Fred would you read it.
- Mr. Boger: The motion was repeated at this point.
- Mr. Wassenaar: We have a motion on the floor if there's a second.
- Mr. Bullard: I second it.



Mr. Wassenaar: Is there any discussion of the motion?

Ms. deJarnette: Is there any chance we might be able to resolve what we have?

Mr. Caravati: I'm very optimistic that we can resolve this issue. It's just operating under this cloud for me and makes it that much more difficult.

Ms. deJarnette: I agree with Blake. Is this something that we are going to address immediately after the session?

Mr. Wassenaar: That's what I hear. We have a motion and is there anymore discussion? If not, all in favor say AYE: Caravati, Bullard, deJarnette, Betts, Wood, Thompson, Blean, Wassenaar. NOES: None.

Mr. Huja: Can I make one comment. What was proposed was different from what was originally approved. Especially this area, the materials are different. I think one area is dry-vit versus brick. There isn't that much cost difference between the two. The cost difference is probably insignificant.

Mr. Dyer: You are right. The primary concern is that we have no structures to support brick up to above here and up above this side and getting structural steel. The last time I checked into it, it was running twelve weeks for most structural steel. However, if it would take that long to get one structural beam and whatever has to be done in order to get in to support that. We do hope to have the material supported over the span.

Mr. Huja: I understand what you are saying. That is the message you took and decided to proceed to construct what you thought was correct, contrary to what was approved. So, it seems to me the cost is not that big of a factor, but time is. You could open the movie theater and finish the facade a little later. I don't think that would be a great deal. What I'm trying to find out is what you want to achieve and come to some reasonable agreement. Another thought which I have is if you could just change this to brick and you have time to get the materials. That would give us at least, one of the large concerns that you have stressed over time. Cost is not that different, at least what I understand. That is one thought I would throw to you.

Mr. Wassenaar: I have one additional comment, I think we have mentioned and touched on briefly by Todd. Given where we are at this moment and that we have denied the application, one of the more basic concerns we have is that the whole design that we had originally was predicated on an attempt to maintain or restore a historical facade that was there. Clearly, there is virtually none of that building left. I think we all have some concerns about the issues raised by the windows on the second floor and what they mean architecturally. One of the things we said is that we prefer more honest treatment of this. I would like to suggest that there may be some compromise positions, which would tend to look at the whole design and very quickly and very expeditiously but that would instead of trying to

give the whole or parts thereof to make it a whole. The architect would request the whole thing and bring something that accepts the fact that the old building is gone. That a building would be most cost effective as if you had come to us with a design with a fresh set of eyes. Clearly the pieces you are trying to preserve before are gone. I feel kind of ridiculous sitting thinking we are going to try to mimic a bad facade that now has been demolished.

Mr. Dyer: Right. I get confused over some of the comments that Regal is trying to cut corners. It would have been a whole lot easier had that front facade had been able to stay in place and we used what was there. That was our intention all along. Unfortunately for structural revisions, bricks were falling off, it was crumbling, it was not feasible to do that.

Mr. Wassenaar: I think what we are saying as architects on the Board, from the City standpoint all those premises, all the baggage we ought to just put away. I think what you are hearing the Board say is what we want is a decent piece of architecture for our downtown mall. However you get to that, we would like to have you do that with us, and will gladly approve that when we get there. I understand the difficulty of your position in terms of trying to serve many, many masters and also to work with something that is a whole bunch of parts and a whole bunch of history.

Mr. Dyer: I would work with a smaller group so that we could sit around table.

Mr. Wassenaar: The motion we have identifies a small committee of people to work with you to try to do that.

Mr. Huja: It would be useful if you could discuss a little bit more because it would be a shame to have a small group agree to something and then have it voted out. It may be helpful to for more discussion in a large group. Maybe you can come to an agreement before you leave here. I am very optimistic by nature.

Mr. Dyer: I guess I have concerns right here, we have the press recording what I am saying and hey, I'm only the architect in this project. I have no authority to spend anybody's money but my own and that's not much. I have to go back to my owners; I have to confer with the contractor, the elements there that I think are important to have you give me guidance.

Mr. Huja: Is one of the contractors here now.

Mr. Dyer: Yes, one of the project managers is here now, I think.....is not necessarily saying we have to go that route.

Mr. Wassenaar: The nature of this process is a public one. Then we will have to deal with that.

- Ms. Betts: One of the things verbalize the most and Ms. Smith talked about is the upstairs windows. It would be nice if light came out of them, the other window weren't fake. I think people need to resolve that, because we can't have people come back and say I want them to be real once they are there. Basically what they do with the interior of the building, as you said, is their decision. So, although its nice it might be nice for people to resolve that now.
- Ms. Smith: False windows in the attic space are fine, its when they are painted black that they begin to be the problem.
- Sometimes you do something on the exterior of the building because it is very important to the exterior even if it is false use of the space inside. You could address the same thing on Water Street elevation, thus a screen or side wall beyond you would always have curtains beyond the window. There is a way to do that.
- Mr. Wassenaar: It is interesting one of the earlier schemes that we looked at, it actually address the idea the fact the building is no longer a two story building. Its a one story building with a very high lobby and its sitting there on the mall. I for one would be perfectly content with a redesign facade that does that beautifully and elegantly and is new construction.
- Mr. Caravati: These are parts of the proposal that was made today that don't bother me. I seem to lean more towards two buildings. I think what is left of the structure lends itself to that. I still have some problem with the marquee and window shades but the right hand side of the north Main Street elevation is a starting point. Not to say that specifically its okay.
- The Water Street elevation, to me, is of paramount importance that it look like a structure in itself, a storefront. A canopy doesn't do it for me.
- Mr. Wassenaar: I like to get an opportunity for everybody in the room to offer whatever constructive ideas that would aid the architect and Regal Cinema in trying resolve this with us. Maybe we can quickly revisit your feelings about facades and what kind of direction to take. I want to state that we do not want to get in the way in your role as an architect. We are trying to guide you and provide a background of information. I think you will find it starts to address the issues raised.
- Mr. Huja: It would be helpful to the process. There are basically three issues that need to be resolved. You are talking about materials, you are talking about brick and you mentioned there is no cost difference. The second was windows and the third was the back. There are the three issues. It would be helpful if members commented on those three issues.

- Mr. Wassenaar: I would like to add a fourth issue. The massing and assembly of the whole design, because I think there's an issue there about what we are really doing. An old building that's gone and something new.
- Mr. Bullard: I would just add that I look at the other two theaters on the mall, the Paramount and Jefferson. They look kind of nice. Both of them have to do with a tall monumental order. That's the thing sort of missing now. I think it was there in the early scheme, I think we can get back closer to that.
- Mr. Blear: I think the Main Street facade needs to be clarified. Right now its too compromised. I think I would rather see it go one way right now. Put windows across the top for texture and scale there or else it goes to a different design. Its rather split between the two.
- Mr. Wood: We are dealing with a whole new design problem now.
- Mr. Caravati: It seems to me given what's there now the context wants to be two buildings. I think from an economic sense, from an actual building sense it is going to be much more difficult to realize a monumental building although something may be done with the left hand building, lobby/entrance making that monumental and then Water Street.
- Mr. Huja: What do you want on Water Street?
- Mr. Caravati: I am in favor of what was approved, unfortunately it's no longer that way.
- Ms. Thompson: I am in favor of what was approved, unfortunately its' no longer that way.
- Ms. deJarnette: I want the designers to keep in mind pedestrians in and around the mall. The Water Street elevation is too industrial and not user friendly.
- Mr. Wassenaar: I think the applicant has two options. One is to return to the original design. The second possibility is to develop a compromise.

The meeting was adjourned and the Board went into a work session to further work on giving the architect some direction on how to proceed.

Board of Architectural Review  
Subcommittee Meeting  
June 18, 1996

After the meeting the subcommittee met and the following principles were agree upon to guide the architect in trying to resolve the issues associated with the Regal Theatre project:

1. Material: The Primary material for the building will be brick.
2. Water Street Elevation: Installation of windows and brick on Water Street similar to what was originally proposed. The awning could be eliminated. The intent of this is so that this facade not appear as a "back door".
3. Second Street Elevation: The Second Street elevation should be similar to what was originally proposed by the applicant in the pre-application discussion showing special treatment of the second story facade at the Corner of Second Street and the Mall. This does not necessarily have to be windows.
4. West Main Street Facade: To use brick as the primary material and not stucco. In light of interior changes and lowering of the ceiling by the developer, it may not be appropriate to have windows on the second level, but there still needs to be some articulation to reflect the second story character of this area. A special focus need to be made on the entrance area to the original design submitted by the applicant at the pre-application stage. The front should still have windows and doors at the street level which are in keeping with pedestrians and the Downtown character of the street. The awning on the front facade should be traditional and not backlit. The Board also emphasized the importance of careful detailing of the front facade so that the building is honest and compatible with the use and character of the area.

It was pointed out to the applicant that the full Board will need to review the plans before any official approval. Also the building official will need to review the construction plans.

The Board thank Mr. Dyer for attending the meeting and look forward to working with him on how to resolve the issues associated with this major project.

# Board of Architectural Review

## Minutes

June 14, 1996

### Present

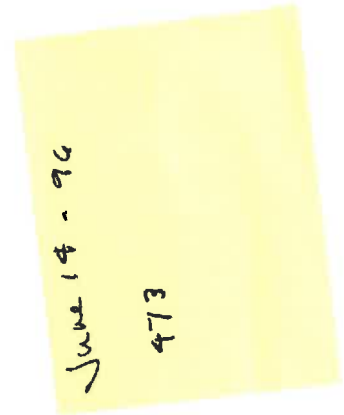
Kurt Wassenaar  
Blake Caravati  
Eldon Wood  
Gregg Bleam  
Martha deJarnette  
Todd Bullard  
Dawn Thompson  
Diana Betts

### Absent

Pryor Hale

### Staff Present

Satyendra Singh Huja



### A. BAR 95-04-473 (6/14/96)

Mr. Wassenaar called the meeting to order in the City Council Chambers at 8:30 a.m. and Mr. Boger presented the staff report. Mr. Boger stated that on June 4, 1996, an inspection was made of this project to determine how construction was proceeding. I identified a number of changes made to the building's exterior which were contrary to the approved plan. Mr. Danielson was contacted on June 5, 1996 and we learned that significant changes had been made to the buildings exterior which were not approved by the Board. Mr. Danielson was requested to submit revised plans for review and approval.

The revised phases were received on June 10, 1996 and we have identified the following changes:

#### 1. Main Street Elevation

The front has been redesigned:

- a) The second floor windows have been eliminated
- b) The original design had a brick facade, the revised design has a brick ban at the lower level and the remainder is dry-vit.
- c) The wood windows and doors have been replaced with metal windows and doors.
- d) The pre-molded cornice work has been replaced with a dry-vit cornice.
- e) The facade of the front right building has been changed to show new columns have been redesigned.
- f) The columns have been redesigned.
- g) New poster panels have been proposed.
- h) The wood panels for the ticket booth have been changed to brick.

#### 2. Second Street Elevation

- a) The corner of the building has been redesigned. Instead of brick, dry-vit is being used, with new detailing and pilaster columns.
- b) The lower level at the corner is open and we have no information on this area.
- c) The two poster panels have been eliminated on this facade.

3. Water Street Elevation

The Water Street Elevation has been completely redesigned. There will be brick at the base. The pilasters will be constructed of EIFS as will the detailing on the side of the building. The rear wall is presently finished in cinderblock and the plans do not indicate if this area will be painted or covered with EIFS. The rear windows have been eliminated.

We have reviewed the revised plans and have the following comments:

1. We believe the exterior of the building should be primarily brick as originally approved.
2. The proposal shows too much dry-vit which is not in keeping with the rest of the street.
3. The exterior design should reflect the architectural character along the Mall. The elimination of the second floor windows is not in keeping with this character. The Board spent a lot of time discussing these windows and how the marquee will work with them.
4. The Water Street facade also has an inappropriate appearance. The original design with the entrance, windows and brick were in keeping with the architectural character along the street. Now, we have basically a blank wall. Extensive use of dry-vit and/or painted cinderblock is not appropriate or compatible with the architectural character along the street.

Mr. Caravati asked if a stop order was issued.

Mr. Boger said no. The procedure we like to follow is to identify the problem and to provide the person an opportunity to come before the Board of Architectural Review to try and resolve the problem. If the person is unwilling to do this, then a stop order will be issued.

Mr. Lee Danielson, I thought Mr. Boger presentation was not entirely accurate. I had contacted Kurt Wassenaar a week ago, the same Tuesday before I even heard from Fred Boger to advise him we have had some problems and there were some things that were going to change. Kurt asked me what the problem was, and I said the changes are extreme. I have not seen the changes myself. Quite frankly my partner and I are the sponsors of this project and not the true developers of it. Regal Cinema took over this project from Neighborhood Entertainment and quite frankly wanted to abandon the project. They felt this was a small area and they wanted to abandon the project. We been doing everything we can do to keep this project afloat. That being the case, when I contacted Kurt and told him what was going on, he said when will he have plans. I told him by Thursday and he indicated that he would be out of town until Thursday or Friday and that I try to schedule a meeting for the past Monday with the Board of Architectural Review, so we could keep everybody informed on what was going on.

As far as the demolition of the building, we had a demolition permit and as far as I know, when it was decided by the construction company to go forward if there was an additional permit required I don't know. Certainly nothing was intended on anybody's part to be devious and to take advantage of the situation. From that position, I talked with Fred Boger and he would try to put together a meeting on Monday. Based on that we got the plans from the architect on Thursday. Quite frankly that's the only drawing I have. I have no working drawing but the contractor has his working drawings.

We got that information on Thursday; Fred said it wouldn't happen until midweek and I asked him how many copies would I need. He said ten copies and I said I will have them to him Friday afternoon or first thing Monday morning. I guess it was Monday afternoon when they got there. I received a call on Wednesday at 3:30 p.m.; Fred saying this was scheduled for 8:30 a.m. on Friday morning. I didn't receive another call until 5:30 p.m. that night when I got a call from the contractor saying he had been down there asking them to stop, which I thought was not an appropriate behavior. I felt very much we were trying to keep this in the realm of, we have a major problem, how do we deal with it? There's nothing set up ahead of time, this wasn't thought out a long time ago. Quite frankly this building should have been knocked down and we have been trying to save it. It was structurally unsound. We have done everything to save it to the tune of \$200,000.

From that standpoint, we have received no comments from the City, no consideration from the City what so ever of, hey lets sit down and talk and tell us exactly what it is you're trying to do. So we received no benefit from staff regarding how do we approach this. Instead we've created a controversy by being in the newspaper yesterday. This is not a controversial situation. This is a realistic problem that we need to sit down and try to figure out how do we deal with it. We are not trying to change anything but we can't put windows back in, a lot of things we can't do, but there are a lot of things we can do. We want to work with you in the best way we can with the Architectural Review Board to come up to a solution because that is what we look to you for. There are solutions to these problems, not punitive problems but solutions to the problems. So, from the standpoint of the developer, from the standpoint of Regal Cinema, the standpoint of the City we are trying to work with you. We need guidance and to that end we brought Mike Dyer who is the Regal Cinema's Architect who knows a lot more about this than I do.

Mr. Mike Dyer said he does all Regal Cinemas work around the country. On this project when we first began it was still a Neighborhood Entertainment Cinema deal that had been worked out between them and the developer. Regal brought out Neighborhood Cinemas and began to go into the project. Lee is correct when he said this is a small project for Regal. Most of the projects we do around the country are for sixteen to eighteen plex cinemas. So this is a small market. But, Regal has always stood by their commitments and gone into a location. They go in and try to put out the product that your people enjoy. The first design was actually different from this one and the one presented and approved by the Board. I don't remember the exact dates but back in the spring, early spring late Winter, Lee gave us a call and said as they were starting to demolish, taking off some of the old veneers off the front of the building and there was some nice Architectural detail there that should be saved. I flew in to look at it and agreed to photograph and take measurement. We went back and finished out the drawings changing the design to reflect what was in that position and that's what you have for a drawing that went through the approval process. We did not physically come and go through your architectural review process at all. Lee has been passing that along, maybe that's where some of this confusion has gotten to because we weren't a part of it. We weren't really aware of all the steps that needed to be done to get where we are today.

The way their lease is signed is that there is an upset price on the construction of the building and Regal pays everything over that upset price. In this case its about, \$400,00 over the original budget. This building is approximately thirty-five percent higher than what Regal would typically pay on a project. They are sitting in their corporate headquarters looking at a small



project that is running extensively more money than they would typically put into a project. They then directed me to do what we had to do to get money out of the building.

We worked with the contractor, their estimating department to put together a proposal that we were able to come up with some savings. The exterior and interior savings amounted to approximately \$68,000 to \$69,000 to go to current design. We started proceeding with drawings and were unaware that we would have to come back through the Board. For that, I accept the blame, we were just not aware of this process. So we proceeded on with the drawings and we just finished the drawings last week. I thought Lee would have been sent a full set, but apparently he was only sent the elevations which Regal was aware of everything that was done. This brings us to this point and we hope that Regal does as it always does in a case like this, to work with the community to try to come up with a solution that will make you guys happy and can also be somewhat of a savior to them. As you well know, the worst thing you can have is a merchant losing money on a project. When they start off already \$400,000 in the hole, it puts a big strain on what this cinema has to produce. But that's where we are today, and we hope we can work very quickly to come back to you. We will take your suggestions and come back and try to compromise and come up with something that will be successful and acceptable to all of you. Any further questions.

Mr. Wood: You mentioned today of the original design on this.

Mr. Dyer: It was done before it was even submitted it to you. We were still working on the original drawings before we even submitted and I'm not sure of the date on this. This project has been going on for a long time. But we had a different marquee when we discovered some more architectural details, capitals and we tried to work around that. What was actually submitted to you is this scheme. Is that the only thing that has been submitted to the Board?

Mr. Wood: That's all I recall.

Mr. Wassenaar said he believe this was approved September 9, 1995.

Mr. Boger said September 26, 1995.

Mr. Wassenaar asked if anyone from the public would like to speak.

Ms. Candace Smith said she was a local architect and she's going to speak on behalf of two clients. One is the local section of the American Institute of Architects. The current president is unable to come to the meeting and will try to be here later this morning. He submitted a letter which I believe you have in your possession at this time. I would like to speak on his behalf and then on my behalf as a private citizen.

The two paragraphs that are pertinent to the local AIA, I would just like to read even though you have the letter on hand.

Mike Stoneking notes that: All construction projects suffer their share of budget problems, change orders and cost overruns. Is it the responsibility of the City of Charlottesville and all those who enjoy our downtown to put up with a lessor architecture simply because this project is costing this developer more than he hoped? We implore you to stick to your guns and require

that this project live up to its promises. Do not let future developers think they only need to flash some pretty pictures at the beginning and simply claim budget problems as the project nears completion and the Architectural Review Board will roll over."

"It is not up to the developer to decide the architecture is good enough. It is not up to the developer that the Architectural Review Board should only consider the "general feel" and that the details aren't your concern. It is not up to the developer to decide if Charlottesville will be proud of this project or not. These things are up to you."

As a private citizen I just have two comments. I think sometimes economics and speed blind us to the long term effects of buildings in the City. I believe the article I read in the paper yesterday, states that if the Board does not act immediately, there will be a delay in the project which was scheduled to open in July. I don't know what the economic impact will be, but if the project opens in September and we had a better project for it in a building that's going to last, hopefully for twenty to thirty years even if its use changes, I think two or three months in the life of the City is worth that delay. Speed should not be the pressing point here. You should be making your decisions based through design criteria and not based on just speed. Obviously economics has something to do with it. The City wants to thrive and we want to provide benefits to the local public. It is very important that you not let time blind you to the overall long-term effect of some of the buildings here in town. Finally, this is based on one comment from Mike Dyer, I just want to add one simple question. He noted that the finished drawings for this phase were only done last week and I think the point of the review board is that you are very accessible and you have proved yourself to be accessible in the past. As soon as they knew they has problems, they should have come to you and with conceptual drawings on trace and they shouldn't be coming to you now saying well these drawings are now finished. I think that is one of the points the Board can stress when they start meeting with people. I think you have concept meetings with people at the beginning of the project and I think you should urge your developers and any other architect or builder to take advantage of these whenever projects are brought or when problems arise. I think it is also very clear that you have a certain role to establish design guidelines but its not your role to advise how to salvage a building. You should be presented the facts, and shown the design and make you decision based on that. Is not up to you like I heard someone say didn't provide any help on how to salvage the building and structurally its not a city problem as far as I am concerned. That's really something the architect and developer need to work out and then come to you with their proposal or solutions. Thank you very much.

Mr. Kevin Lynch, I would like to echo the sentiment of the person who spoke before me. I would like to point out that this might be appropriate if we were looking at this design change two or three months ago before they were actually implemented. Basically the original drawings constitute a contract between the Board and the developer as to what is going to happen. To allow this to proceed and allow this to take place by the developers I think will set in precedent that any developer who wants to do something on the downtown mall can do it. It basically renders this whole development a victim I think you guys have done a good job in the past, that's why I moved to the downtown area. That's why a lot of us are here.

Ms. Allegra McCullough, Market Director for York Place, speaking on behalf of the owner, Chuck Lewis. We have taken a look at the new plans and have also looked at the old plans, and we looked at every detail.

We see the new edifice as benefiting York Place a great deal. We have many merchants in our building. Our marketing plans as well as the marketing plans of our merchants are depending a great deal on the new theaters opening. We see the bottom line as what's going to be beneficial to Downtown Charlottesville. We see the changes as being very minor changes. Contrary to what the young lady said, this project is about Charlottesville, it's about what's going to benefit the citizens of Charlottesville, its about improving the economics of downtown Charlottesville. To hold up a project of this size, of this nature to argue about the front of a building, to me is quite pointless at this stage of the game. We have a 20th year anniversary of this mall which is going to be centered around the projects on that end of this Downtown Mall. We cannot afford this theater not to come in as planned and neither can other merchants. Thank you.

Mr. Deyer said from the cinemas standpoint they have to book movies six to eight weeks in advance, and once they are booked, they have to pay for their movies if they show them or not. That's why opening dates are always critical to Regal. Because of our fault we didn't get this back to you in time we just hope we can get as much co-operation as we can, to try to work within the constraints to getting this cinema open. Also, I'm sure a lot of merchants around here know that there are critical seasons to any kind of merchandising. I mean from the cinema standpoint its the Christmas and Summer season and if they don't make something right at the beginning while that season is, they go through a long period of losses. Because if you have ever gone to a cinema in late September, October you'll see a lot of empty movie seats but they count on this and that is why we try to open. In that case we are trying to open with some of the blockbuster movies that are coming but the first of July.

Mr. John Russeau said it seem a lot of toes have been stepped on here. I hope this doesn't interfere, which to me seems to be a rather arbitrary difference of thinking that the Miller Rhodes, Advance Store, and Woolworth Buildings have character of the Downtown Mall. I haven't looked at this but it doesn't seem that bad. I don't know what your taste is and I maybe I shouldn't argue that. I just hope the decisions you make aren't base on arbitrary taste alone. I think there's a vitality to the mall.

Mike Stoneking, President of the local Institute of Architects, I guess Candace Smith had read the letter I submitted to you I just want to underscore a point. The architects in town want to underscore your mission. In that the Board of Architectural Review is set up to protect certain areas. Teose areas are special. You have a special charge and that is to improve the quality of the building environment and maybe even make something special. Its a difficult job and I know you all worked hard on this. I guess one point is if the original approval was correct, it is still correct. You cannot set aside the approved design casually. Its a horrible message. Every project must be considered as a model for future endeavors. When you decide what you decide, you got to remember to think what is going to happen. All of this is very difficult. But it is worth it.

Ms. Sandy Ruseau said I just don't understand architecturally what these people are talking about saving. If you look at what the movie theater has been working with. To me this wasn't a historic landmark. It was just the shell of a broken old furniture store that was quite an eyesore. Any improvement that they make should be held up. If you don't react on something, we have a big investor coming to town, it means a lot to people and businesses. I went out yesterday for a hour and I talked to a lot of the small people that have stores down there. They all feel the same way. A lot of people opened their business based on the fact that the movie theater was coming

and the skating rink was coming. We open a business in December on these facts. The skating rink didn't open until April and a lot of us could tell you there wasn't anyone down there. A lot of people barely survived. Some people who have business went out and got two jobs to pay their rent to keep their stores open. If this is historic, I can see arguing if this was a three hundred year old building that had a lot of restoration in it. But it was just an old beat up shell, and what they have done already makes it look a million times better. I walk to ACAC. I went down there to see the buildings that are there, and there are just a lot of old 1920's. Please relax in thinking about merchants and the economy.

Mr. Larry Engle said I am one of the older merchants downtown. I have been open for twelve years now. For someone to get up and say merchants feel this way, I don't think we are here today to discuss this. We are here to discuss what was agreed upon and the changes where made. The new plan is not bad, but I like the old better.

Mr. Turner: I just urge you to reach a compromise. I've heard a lot of implications surrounding this. One of the implications is that he had plans to switch all along. I work on the mall and walk by it everyday since it started. It appeared from me, a completely uniformed observer, that was the case. You look at way things went. It appeared that people discovered things that they hadn't anticipated. You also have to take into consideration that this same developer has done something in the last year that has revitalized the downtown mall. I think that has to be considered. I think we have spent over twenty years a significant amount of public money to try and make this mall work and the private interest by D&R has been profound. If you do not believe that, come down on Friday nights at 11:00 and walk around the mall and see the difference. I really think you need to take that into consideration and demonstrate that the city really does want to make this work, not just to get tangled up in bureaucracy and different egos. Whatever these conflicts are, are not worth stopping the momentum that we got on this downtown mall, so economics do have to be considered. They have to be part of the equation. It just can't be a perfect or beautiful building. You have to consider all those factors. I think we need to be flexible so when these unknowns arise in the process which I believe they have, they can be dealt with. Again I encourage you to try and work with these folks to make this happen and not get so tangled up in "who shot John".

Mr. Bill Hightower said he agreed with Mr. Turner. We have a problem and we need to solve the problem.

Ms. Candace Smith said economics are important and I don't think there is anyone in this room who doesn't want the movie theater to come here. I think it is something that will be a boon and I don't feel Mr. Danielson is devious in a mean sort of way. But its very clear he has already built construction that does not comply with the original design and did not come back ahead of time to ask for your approval for a change to construct a critical wall with no windows, and the approved plan show it has windows. He also got ahead of the game. I think that is one of the things that Board has to address. You have regulations and rules and you have to be very careful about how much you let people change. It's not just of Mr. Danielson, who I think a lot of people appreciate how much you have done, its for the city. Who knows what has gone in the past, maybe it could have been done better, but it doesn't mean now that you could do something that's not as good as had been promised.

Mr. Danielson is not the issue. It's the process.

Ms. Betts asked about the cinderblock wall on the Water Street.

Ms. Kern Smith said one question I have is, the theater going to be allowed to open or not. It is going to open regardless how much the theater is going to cost. If the developer and theater had proceeded with the established way of doing things; just followed the same guidelines everybody else had to follow, we wouldn't be talking about this problem. That's really the issue and I don't think the citizens of Charlottesville should be forced to swallow a bad decision.

Mr. Wassenaar closed the public portion of the hearing.

Mr. Wassenaar said the Board has a long standing policy to foster economic development and long standing procedures and policy to facilitate development and to do it in the best consensus of architectural opinion that is conveyed to the process. There is an inherently subjective part of what we do. I think that is the difficult part, perhaps, in what we are involved in. For the public to know that there is a long standing procedure, policy and practice on the part of Board in getting involved and trying to be pro active in about what we do to facilitate that. Before we start, I think there is obviously history in this project and I think whatever has happened is unfortunate in terms of people miscommunicating or whatever. The real issue before us is to try to consider the project in a clear concise thoughtful way as we can to get at some type of closure in a way we all feel comfortable with in doing our job as members of the Board. Those which you specially deal with by ordinance are aesthetics and the character of what this building is. I say for the record I care and that we have spent a great number of hours trying work with the developer on the previous design. I am frustrated and disappointed like we all are now since that is not possible. We need to look at what we had before in the context on what we go forward with. I think we need to put the whole thing in prospective in where we are, and try to come to some constructive solution.

Mr. Caravati said he had a question for Mr. Deyer. Mr. Caravati said there is one particular issue that bothers me. That is the rear Water Street facade. Maybe you can explain to me the sequence of events that led to direction of the wall on the Water Street side. Its been fairly complete for a period of time before coming to us.

Mr. Dyer said honestly I'm not able to give you an answer now. As I said, my partner had been handling it and he was not able to be here today. I wouldn't want to second guess him.

Mr. Caravati said I think it was designed by the firm.

Mr. Deyer said oh yes it was. Again, as I said I think the problem here has been since we were not the developer of the project, but brought in to work with the architectural review. We were not actually in the development process. We proceeded in a pace without really being aware that we needed to come back through all of this. I accept the responsibility and we hope we can go forth now and try to work something out, something satisfactory to everybody. Now I apologize for that.

Mr. Caravati asked as an architect for the proposed design, is it strictly a money issue?

Mr. Deyer yes it was a money issue. The work we did first was the way we thought it should look and would have liked to have it that way. Regal Cinema said the same thing. They

certainty would prefer it the way it was but unfortunately, as I said earlier, the costs ran way beyond what their expectations were. We did projects in Downtown New York City that are far less expensive than this particular project. It is a very expensive project. It is also spread out over a much smaller faculty. They will have to write that from the income. While they would like to be a benevolent institution, they are a profit making company just like the downtown merchants. They are looking at the bottom line. Their directions to us, believe me they are our bread and butter, we got to get money out of this project.

Mr. Caravati from a aesthetic point of view would you define dry-vit.

Mr. Deyer said I think that is a very subjective type of situation. Time was of essence here as I explained before why the schedule was so rigid at this point. So, dry-vit gave the option to get a solution quickly and get the building closed in according to the construction department and it was going to be the economical solution. So I am sorry if I offended a lot of people in terms of the design. I was taking charge from the people that keep food on my table. I certainly pay attention to them as well.

Mr. Caravati said part of our charge is subjective and I am going to ask you again to defend the design.

Mr. Deyer said there is a certain amount of truth and honesty in architecture. Honesty in architecture's does not have a series of small windows on a cinema. A cinema is basically a enclosed box without the elements of the exterior. So if I was using that as a defense I would say now we are a little more in truth by being an enclosed faculty that's isolated from the elements. Now I will be a realist, you are trying to preserve the character in the Downtown Mall of Charlottesville. As I said at the very beginning, that is subjective one way or the other. So in this case we need to compromise. We don't want to get in an argument that this is right and that is wrong. I would hope we can simply get together to try to come up with something that will be a compromise to everybody.

Mr. Wood: I hate to be in the position of being the heavy at this point in the game. I would only say I think this Board has bent over backwards to accommodate the project. This is the second Board of Architectural Review that I have been on and I've worked with boards all over the state. Actually I would say that people come before this one have never had it so good as far as some of the others. Talking about bureaucracy. I think we have really conducted ourselves admirably in accommodating the people that we are appointed to accommodate. Looking at the detail on this, I think it has been our general concept on this from the beginning is what is shown on the original drawing. What is shown is essentially what is there. It is a preservation project as far as that portion of the Downtown Mall. The first fact is that there are windows on the second floor there because they were there. It is a preservation type of action as far as that goes. It is brick, it is two stories which is the whole idea what the Downtown Mall was at one time. Really it should be continue in that way. I think it should continue this tradition we talked about. It should be a two story concept and hopefully it will be brick.

Ms. deJarnette said she think we should comment on what we can do to make it acceptable to us. I mentioned today we need to find some solution to the problem.

Mr. Bullard said let me begin by saying that we support the theater coming to town. I believe this Board has made every attempt to be co-operative with the applicant; not just this applicant but in general have had a very co-operative attitude for the last six to eight years. I know occasions where we put in a lot of hours to work with people to come up with solutions that we believe are compatible and in the best interest of this community as a whole. I am disturbed by what appears to be procedural problems in this particular instance with a whole facade being torn down without any notification. I am curious about what problem was discovered with the wall that made it have to be torn down. I'm disappointed that happened. On the other hand, I also believe the applicant does have the right to propose a design modification. They came before us initially with a proposed design, which we readily approved. However sometimes do happen and sometimes changes have to be made. The applicant has the right to come back with an alternative and say "this is what we would like to do instead" and have a right to have that change evaluated by the Board. I guess in this particular case, I personally am not very fond of this new design and I would like to find a way to cooperate and find an acceptable design. I think dry-vit is a material that has a place, but in my opinion, it is not on the Downtown Mall in terms of being the major component of this building. This is a major building, a very large one. My professional opinion is that we could do a little bit better in terms of design. I think in general the building ought to be mostly brick, that's my opinion. This is where the subjective act of being on the Board and being an Architect come in. It should be mostly a brick building. The facade has come down and the problem is a little bit different than it was initially. My position is that the building should become brick. The design ought to be harmonious in sense of scale and with the surrounding storefronts on the mall. What I see right now is not, in my opinion, accomplishing that.

Ms. Betts: I have just one more question. Lets assume we going to have to compromise in some way on this. Windows are probably pretty expensive. How difficult would it be to get an estimate for doing all the faces in brick?

Ms. Deyer: We can get an estimate real quickly.

Ms. Betts: I think that would be one of the bigger concerns. I think the windows are nice but we should see what difference that would make.

Mr. Caravati: There are a couple of things that bother me and I kind of hinted at them earlier. Basically I think it's not normal for us to deal with proposed changes and the procedural part at least on the front of the building. It bothers me a little bit. A developer and an architect will reach equitable solutions. The back of the building bothers me a whole lot. I am just going to add this and say that some people sit in the room and follow the law and I think that speaks a lot for the next person that comes along. It is the issue here unfortunately and that definitely going to color some of my decisions although I hope not to much. From the design point of view, for the front, Todd took all my thunder, he said what I feel. I feel brick needs to be the major component not dry-vit. Dry-vit should at most be a small part of the main facade. I hope we will be able to overcome the time issue. I don't have much faith that we will be able to do this today. I know time is of the essence because of the deadlines that have to be met. At this point, this particular issue is very important, not only for the economic life of the mall which is one of the main things, but this Board does consider all the time but also for the future development not only on the mall but in Charlottesville. I guess I am pleading for patience from the economic

point of view and pleading for expeditious behavior on our point of view. We need to take our time and I don't know if I am ready today to make a decision today.

One way to expedite this is for the Board to let two or three people meet with the development team to try and hammer out some of these issues and then come back before the full Board. It would be easier to pass it.

The Water Street facade in my opinion, is just as important in a lot of ways because of the future. At this point I am not ready to accept the proposal at all. We need to think about the future along Water Street.

Mr. Danielson: I just want to reiterate what you are saying about what we are trying to do. We share the same sentiment as you do. My partner and I have already discussed using more brick. We are totally in favor of that even if it does cost.

Mr. Wassenaar: What I hear you saying is that you are willing to consider using more brick.

Mr. Danielson: I agree with Mr. Caravati about the Water Street side. My first response last week when I saw it was "how industrial".

Ms. Betts: Since you guys are in a rush in trying to get this done, do you have work to do on other things inside the building and let the facades wait for a little bit, while this is worked out? What is your time frame?

Mr. Deyer: The interior, I am sure all of you who walked down the mall and looked inside the lobby and say there is no way you can show movies on July 2. Having gone through thirty, forty, fifty of these projects that's not unusual. It will get done. We can work around it to an extent. Maybe I can make a suggestion; I go back today so that we can begin to work on something and try to get back together with a committee of this group so its not this type of forum. It is very difficult to sit down and discuss what you can't do. We can try to get back in here on Monday or Tuesday and to see if we can come to some kind of compromise. If we have to go further we have to go further.

Mr. Wassenaar: Am I correct in saying that I am hearing the Board say that our intentions are to work as expeditiously and as quickly as possible. I also think its important to recognize that on the part of the Board this is a very important building downtown and we want it done right. It will be here for a long time. I don't think we have to take as much time as we did working on the previous design because there are some forces involved here and I think we can try and do the positive thing realizing that the operation of the theater financially may be without hundred percent of this all finished and for some reason or the other in spite of our best efforts we are not able to get everything finished. That should avoid an economic hardship. It isn't what you would like I know. But it would respect the process. Am I hearing there is a willingness to work with us?

Mr. Deyer: Certainly

Ms. Betts: I think its not fair for us to hold them up, because the economic situation is just as important as the design.



Mr. Wassenaar: I guess the mission as I see it, is that we are able to avoid economic hardship for the theater and able to get the job done in a way we should do it. That is a kind compromise.

Mr. Bullard: I don't think we are holding anyone up.

Mr. Wassenaar: As things being said, I think we should schedule another meeting Monday.

Mr. Deyer: Tuesday may be better because Jim and I still have to go back to Charlotte and get someone started on this..

Mr. Wassenaar: We have our regular meeting on Tuesday. Mr. Deyer said okay that would be fine.

Mr. Wassenaar said I would suggest if there is anything we can do to help you, it might be better now to take a couple of minutes to talk about some of the design issues we might feel are important. I would appreciate if the Board would try give the architect as much input it can on the issues.

Mr. Wassenaar: There is a good architectural model for a theater building, the Old Paramount Theater, which has been a part of the downtown Charlottesville area for a long time. That may be one thing you should look at. One thing you are probably not aware of because you don't live here is that Water Street is a very important street. When we discuss previous designs, development of Water Street is a real entrance. It addresses the Street, has some openness, it is not the back door of a large building.

Mr. Bullard said its not really our role to design it.

Mike Stoneking: The AJA chapter has participated in other projects and would be willing to offer its help with project.

Ms. deJarnette said they missed the pedestrian character of the mall. There are small facades and I hate to see total disregard of individuals stores. I do support concern about Water Street.

There being no further business the meeting was adjourned at 10:00 A.M.