



CITY COUNCIL AGENDA
July 5, 2016

6:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code

Second Floor Conference Room (Boards and Commissions; Consultation with legal counsel regarding pending litigation.)

7:00 p.m.

Regular Meeting

Council Chambers

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

**AWARDS/RECOGNITIONS
ANNOUNCEMENTS**

**APPOINTMENTS TO BOARDS & COMMISSIONS
CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC**

MATTERS BY THE PUBLIC

Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

1. CONSENT AGENDA*

(Items removed from consent agenda will be considered at the end of the regular agenda.)

- a. Minutes for June 20
- b. APPROPRIATION:
- c. APPROPRIATION:
- d. APPROPRIATION:
- e. APPROPRIATION:
- f. APPROPRIATION:
- g. RESOLUTION:

Sidewalk Improvement Fund Contribution – \$15,344.60 (2nd of 2 readings)
Approval of Revised HOME Budget Allocation for FY 2016-2017 (2nd of 2 readings)
Virginia Department of Health Special Nutrition Program Summer Food Service Program – \$90,000 (1st of 2 readings)
Albemarle County Reimbursement for Court Roof Replacement – \$737 (1st of 1 reading)
Fire Prevention Restitution and Recovery Donations – \$300 (1st of 1 reading)
Designation of SIA as Revitalization Area (1st of 1 reading)

**2. PUBLIC HEARING /
RESOLUTION***

Special Use Permit – Alumni Hall at 211 Emmet Street (1st of 1 reading)

**3. PUBLIC HEARING /
RESOLUTION***

Lease of City Public Right of Way to Omni Hotel for Terrace Café (1st of 1 reading)

**4. PUBLIC HEARING /
ORDINANCE***

624 and 626 Booker Street Rezoning (1st of 2 readings) – **40 mins**

~~**5. RESOLUTION***~~

~~624 Booker St. Appeal – Erosion & Sediment Determination (1st of 1 reading) – **20 mins**
withdrawn by appellant~~

6. RESOLUTION*

Zoning Text Initiation – Automobile Uses in Central City Corridor (1st of 1 reading) – **20 mins**

7. RESOLUTION*

BAR Appeal – Hellman Certificate of Appropriateness at 550 E. Water Street
(1st of 1 reading) – **20 mins**

**OTHER BUSINESS
MATTERS BY THE PUBLIC**

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.

Please follow these guidelines for public comment:

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 20, 2016
Action Required:	Approval of Appropriation
Presenter:	Missy Creasy, Assistant NDS Director
Staff Contacts:	Missy Creasy, Assistant NDS Director
Title:	Sidewalk Improvement Fund Contribution – \$15,344.60

Background:

The City is beginning to receive contributions to the sidewalk improvement fund as allowed by code section 34-1124(b). Funds currently received, as well as future funds received need to be appropriated to the sidewalk fund so they can be used for the code mandated purpose.

Discussion:

The following ordinance pertains to the waiver of sidewalks, noted in *Section 34-1124 Vacant lot construction- Required sidewalks, curbs and gutters.*

Section 34-1124(b)

For the protection of pedestrians and to control drainage problems, when not more than two (2) dwelling units are to be constructed upon a previously unimproved lot or parcel, or when any single-family detached dwelling is converted to a two-family dwelling, sidewalk, curb and gutter (collectively, "sidewalk improvements") shall be constructed within public right-of-way dedicated along the adjacent public street frontage for that purpose. No certificate of occupancy shall be issued for the dwelling(s) until the sidewalk improvements have been accepted by the city for maintenance, or an adequate financial guaranty has been furnished to the city conditioned upon completion of the sidewalk improvements within a specific period of time. The requirements of this paragraph shall not apply, if (i) the owner of the lot or parcel obtains a waiver of the required sidewalk improvements from city council, or (ii) the owner of the lot or parcel, at the owner's sole option, elects to contribute funds to a sidewalk improvement fund in an amount equivalent to the cost of dedication of land for and construction of the required sidewalk, curb and gutter.

Applicants may choose to construct the sidewalk, pay into a fund or request a sidewalk waiver. In the case of this appropriation, the City received a contribution to the sidewalk fund in the amount of \$4,918.41 in lieu of construction of a sidewalk at 1651 Mulberry Avenue, \$8,159.39 in lieu of construction of sidewalk at 1501 Rugby Road, and \$2,266.80 in lieu of construction of sidewalk at 106 Kenwood Circle, as allowed by the above code section.

Alignment with City Council’s Vision and Strategic Plan:

The project supports City Council’s “A Connected Community” vision. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.3 Provide reliable and high quality infrastructure.

Community Engagement:

No engagement specific to this application. When the code changes were provided by the state in 2013, the City held a public hearing for review.

Budgetary Impact:

This will allow for a small increase in the funding available for sidewalks when contributions are received.

Recommendation:

Staff recommends appropriation of the funds.

Alternatives:

No alternatives are available unless code changes are made.

Attachments:

Appropriation

APPROPRIATION
Sidewalk Improvement Fund Contribution
\$15,344.60

WHEREAS, the City of Charlottesville received contributions to the sidewalk fund in the amount of \$4,918.41 in lieu of construction of a sidewalk at 1651 Mulberry Avenue, \$8,159.39 in lieu of construction of sidewalk at 1501 Rugby Road, and \$2,266.80 in lieu of construction of sidewalk at 106 Kenwood Circle as allowable per City Code Section 34-1124(b).

WHEREAS, the City anticipates other contributions will be provided in compliance with this code in the future and should be appropriated in this manner

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the current contribution and all future contributions are hereby appropriated in the following manner:

Revenues

\$15,344.60 Fund: 427 WBS: P-00335 G/L: 451020

Expenditure

\$15,344.60 Fund: 427 WBS: P-00335 G/L: 599999

BE IT FURTHER RESOLVED, that future fees and contributions made to this sidewalk fund will be hereby considered a continuing appropriation and immediately available to spend on sidewalk improvements unless further altered by Council.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	June 20, 2016
Action Required:	Appropriation and Approval
Presenter:	Tierra Howard, Grants Coordinator, NDS
Staff Contacts:	Tierra Howard, Grants Coordinator, NDS
Title:	Approval and Appropriation of Revised HOME Budget Allocation for FY 2016-2017

Background:

This agenda item includes the revised HOME budget allocation for FY 2016-2017 appropriation for the HOME Investment Partnerships (HOME) funds to be received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

Discussion:

On May 16, 2016, City Council approved the appropriation of the City's HOME funds for FY 2016-2017 totaling \$69,849, including \$58,207 of entitlement funds and \$11,642 of City match funds. In addition to the budget, Council also approved any percent changes to the estimated amounts to be applied equally to all programs.

On June 6, 2016, HUD informed the City that the original allocation for the HOME program changed and has been revised. The City's allocation has changed to \$58,520 of entitlement funds and \$14,630 of City match funds for a total of \$73,150. Please note that the match approved in the previous appropriation was calculated incorrectly. Since AHIP/homeowner rehab was the only project proposed under the HOME budget, the total allocation will be applied to the AHIP homeowner rehab project.

Community Engagement:

A public hearing was held for the proposed HOME FY 16-17 budget on May 2, 2016. There were no comments provided by the public. Per the CDBG/HOME Citizen Participation Plan, there are no other community engagement efforts required as a result of the revised allocation.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to have **Quality Housing Opportunities for All**.

Budgetary Impact: The HOME program requires the City to provide a 20% match. The sum necessary to meet the FY 2016-2017 match is \$14,630, which will need to be appropriated out of the Charlottesville Housing Fund (CP-0084) at a future date.

Recommendation:

Staff recommends approval of the appropriations. Funds will not be available or eligible to be spent until HUD releases funds on July 1, 2016. If the funds are not released on that date, funds included in this budget will not be spent until HUD releases the entitlement.

Alternatives:

No alternatives are proposed.

Attachments:

Appropriation Resolution for HOME funds (Revised)
HUD Allocation Notice 6/6/16
HUD Allocation Notice 2/16/16

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2016-2017
HOME FUNDS \$73,150**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnership (HOME) funding for the 2016-2017 fiscal year;

WHEREAS, the region is receiving an award for HOME funds for fiscal year 16-17 of which the City will receive \$58,520 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

WHEREAS, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the Charlottesville Housing Fund (account CP-0084) in the amount of \$14,630 to be held in the HOME Match (account P-00507) until needed to match specific expenditures. The resolution for this appropriation will come forward after July 1, 2016. The total of the HUD money, program income, reprogramming, and the local match, equals \$73,150 and will be distributed as shown below.

PROJECTS	Internal Order	HOME EN	% MATCH	MATCH	TOTAL
AHIP, Homeowner Rehabs	1900266	\$58,520	20	\$14,630	\$73,150

Transfer from:

\$14,630 Fund: 426 WBS: CP-084 CAHF G/L: 561425

Transfer to:

\$14,630 Fund: 425 WBS: P-00507 HOME Match G/L: 498010

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$58,520 from the Department of Housing and Urban Development.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

From: [Meyers, Carolyn](#)
To: [Howard, Tierra](#)
Cc: [Ikefuna, Alexander](#)
Subject: 2016 Action Plan---HOME Revised Amount
Date: Monday, June 06, 2016 9:54:54 AM

Good morning,

We have just been informed that the city's HOME allocation has been revised (again). The new and correct amount is **\$468,166**.

Sorry for any inconvenience, (beyond our control).

So what this means is that you **must** submit a revised SF-424 and make corresponding changes within the Action Plan (AP15 and other such places as may be necessary) to reflect the actual /correct amount for the 2016 HOME program.

Consequently, in order to permit you to make the necessary changes to the Action Plan I will go into IDIS and change the status of the document to.” **Reviewed and waiting for modifications**” so you can make the changes and resubmit.

Sincerely,

Carolyn Meyers
Community Planning & Development Representative
U.S. Department of Housing and Urban Development
Virginia Field Office
600 E. Broad St.
Richmond, VA 23219
Phone: 804.822.4828
Fax: 804.822.4981
Email: Carolyn.Meyers@hud.gov
Web: www.hud.gov/virginia



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

February 16, 2016

The Honorable Satyendra Huja
Mayor of Charlottesville
P.O. Box 911
Charlottesville, VA 22902-5337

Dear Mayor Huja:

I am pleased to inform you of your jurisdiction's Fiscal Year (FY) 2016 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low and moderate-income persons and special populations across the country. President Obama signed Public Law 114-113 on December 18, 2015, which includes FY 2016 funding for these programs. Your jurisdiction's FY 2016 available amounts are:

Community Development Block Grant (CDBG)	\$371,309
HOME Investment Partnerships (HOME)	\$465,662
Housing Opportunities for Persons with AIDS (HOPWA)	\$ 0
Emergency Solutions Grants (ESG)	\$ 0

This letter highlights several important points related to these programs. First, Secretary Julián Castro is committed to making HUD the "Department of Opportunity" and has established a number of initiatives intended to achieve that goal. In 2015, we celebrated the 50th anniversary of the Department's establishment, and these initiatives build on HUD's mission to promote homeownership, support community development, and increase access to affordable housing free from discrimination. The Department is working hard with grantees on these key goals and urges you to review the entire plan at: <http://portal.hud.gov/hudportal/HUD?src=/hudvision>. In an era when the nation's severe shortage of affordable rental housing creates substantial housing instability—contributing to homelessness, family mobility and unequal educational attainment—I am particularly interested in working with grantees to increase affordable housing production through our CPD formula programs.

Second, HUD recommends that grantees effectively plan and implement programs that leverage these critical Federal financial resources to achieve the greatest possible return for the communities and individuals they are intended to assist.

- HUD urges grantees to consider using CDBG funds, to the extent possible, to support investments in predevelopment activities for infrastructure and public facilities activities that can provide multiple benefits for communities.
- HUD has created a Renewable Energy Toolkit specifically tailored to CPD grantees. To the extent that grantees are interested in using funds for renewable energy projects, please feel free to access that toolkit online at www.hudexchange.info.
- If you would like assistance from CPD in redesigning, prioritizing or targeting your programs,

either you or the head of the agency that administers your program may request assistance through your local CPD Director.

Third, CPD is asking grantees to renew their focus on administration and management of these programs as part of an effort to ensure effective use of the funds. Throughout 2016, CPD and HUD's Office of the Inspector General expect to issue a range of guidance that will highlight particular areas where grantees commonly stumble. I urge grantees to actively review their policies and procedures governing these programs and to strengthen management practices, particularly with regard to recordkeeping, in order to avoid problems and risk this vital funding. This focus on administration is particularly critical because the Integrated Disbursement and Information System (IDIS), which is HUD's financial and data system for managing these formula programs, will no longer commit and disburse grant funds on a first-in first-out (FIFO) basis beginning with the FY 2015 grants. All FY 2015 and future grants will be committed and disbursed on a grant specific basis.

The Office of Community Planning and Development is looking forward to working with you to promote simple steps that will enhance the viability and performance of these critical programs and successfully meet the challenges that our communities face. Please contact your local CPD office if you or your staff has any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Harriet Tregoning", with a stylized flourish at the end.

Harriet Tregoning
Principal Deputy Assistant Secretary

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	July 5, 2016
Action Required:	Appropriation
Presenter:	Riaan Anthony, Facilities Manager, Parks and Recreation
Staff Contacts:	Riaan Anthony, Facilities Manager, Parks and Recreation Maya Kumazawa, Budget and Management Analyst
Title:	Virginia Department of Health Special Nutrition Program Summer Food Service Program - \$90,000

Background:

The City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$90,000 from the Virginia Department of Health Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs.

Discussion:

Charlottesville Parks and Recreation will run six Summer Camp programs throughout the City of Charlottesville. These sites serve children in Pre K-10th grades, for nine weeks during the summer, June 13-August 12. Various activities are planned from 9:00am-4:00pm, Monday through Friday. The Virginia Department of Health Special Nutrition Program provides free, nutritious breakfast and lunch for these children. Most of the children served receive free or reduced meals during the school year. Over 800 children were enrolled in Summer Camps last year.

The \$90,000 appropriation covers the cost of the food and administration of the summer food service program. The lunches are purchased through the City of Charlottesville School Food Service. The Parks and Recreation Department pays the bills to the City of Charlottesville Food Service and is then reimbursed by the Virginia Department of Health Special Nutrition Programs.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City and it contributes to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community and Objective 2.2., Consider health in all policies and programs. Children will receive nutritious breakfast and lunch, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of funds

Alternatives:

If money is not appropriated, the free breakfast and lunch program will not be offered to youth, most of which receive free or reduced meals during the school year.

Attachments:

Appropriation

APPROPRIATION

**Virginia Department of Health Special Nutrition Program
Summer Food Service Program
\$90,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$90,000 from the Virginia Department of Health Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

WHEREAS, the grant award covers the period from period June 1, 2016 through December 31, 2016.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$90,000, received from the Virginia Department of Health Special Nutrition Program, is hereby appropriated in the following manner:

Revenue – \$90,000

Fund: 209 Internal Order: 1900264 G/L Account: 430120

Expenditures - \$90,000

Fund: 209 Internal Order: 1900264 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$90,000 from the Virginia Department of Health Special Nutrition Program.

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CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	July 5, 2016
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Mike Mollica, Division Manager, Facilities Development
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development Ryan Davidson, Senior Budget & Management Analyst, Budget and Performance Management
Title:	Appropriation of Albemarle County Reimbursement for the J&D.R. Court Roof Replacement Project – \$737

Background: The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City invoices the County on a monthly basis to recover the County’s share of project expenses associated with these joint projects. Under this agreement, the City recently completed the J&D.R. Court Partial Roof Replacement (historic portion of roof only) Project. Originally, \$27,500 was earmarked as a revenue contribution from Albemarle County in the F.Y. 2016 Capital Improvement Program Budget. The County’s final share of project expenses, however, was \$28,237 – a difference of \$737. The City will receive a reimbursement from the County in the amount of \$28,237 for project expenses, of which \$737 needs to be appropriated.

Discussion: Appropriation of these funds is necessary to replenish the Facilities Capital Projects Lump Sum Account (P-00881) for project related expenses.

Alignment with Council Vision Areas and Strategic Plan: This request supports City Council’s “Smart, Citizen-Focused Government” vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization, and objective 4.1, to align resources with the City’s strategic plan.

Community Engagement: N/A

Budgetary Impact: Funds have been expensed from the Facilities Capital Projects Lump Sum Account (P-00881) and the reimbursement is intended to replenish the project budget for the County’s portion of those expenses.

Recommendation: Staff recommends approval and appropriation of the reimbursement funds.

Alternatives: If reimbursement funds are not appropriated, the Facilities Capital Projects Lump Sum Account (P-00881) will reflect a deficient balance.

Attachments: N/A

APPROPRIATION.

Albemarle County Reimbursement for the J&D.R. Court Roof Replacement Project – \$737

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$28,237 of which \$737 needs to be appropriated.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$737 from Albemarle County is to be appropriated in the following manner:

Revenues - \$737

Fund: 426 Funded Program: CP-016 (P-00881) G/L Account: 432030

Expenditures - \$737

Fund: 426 Funded Program: CP-016 (P-00881) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$737 from Albemarle County.

**CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.**



Agenda Date:	July 5, 2016
Action Required:	Appropriation of Donations to Charlottesville Fire Department
Presenter:	Jay Davis – Fire Marshal; Charlottesville Fire Department
Staff Contacts:	Jay Davis – Fire Marshal; Charlottesville Fire Department
Title:	\$300.00 – Fire Prevention Restitution and Recovery Donations

Background:

The Charlottesville Fire Marshal receives restitution and recovery of cost for malicious false alarms and tampering with fire suppression systems and fire detection systems in buildings which are a violation of the Virginia Statewide Fire Prevention Code. This is in response to misdemeanor charges and recovery of response from the City Fire Marshal and apparatus.

Discussion:

The Charlottesville Fire Marshal on occasion is required to investigate, and may charge individuals with criminal misdemeanors for tampering or malicious activation of fire suppression or a fire alarm systems. The Virginia Statewide Fire Prevention Code and the Code of Charlottesville provides for the procurement of community service and restitution or cost recovery as an alternative to charges for an individual. The purpose of offering an opportunity for restitution/ cost recovery is to educate and attempt to prevent any future malicious activities. The focus for the community service will be to educate the individual as to fire safety. The restitution will be used by the Fire Department to recover costs for responses by the Fire Department and Fire Marshal to the offending incident for training and equipment.

Alignment with Council Vision Areas and Strategic Plan:

This request directly aligns with Goal 2 of the City’s strategic plan to “be a safe, equitable, thriving community”. Objective 2.1 is to “provide an effective and equitable public safety system” and as part of this the Fire Marshal has identified this measure specifically aimed at protecting lives and preventing further fire code violations through training and enforcement.

Community Engagement:

No community engagement thus far. However, this process will engage the University of Virginia Dean's Office and will be recommended as corrective action for student residents of dorms, Fraternities and Sorority buildings where these types of offenses occur. Opportunities for community service and restitution under the Fire Department's policy will not be reserved for University students, but will be made available to all City citizens.

Budgetary Impact:

This account will be funded by donations and restitution payments therefore there is no direct budgetary impact on the General Fund.

Recommendation:

Staff recommends approval of this appropriation.

Alternatives:

The alternative to appropriating these funds is to return the funds to the individuals.

Attachments:

N/A

APPROPRIATION.
Fire Prevention Restitution and Recovery Donations - \$300.00.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$300 which has been received as restitution for a false fire alarm shall be appropriated in the following manner:

Revenues

\$300.00	Fund: 105	Internal Order: 2000126	G/L Account: 451020
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Expenditures

\$300.0	Fund: 105	Internal Order: 2000126	G/L Account: 599999
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BE IT FURTHER RESOLVED, that future restitution and recovery donations made to this account will be hereby considered a continuing appropriation and immediately available to the Fire Marshal's office to spend for equipment, training and cost recovery.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	July 5, 2016
Action Required:	Approve resolution
Presenter:	Alex C. Ikefuna Director, Neighborhood Development Services
Staff Contacts:	Alex C. Ikefuna Director, Neighborhood Development Services
Title:	Revitalization Area Designation for Strategic Investment Area (SIA) Per the Virginia Housing Development Authority (VHDA) Act - Virginia Code Section 36-55.30:2.A

Background:

The developer for 925 East Market Street approached Neighborhood Development Services (NDS) to request designation of this site as a Revitalization Area as defined by Virginia Code Section 36-55.30:2.A. Such designation will allow the developer to utilize the VHDA Mixed-Use / Mixed-Income (MUMI) loan program that was designed to provide loan assistance to further mixed-income / mixed-use projects throughout Virginia. The program provides favorable terms that include a low 1.10 Debt Service Coverage, 90% Loan-to-Value and fixed rate, 30-year, non-recourse debt that offers advantages to commercial financing that is currently available.

VHDA MUMI loan options can vary greatly with respect to the percent of units required to meet the specified Area Median Income (AMI) criteria. The following is an overview of the loan options available through the VHDA MUMI program:

Name of Program "Workforce"	Income Equal to or Less than 30% AMI	Income Equal to or Less than 80% AMI	Income Equal to or Less than 100% AMI	Income Equal to or Less than 120% AMI	Income Equal to or Less than 150% AMI	Unrestricted
10/10/80	10%		10%			80%
20/20/60		20%		20%		60%
20/80		20%				80%
30/20/50		30%		20%		50%
40/60			40%			60%
100					100%	

The developer of 925 East Market Street proposes to use either the Workforce 20/80 or 40/60 program; however, in order to access the funding through VHDA, the City must first approve a resolution designating the project site as a Revitalization Area.

Discussion:

925 East Market Street is one of many parcels contained within the boundaries of the SIA and there will likely be other developments within the SIA (see attached map showing the SIA boundaries) that could benefit from the Revitalization Area designation.

Further, it is recognized that such a designation could also benefit those seeking Low Income Housing Tax Credits (LIHTC), as the VHDA LIHTC program uses the same definition for designation of a Revitalization Area.

Accordingly, by designating the SIA as a Revitalization Area, developers could apply for VHDA MUMI or LIHTC to provide mixed income / mixed use and /or affordable housing as required for each program.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options.

Community Engagement:

There has not been any specific community engagement or public input on this proposal.

Budgetary Impact:

This project will not have any direct impact to the City budget; however, there could be indirect tax benefits due to increased development within the SIA.

Recommendation:

The resolution for designation of the SIA as a Redevelopment Area is a one-time designation; however, projects seeking MUMI funding that includes financing for any non-housing building or buildings will have to be designated individually in the future, as is being done for 925 East Market Street herein. Staff recommends approval of the attached resolution.

Alternatives:

Council could elect not to approve the resolution; however, this could impact the development of 925 East Market Street as well as future developers/developments from utilizing the VHDA MUMI and/or LIHTC programs.

Attachments:

Resolution

Exhibit A - SIA Boundary Map dated July 18, 2016

**RESOLUTION
TO ESTABLISH THE CITY'S STRATEGIC INVESTMENT AREA (SIA)
AS A REVITALIZATION AREA**

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the City Council of the City of Charlottesville, Virginia desires to designate its Strategic Investment Area ("Area"), described on **Exhibit A** attached hereto, as a Revitalization Area; and

WHEREAS, Council hereby FINDS AND DETERMINES as follows:

(1) The industrial, commercial or other economic development of the Area will benefit the City of Charlottesville, but the Area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in the Area; and

(2) Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Charlottesville City Council that, pursuant to 36-55.30:2.A of the Code of Virginia of 1950, as amended, the Area is hereby designated as a Revitalization Area; and

BE IT FURTHER DETERMINED that the following nonhousing building or buildings (or nonhousing portion or portions of the building or buildings) located or to be located in the Area are necessary or appropriate for the industrial, commercial or other economic development of the area:

Mixed-Use Development of the Site located at 925 East Market Street, City Tax Map 53 286, Parcel 530286000, depicted on **Exhibit A**, attached to this Resolution, for construction of a five-story mixed use building with a basement and sub-basement, containing approximately 23,388 square feet of gross floor area of office space, restaurant/coffee shop and a 100 space parking deck, all of which will share access and common areas with the residential component

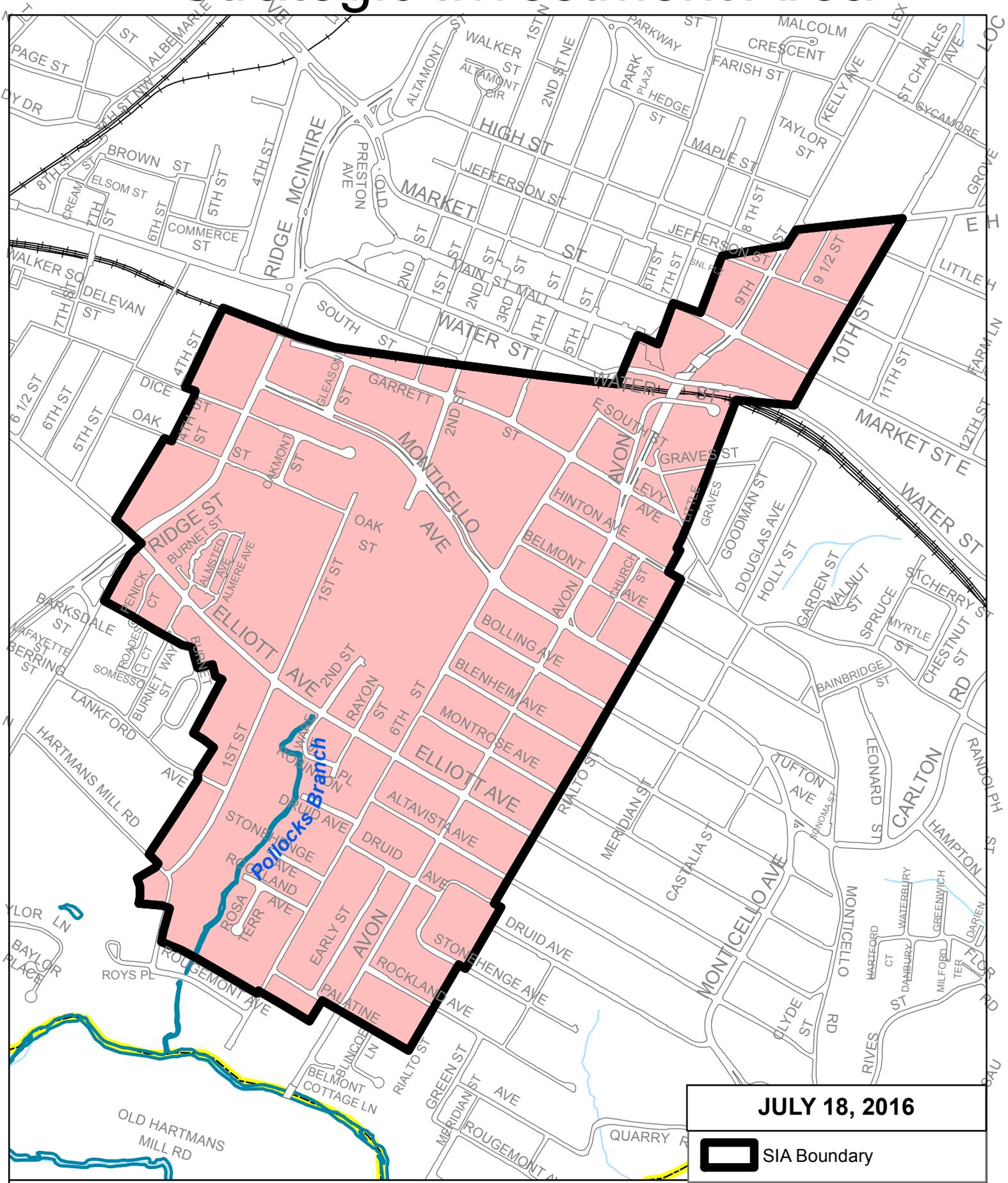
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EXHIBIT A

STRATEGIC INVESTMENT AREA BOUNDARY MAP

Dated July 18, 2016

Strategic Investment Area



JULY 18, 2016

 SIA Boundary

NEIGHBORHOOD DEVELOPMENT SERVICES
City of Charlottesville
July 2016



CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	July 5, 2016
Action Required:	Consideration of a Special Use Permit Amendment
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
Title:	SP16-00006 – 211 Emmet street – Alumni Hall

Background:

Mr. Thomas Faulders, III for the Alumni Association of the University of Virginia has submitted an application to amend the existing Special Use Permit (Clubs, Private non-commercial recreational facility for group use) at 211 Emmet Street (the Subject Property) to allow for an addition (1,346 square feet) to Alumni Hall for additional meeting space. The current building is 30,438 square feet and the addition would increase the total size of the building by 4.48%. The Subject Property is located at 211 Emmet Street with frontage on Emmet Street, Lewis Mountain Road, and Sprigg Lane.

Discussion:

The Planning Commission discussed this matter at their June 14, 2016 meeting.

The topics of discussion that the Commission focused on were:

- Keeping access to Alumni Hall during elections.
- Consolidating the 1980 and 2006 SUP resolution into one comprehensive 2016 resolution.

Alignment with City Council’s Vision Areas and Strategic Plan:

The City Council Vision of **A Center for Lifetime Learning** states that “in Charlottesville, the strength of our education is measured not by the achievements of our best students, but by the successes of all our students. Here, an affordable, quality education is cherished as a fundamental right, and the community, City schools, Piedmont Virginia Community College and the University of Virginia work together to create an environment in which all students and indeed all citizens have the opportunity to reach their full potential.”

The project contributes to Goal 1 of the Strategic Plan, **Enhance the self-sufficiency of our residents**, and objective 1.1, to promote education and training. The project contributes to Goal 2 of the Strategic Plan, **Be a safe, equitable, thriving and beautiful community**, and objective 2.6, to engage in robust and context sensitive urban planning. The project contributes to Goal 3, **Have a strong diversified economy** and objective 3.3, grow and retain viable businesses.

Community Engagement:

The Planning Commission held a public hearing on this matter at their meeting on June 14, 2016.

No members of the public spoke during the public hearing.

Staff attended a community meeting held by the applicant on May 12, 2016 at St. Thomas Aquinas Church. The community meeting was held as part of the Lewis Mountain Neighborhood Association’s semiannual meeting. The meeting was well attended and the applicant gave a presentation on the expansion of Alumni Hall.

Budgetary Impact:

This has no impact on the General Fund.

Recommendation:

The Commission took the following action:

Ms. Green moved to recommend approval of this application No. SP16-00006, subject to the conditions recommended by staff.

Mr. Clayborne seconded the motion. The Commission voted 6-0 to recommend approval of the Special Use Permit.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution (granting an SUP as recommended by the Planning Commission);
- (2) by motion, request changes to the attached Resolution, and then approve an SUP in accordance with the amended Resolution;
- (3) by motion, defer action on the SUP, or
- (4) by motion, deny the requested SUP.

Attachment:

- A. Resolution
- B. Link to the Staff Report for the June 14, 2016 Planning Commission meeting
<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/development-ordinances/city-planning-commission/agendas/2016>

RESOLUTION
APPROVING AN AMENDED SPECIAL USE PERMIT
AUTHORIZING EXPANSION OF A BUILDING USED AS A PRIVATE CLUB
AT 211 EMMET STREET (UVA'S ALUMNI HALL)

WHEREAS, The Alumni Association of the University of Virginia, by its agent Mr. Thomas Faulders, III (“Applicant”) has requested City Council to approve an amendment to its existing special use permit pursuant, to authorize expansion of the existing building at 211 Emmet Street (City Tax Map 8 Parcel 45), to be used by the Applicant as a private club, and related administrative functions (“special use”); and

WHEREAS, the proposed expansion of the existing building is generally described within the Applicant’s application materials dated April 26, 2016, submitted in connection with SP16-00006 (collectively, the “Application Materials”), and this special use, which was originally approved in 1980, continues to be a use that is allowed by special use permit within the R1U zoning district, pursuant to City Code 34-420; and

WHEREAS, the Planning Commission has reviewed the Application Materials, and the City’s Staff Report, and following a public hearing, duly advertised and conducted by the Planning Commission on June 14, 2016, the Commission voted to recommend that Council should approve the requested special use permit, and recommended certain conditions for Council’s consideration; and

WHEREAS, following the conduct of an additional public hearing, duly advertised and conducted by City Council, and upon consideration of the Planning Commission’s recommendations as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §34-420, a special use permit is hereby approved and granted to authorize the Subject Property to be used as a private club subject to the following conditions:

1. There shall be no entrance to the parking lot from Sprigg Lane. The amended final site plan shall demonstrate connections for internal circulation between the northern and western portions of the parking area.
2. The amended final site plan will demonstrate that an underground drainage line has been installed to convey storm drainage from the Subject Property to the existing 48 inch line of Emmett Street, and shall identify the size and as-built location of the storm drain, as well as the limits of the setback required by City Code 31-3(a).
3. The amended final site plan will demonstrate that, along the Lewis Mountain Road, Emmett Street and Sprigg Lane frontages, landscaping and screening is provided using plantings and improvements compliant with applicable zoning requirements.

4. The amended final site plan will show the location, size and type of all existing signs, and shall demonstrate that all signs are compliance with City Code Chapter 34, Article IX (sign regulations). All signs must be of a size and appearance consistent with the character of the low-density residential neighborhood.

5. The amended final site plan shall show the location of air handling units on the western side of the building, and a description of features designed and installed to mitigate noise from those units.

6. The amended final site plan shall demonstrate the type and location of existing landscape screening compliant with the applicable zoning requirements along western side of the parking lot.

7. The amended final site plan shall provide an entrance designed and constructed in a manner that effectively discourages traffic leaving the Subject Property from making right-hand vehicular turns onto Lewis Mountain Road, and shall show the location and wording of sign(s) prohibiting right turns onto Lewis Mountain Road from the Subject Property.

8. The amended final site plan shall identify the location, type and design of the gated Lewis Mountain Road entrance. The gate at the Lewis Mountain Road entrance shall be kept closed at all times, except during hours of a special event.

9. The amended final site plan shall demonstrate that all existing and new outdoor lighting conforms to City zoning ordinance requirements for outdoor lighting (§§34-1000 through 34-1004 of the City Code). Additionally, all new outdoor lighting shall be designed and installed to include downshielding of light fixtures. Outdoor lighting shall be of a nature and type consistent with the residential character of adjacent properties. No outdoor light fixture shall be mounted more than 15 feet above the ground surface.

10. The Property Owner shall preserve all existing trees along the Lewis Mountain Road frontage. The location and caliper of each existing tree shall be shown on the amended final site plan. The amended final site plan shall include a tree protection plan designed by a certified arborist, to effectively protect the trees from damage resulting from construction activities.

11. The amended final site plan, in addition to the proposed building expansion, shall show the location of all existing buildings and improvements on the Subject Property, and the existing setbacks from adjacent property lines.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	July 5, 2016
Action Required:	Approve Lease Agreement
Presenter:	S. Craig Brown, City Attorney
Staff Contacts:	S. Craig Brown, City Attorney
Title:	Lease of City Public Right of Way to Omni Hotel for Terrace Café

Background:

In 2011 City Council entered into a 5 year lease agreement with the Omni Hotel to lease space immediately adjacent to the hotel for an outdoor café. The rent (\$5/square foot) is the same as that required for any sidewalk café. The leased space (502 square feet) is public right of way, but is not part of the pedestrian walkway. The lease agreement expired January 31, 2016 and the Omni wishes to renew the lease to continue operation of its Terrace Café.

Discussion:

The terms of the lease, which are virtually identical to the rules imposed on all sidewalk cafés, are not being changed. The design and appearance of the Terrace Café was approved by the Board of Architectural Review in 2004, and the Omni cannot alter or modify the design without BAR approval. Musical entertainment is limited to unamplified music and prohibited between the hours of 12:00 midnight to 11:00 a.m. The café does not encroach on the fire lane and does not encroach into the pedestrian walkway.

Alignment with City Council's Vision and Strategic Plan:

Support of a local business aligns with the Strategic Plan value of a strong diversified economy and supports City Council's "Economic Sustainability" vision.

Community Engagement:

In accordance with Va. Code Sec. 15.2-1800(B), notice of the public hearing on this matter was advertised.

Budgetary Impact: The City receives \$2,510 per year in rental payments.

Alternatives: The terms of the lease can be modified, if desired, or Council could choose to deny the request by the Omni to renew the lease for another 5 year term.

Recommendations: Staff recommends approval of the lease renewal.

Attachments: Resolution; Proposed Lease Agreement; Drawing of Café Area

RESOLUTION
TO AUTHORIZE THE LEASE OF CITY PUBLIC RIGHT OF WAY
TO OMNI CHARLOTTESVILLE HOTEL FOR SIDEWALK CAFÉ SPACE.

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the Mayor is hereby authorized to sign the following document, in form approved by the City Attorney or his designee:

Lease Agreement between the City of Charlottesville and Omni Charlottesville Virginia Corporation, for the lease of 502 square feet of public right of way on the Downtown Mall near 212 Ridge-McIntire Road Street for operation of the Terrace Café.

LEASE

THIS LEASE AGREEMENT is made and entered into this ____ day of _____, 2016 by and between the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation, (hereinafter "Lessor") and the OMNI CHARLOTTESVILLE VIRGINIA CORPORATION, a Virginia corporation, (hereinafter "Lessee").

WHEREAS, the Omni Hotel at 212 Ridge-McIntire Road leases a portion of the public right of way for an outdoor café ("Café"), under the Lease Agreement dated December 20, 2010, and wishes to continue to lease the same public right of way under similar terms and conditions; and,

WHEREAS, the proposed design of the Café occupies approximately 502 square feet of the adjacent public right-of-way, formerly a grassy area between the pedestrian walkway on the downtown mall and the Omni Hotel, as shown on the attached survey drawing dated 12/3/2004 by McKee Carson (the "Property"); and,

WHEREAS, the Director of Neighborhood Development Services has confirmed that the Property: (i) is located outside of the established pedestrian walkway and fire lanes; (ii) there are no City utility lines located within the Property area; and (iii) the Board of Architectural Review approved the design of the proposed Café on May 18, 2004, and the café design has not changed since 2004; and,

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the proposed lease of public right-of-way; and,

WHEREAS, the City finds that leasing the public right-of-way to the Lessee for the Café has contributed to the vitality of the downtown mall;

NOW, THEREFORE, in consideration of the mutual benefits hereunder accruing and the mutual obligations herein acknowledged the parties agree to the following covenants, terms, conditions and stipulations.

1. The Property: The Lessor hereby leases to the Lessee and the Lessee hereby leases from the Lessor approximately five hundred and two (502) square feet of real property located between the southern property line of the Omni Hotel and the Downtown Pedestrian Mall, as designated on the attached survey drawing dated December 3, 2004.

2. Term: The term of this Lease shall be for one (1) year, beginning February 1, 2016 and ending January 31, 2017. Unless terminated as provided herein the parties may mutually agree to renew the lease for up to four (4) additional one year terms, under such terms and conditions as agreed to by the parties.

3. Rent: The annual rent for the Property leased herein shall be \$5.00 per square foot of leased space, or the square foot amount specified in the Schedule of Fees approved by City Council, as amended from time to time, whichever is greater. Such rent shall be due and payable on the commencement date of this Lease and on the first day of any renewal thereof. In the event City Council amends the Schedule of Fees to increase the rent amount for outdoor cafés, the increase will be applied to this lease *pro rata* for the remainder of the Lease term.

4. Use/Compliance with Laws: The property leased herein shall only be used for the purpose of an outdoor café operated in conjunction with the restaurant located in the Omni Hotel at 235 West Main Street. The operation of the Café shall comply with all provisions of state and local building codes and health laws and regulations regarding the service and preparation of food and, if applicable, in accordance with the regulations of the Virginia Department of Alcoholic Beverage Control.

5. Maintenance: The Lessee shall maintain the Café area in a clean and sanitary condition, shall promptly remove all food dishes and utensils after each customer has left, and shall thoroughly clean the entire Café area after the close of each business day. The Lessee shall be responsible for routine maintenance and repair of the Property and improvements thereon during the term of the Lease.

6. Musical Entertainment: Musical entertainment in the Café area shall be limited to unamplified vocal or instrumental performances and such activity shall not be conducted during the hours between 12:00 midnight and 11:00 a.m. of any day.

7. Alterations: The design and appearance of the Café have been approved by the Board of Architectural Review ("BAR"). Lessee agrees that any proposed modification or alteration of the design or appearance of the Café must be reviewed and approved by the BAR prior to implementation.

8. Non-Discrimination: The Lessee shall have the right to limit access and occupancy to only bona fide paying customers of the Café who are behaving in a lawful manner, and shall have the same right to deny admission or service as the Lessee exercises in its restaurant. However, no person shall be denied access or service to the Café on the basis of race, religion, national origin, sex, sexual orientation, age or disability.

9. Insurance: The Lessee shall obtain and keep in force throughout the term of this Lease, and any renewal, public liability insurance with coverage in the amount of at least One Million Dollars (\$1,000,000) combined single limit. The City shall be named an "additional insured" with respect to such insurance. Prior to the commencement of this Lease and any renewal the Lessee shall be required to provide documentation satisfactory to the City Attorney demonstrating compliance with this insurance requirement.

10. Indemnification: The Lessee hereby agrees to indemnify and hold harmless the City of Charlottesville (including, without limitation, its officers, officials and employees) from and against all claims for damages or injuries of any kind whatsoever, including all costs related thereto, arising directly or indirectly out of the Lease of the Property or the operation of the Café.

11. Assignment/Sub-Lease: This Lease may not be assigned by either party, nor may the Property be subleased, without the prior written consent of the other party.

12. Termination: This Lease may be terminated by mutual agreement of the parties. The Lessee may terminate this Lease by providing written notice of such termination to the Lessor at least thirty (30) calendar days prior to the effective date of termination. The Lessor may terminate this Lease for Lessee's violation of any provision of this Lease, or for the Lessee's failure to comply with any mandatory requirement of local, state or federal law. Lessor shall give written notice to Lessee of any Lease violation or failure to comply with applicable law, and allow Lessee thirty (30) calendar days to remedy the violation or failure to comply. If Lessee fails to remedy the violation or to bring the

operation of the Café into compliance with applicable law within the 30 day period, this Lease shall terminate.

In the event of termination or expiration of the Lease, at the option of the Lessor, the Lessee, at its own expense, shall remove all structures, equipment and improvements from the Property, and return the Property to the condition existing immediately prior to the commencement of the Lease.

13. Notices: Any notices required by or sent pursuant to this Lease shall be hand-delivered or mailed first class, postage pre-paid to the following:

To the Lessor:

City Manager
P. O. Box 911
Charlottesville, VA 22902

To the Lessee:

Paul H. Maher
General Manager
Omni Charlottesville Hotel
235 West Main Street
Charlottesville, VA 22902

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WITNESS the following authorized signatures:

OMNI CHARLOTTESVILLE VIRGINIA CORPORATION:

By: _____
Paul H. Maher

Title

Date: _____

CITY OF CHARLOTTESVILLE:

By: _____
Name

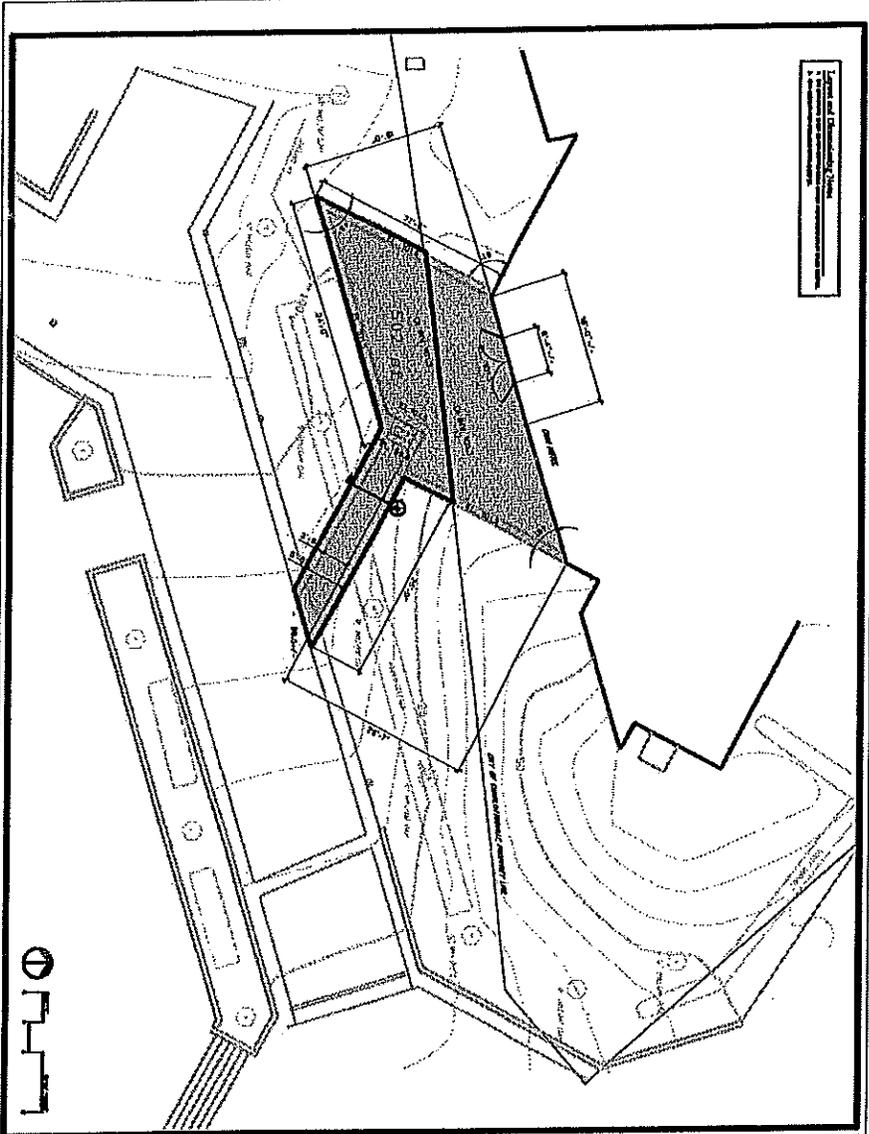
Title

Date: _____

Approved as to Form:

City Attorney or Designee

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Legend
1. Room and Room Number
2. Room Name
3. Room Area
4. Room Volume
5. Room Height
6. Room Perimeter
7. Room Circumference
8. Room Diagonal
9. Room Angle
10. Room Orientation
11. Room Elevation
12. Room Section
13. Room Detail
14. Room Annotation
15. Room Schedule
16. Room Schedule
17. Room Schedule
18. Room Schedule
19. Room Schedule
20. Room Schedule

05

05		OMNI HOTEL TERRACE Outdoor, Rpts LAYOUT AND DIMENSIONING PLAN				
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**

Agenda Date:	July 5, 2016
Action Required:	Consideration of a Rezoning
Presenter:	Brian Haluska, Principal Planner, Neighborhood Development Services
Staff Contact:	Brian Haluska, Principal Planner, Neighborhood Development Services
Title:	ZM15-00004: 624 and 626 Booker Street

Background:

Mark Kestner, acting as agent for Neighborhood Investments – RH, LLC has submitted an application for a rezoning from R-1S Single-Family Residential to B-3 Business with proffers for property located at 624 and 626 Booker Street.

Discussion:

The Planning Commission considered this application at their meeting on June 14, 2016. The Commission made little comment, except to acknowledge the large number of speakers that spoke during the public hearing.

The staff report and supporting documentation presented to the Planning Commission can be found at the following link:

<http://www.charlottesville.org/home/showdocument?id=41836>

Citizen Engagement:

Staff attended a neighborhood meeting on April 26, 2016 at the Friends Meeting House. Staff's purpose was to convey the details of the proposed rezoning and explain the process to the residents. There were around 35 persons present. Some concerns raised about the proposal were the utilization of the alley for automobile traffic, how the existing structure was approved for construction, and how the rezoning request would impact the neighborhood's concerns regarding continued affordability.

Staff attended the community meeting on May 3, 2016 starting at 6:30pm at Zion Union Baptist Church. Over 50 citizens attended in addition to several representatives from Henningsen Kestner Architects Inc. The attendees noted that they were opposed to the rezoning request because of the impact to the surrounding neighborhood, including the traffic and the introduction of multi-family dwellings into a single-family neighborhood.

The Planning Commission held a public hearing on the request at their meeting on June 14, 2016. Twenty-two members of the public spoke on the matter, the majority of whom expressed opposition to the project. The commenters cited the impacts the area around the project and their preference that Booker Street remain zoned for single-family structures.

Alignment with City Council's Vision and Priority Areas:

The City Council Vision of Economic Sustainability states that “The City has facilitated significant mixed and infill development within the City.”

The City Council Vision of Quality Housing Opportunities for All states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this special use permit.

Recommendation:

The Commission took the following action:

Ms. Keller moved to recommend denial of this proposed conditional rezoning of the parcel identified as Tax Map 36, Parcels 87 and 88, on the basis that the rezoning is not required by public necessity, convenience, general welfare or good zoning practice.

Ms. Green seconded the motion. The Commission voted 7-0 to recommend denial of the rezoning petition.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance (granting a rezoning of the property);
- (2) by motion, defer action on the rezoning, or
- (4) by motion, deny the requested rezoning.(as recommended by the Planning Commission

Attachments:

Staff Report: <http://www.charlottesville.org/home/showdocument?id=41836>

Petition Presented to the Planning Commission from the Rose Hill Neighborhood:

<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/development-ordinances/city-planning-commission/agendas/2016>

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY LOCATED AT
624 BOOKER STREET
FROM R-1S (RESIDENTIAL, SMALL LOT) TO B-3 (COMMERCIAL), SUBJECT TO
PROFFERED DEVELOPMENT CONDITIONS**

WHEREAS, Neighborhood Investments—RH, LLC, Richard Spurzem, Manager, (“Applicant”), who is the Owner of property having an address of 624 and 626 Booker Street, designated as Parcels 87 and 88 on City Tax Map 36, submitted an application seeking a rezoning of such property from R-1S (Residential-Small Lot) to B-3 (Commercial) (hereafter, the “Application”) subject to proffered development conditions included within a Proffer Statement attached to the Application materials (the “Proffers”), and together, the Application and Proffers are referred hereafter as the “Proposed Rezoning”; and

WHEREAS, a public hearing on the Proposed Rezoning was held before the Planning Commission on June 14, 2016, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, legal notice of the public hearing was advertised in accordance with Va. Code Sec. 15.2-2204; and

WHEREAS, on June 14, 2016, the Planning Commission voted to recommend denial of the Proposed Rezoning to the City Council; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-1S Residential-Small Lot) and the proposed “B-3” zoning classification (subject to proffered development conditions) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning from R-1S Residential-Small Lot to B-3 Commercial, subject to the proffered development conditions set forth within the Proffer Statement accompanying the Application, the property located 624 and 626 Booker Street, designated as Parcels 87 and 88 on City Tax Map 36, consisting, together, of approximately 0.29 acre or 12,545 square feet.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	July 5, 2016
Action Required:	Resolution
Presenter:	NDS staff
Staff Contacts:	Missy Creasy, Assistant NDS Director Read Brodhead, Zoning Administrator
Title:	Zoning Text Initiation request – Automobile Uses in the Central City Corridor Mixed Use Zoning

Background:

Staff was asked to provide an initiation request to amend the City’s zoning ordinance to allow “Automobile Uses” in the Central City Corridor Mixed Use Zoning District. In the zoning ordinance matrix, the various types of Automobile Uses (which can be authorized as a group, or individually, within the matrix) include: gas station; parts and equipment sales; rental/leasing; repair/ servicing business; sales; tire sales and recapping.

The request presented to staff is the result of a High Street property owner’s dissatisfaction that such uses are currently prohibited by the zoning ordinance (specifically, the possible leasing or sale of property fronting on High Street to a **rental-trailer company**, which would be “rental/ leasing” automobile use). However, addition of this use to the zoning district in question would also allow that same use in other locations within this zoning district (such as Preston Avenue west of McIntire Road).

Discussion:

The City’s Comprehensive Plan, as implemented by current zoning ordinance text, is clear that Automobile Uses are not desired in this zoning district. The following is a summary of these points:

Entrance Corridor – The High Street area and Preston Avenue area(inclusive of the Central City Corridor zoning) are within the city Entrance Corridor Overlay District, the purpose of which is “to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.”

2003 ZO update – The Entrance Corridor Overlay vision was further implemented through the Zoning Ordinance update in 2003, which provides the following vision for the Central City Mixed Use Corridor:

The intent of the Central City Corridor district is to facilitate the continued development and redevelopment of the quality medium scale commercial and mixed use projects currently found in those areas. The district allows single use development, but encourages mixed use projects. The regulations are designed to encourage use of and emphasize proximity to natural features or important view sheds of natural features. Development allowed is of a scale and character that is appropriate given the established development that surrounds the district. Note that the Central City Mixed Use Corridor district also encompasses areas on Preston Avenue

There are currently a number of **nonconforming** automobile uses within the Central City Corridor (including on the property owned by the High Street landowner encouraging you to amend the zoning ordinance) but the intent over time is for the uses to evolve to be more closely in line with the long term vision. Allowing additional automobile uses to be established legally will add to the number of businesses along the corridor that will eventually be designated non-conforming as the corridor redevelops in line with the vision.

Alignment with Comprehensive Plan - The Comprehensive Plan currently shows the future land use for the area within the Central City Corridor to be mixed use which is defined as

“areas ... intended to be zones where the City encourages development of a moderate or high intensity, and where a large variety of uses will be permitted, including many commercial uses, residential uses, and some limited research and manufacturing where appropriate.” (Comprehensive Plan Implementation Strategy, Page 2).

Further, this area is included for review as part of the small area process. Though details for this area have not been established at this time, the following descriptions were provided for small area planning guidance:

High Street/Martha Jefferson Area: The relocation of Martha Jefferson Hospital is responsible for the new and transitional uses that are developing for both the former hospital as well as other properties in this neighborhood and differ from the vision created in previous plans. This area has been identified for study to include the Little High neighborhood and the area extending from High Street to River Road to evaluate the most appropriate urban design solutions for continued residential uses and economic development. (Small Area Plan Narrative, Page 2)

Preston Avenue: The 2001 Comprehensive Plan suggested this area as a mixed-use corridor with a focus on high tech uses. An updated review of this area would determine uses appropriate to current conditions and opportunities as well as the need for improved urban design. (Small Area Plan Narrative, Page 2)

The addition of a permitted use in this area where there are many like nonconforming uses would not further the current comprehensive plan and it is not anticipated that intensive study of the area would lead to a recommendation to add this use.

Other areas of the City where this use is allowable - Automobile Uses: Rental/Leasing is allowable in the following zoning classifications: I-C, B-3, M-I, HW, URB. Review of the visions for these

zoning classifications support inclusion of the use within these areas as they are generally more intensive and further from the city core.

High Street Streetscape project (HB2) – The City applied for and should have a formal commitment for HB2VA project funding for parts of High Street. The scoping of the project includes streetscape and multimodal improvements leading through the City Entrance Corridor to Downtown and the SIA. This will set up the area longer term for expansions of this streetscape.

Alignment with City Council’s Vision and Strategic Plan:

Consideration of this request does not directly support City Council’s vision areas. It could contribute to Goal 3 of the Strategic Plan – attract and cultivate a variety of new businesses. It is important to note that the use under consideration is allowable and located currently in other zoning classifications throughout the city.

Community Engagement:

There have been no community meetings on this request at this time. Many public meetings were held as part of the 2003 zoning ordinance update and the comprehensive plan which specifically removed most automobile uses by-right. Recently, staff and the mayor were approached by a business owner concerning this use in Central City Corridor. It was communicated that it was not an allowable use.

Budgetary Impact:

This has no impact on the General Fund.

Recommendation:

Staff does **not recommend** initiating this zoning text consideration for the following reasons detailed above, as this request is not in alignment with the current community vision for the Central City Corridor zoning district and would reverse more than a decade of zoning regulations attempting to phase out these types of uses within this zoning district.

Alternatives:

Council could chose to initiate this zoning text request for consideration of Automobile Uses for properties on High Street – specifically in the Central City Corridor Mixed Use Zoning District. It would be referred to the Planning Commission who would then need to report back to Council within 100 days. Staff would shift current project timelines to address. Attached is a Resolution that you may utilize, should you decide to initiate a public hearing process for consideration of this change.

Attachments:

Link to Zoning Map: <http://www.charlottesville.org/home/showdocument?id=40165>
Resolution Initiating Text Amendment

**RESOLUTION
INITIATING A ZONING TEXT AMENDMENT
TO ALLOW “AUTOMOBILE USES” BY RIGHT
WITHIN THE CENTRAL CITY MIXED USE CORRIDOR DISTRICT**

WHEREAS, a landowner who owns property having frontage on High Street has requested this City Council to consider amending Section 34-796 of the City Code (the zoning use matrix for the City’s mixed use corridor districts) to allow “Automobile Uses” by right within the Central City Corridor District;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that City Council hereby initiates a zoning text amendment to add the various categories of “Automobile Uses” to the list of uses permitted by-right within the Central City Corridor District, and the Planning Commission is directed to review the proposed text amendment, conduct a joint public hearing, and then report its findings and recommendations back to City Council within 100 days of the date of this Resolution. The Planning Commission should give consideration to all of the various categories of “Automobile Uses” but may choose to recommend only some (or none) as it deems appropriate.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	July 5, 2016
Action Required:	Make a determination to either uphold or overturn the decision of the Board of Architectural Review (BAR)
Presenter:	Mary Joy Scala, Preservation & Design Planner, Department of Neighborhood Development Services (NDS) Melanie Miller, Chair, BAR
Staff Contacts:	Mary Joy Scala, Preservation & Design Planner, Department of NDS Alex Ikefuna, Director, NDS
Title:	550 East Water Street - Appeal of Board of Architectural Review (BAR) decision to approve a new mixed-use building

Background:

The format for an appeal of a BAR decision is: (1) staff report [ATTACHMENT 1. Staff's response to appeal]; (2) appellant's presentation [in this case an abutting owner]; and (3) the BAR's position presented by the Co-chair of the BAR, Mr. Mohr.

The zoning ordinance requires that an applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR...In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria [standards for review] set forth within section 34-276 or 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application. [ATTACHMENT 2. Criteria and Standards]

In September 2015 the BAR held a preliminary discussion for a new, by-right, mixed-use building. In October, 2015 the BAR approved the massing only, as submitted (7-0-1 with Graves recused). In March, 2016 the BAR approved (5-0-2 with Graves recused and Balut abstained) the building design, with specified details to return for final approval. At their April 19, 2016 meeting the BAR approved (8-0) the final details of a proposed new mixed-use building. [ATTACHMENT 3. BAR staff reports] and [ATTACHMENT 4. BAR motions]

On March 18, 2016 the same attorney for the current appellant [ATTACHMENT 5. Hellman's appeal letter] filed a FOIA request for information pertaining to the height of the proposed building at 550 East Water Street.

Discussion:

The City Attorney's office has prepared a response to the appeal. [ATTACHMENT 1. Staff's response to appeal]

Alignment with City Council's Vision and Strategic Plan:

Upholding the BAR's decision aligns with Council's vision for *Charlottesville Arts and Culture*: Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Community Engagement:

The abutting owners were required to be notified of the Certificate of Appropriateness application. An abutting owner, Dr, Samuel Hellman, submitted the appeal. Letters or emails were received in September 2015 or October 2015 from Tim Michel, North Downtown Residents' Association (NDRA), David Myatt, Emilie Johnson, and Bob Kroner [ATTACHMENT 6. Abutting owners' letters] Abutting owners also participated in public comments portion of BAR meetings.

Budgetary Impact:

None.

Recommendation:

Council must consider Dr. Hellman's appeal, consider the BAR's position communicated in staff's response to appeal, and Council may consider any other information, factors, or opinions it deems relevant to the application. Council should make a final decision on the appeal and not refer it back to the BAR. Staff recommends Alternative #1 below:

Alternatives:

1. City Council may determine that the BAR's decision to approve the certificate of appropriateness for a proposed new mixed use building was correctly made.
2. City Council may determine that the BAR's decision to approve the certificate of appropriateness proposed new mixed use building was incorrectly made, without consideration of the Guidelines, specifically pertaining to height. In that case, Council should itself make the final decision on the COA application per City Codes and Guidelines.

Attachments:

1. Staff's response to appeal (*Page 1*)
2. Criteria [Zoning Ordinance Section 34-284 (b)] and Standards for Review of Construction and Alterations [Zoning Ordinance Section 34-276] (*Page 15*)
3. BAR staff reports from Sept 15, 2015 (*Page 16*); October 20, 2015 (*Page 23*); March 15, 2016 (*Page 31*); and April 19, 2016 (*Page 39*) BAR meetings
4. BAR motions from October 20, 2015; March 15, 2016; and April 19, 2016 BAR meetings (*Page 47*)
5. Hellman's appeal letter dated May 2, 2016 (*Page 48*)
6. Abutting owners' letters (*Page 59*)
7. ADC Design Guidelines Section III New Construction and Additions (E. Height and Width, p. 10; F. Scale, p.11; and A. Introduction, pp.5-6) (*Page 78*)
8. ADC Design Guidelines Section I Introduction (B. Sustainability and Flexibility, p. 6; G. ADC Districts Overview, pp. 10 and 12) (*Page 82*)
9. Diagram submitted for preliminary discussion Sept 2015 (*Page 85*)

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**CITY STAFF REPORT IN RESPONSE TO THE APPEAL FROM THE BAR'S
DECISION GRANTING A "COA" FOR PROPERTY AT 550 E. WATER STREET
(BAR-15-10-8)**

(Throughout this Response, references to "Staff" represent the collective positions of the BAR, the City's Preservation and Design Planner, and the City Attorney's Office)

EXECUTIVE SUMMARY OF STAFF'S RESPONSE:

This appeal has been taken by Dr. Samuel Hellman, who owns Unit 4-C within the Holsinger condominium, directly across Water Street from the property that is the subject of this BAR Application. For the reasons stated below (within specific responses to each of Dr. Hellman's separate contentions), Staff's position is that the concerns expressed by Dr. Hellman do not invalidate the BAR's April 19, 2016 decision, or justify repeating the entire review process.

Dr. Hellman concedes within his appeal that (i) his objections do NOT concern the BAR's determination that the proposed development has "appropriate massing" (height and width, according to Dr. Hellman), AND (ii) he does NOT take issue with the BAR's ultimate conclusion that the proposed development will not have a significant effect on the historic district neighborhood, *see* ¶¶ 16, 18 of Dr. Hellman's appeal. In other words: the BAR's determination of the ultimate issue (i.e., that the proposed development is compatible with the Downtown ADC District) is not being contested.

Council's Role on Appeal: reference §34-286(b) and (c) of the City Code (Chapter 34 of the City Code is referred to as the "Zoning Ordinance"). **Council's role on appeal is to serve as the final decision-maker.** Council must consider Dr. Hellman's appeal, consider the BAR's position (communicated in this Response as the "Staff Response"), and Council may consider any other information, factors or opinions it deems relevant to the application. Council should make a final decision on the application, and should not refer the matter back to the BAR.

Staff's Specific Responses to Dr. Hellman's Contentions

INTRODUCTION

1. **Dr. Hellman:** In approving the 550 Application, the Board of Architectural Review failed to consider whether the proposed construction met the Charlottesville Architectural Design Control District Design Guidelines.

Staff Response: Disagree. In its motion approving a COA for BAR-15-10-08, the BAR specifically stated its finding that the proposed development is consistent with the Design Guidelines and compatible with the Downtown ADC District. *Reference: ATTACHMENT 4: BAR Motions from October 20, 2015, March 15, 2016 and April 19, 2016.*

Each and every staff report presented to the BAR during the course of their review of this application included pertinent provisions of the Design Guidelines.

2. Dr. Hellman: Specifically, the Board never discussed whether the height and/or width of the proposed building was more than twice as tall as prevailing height/ width of buildings in the area.

Staff Response: Disagree. The Application materials depict the height (6 stories/ 70 feet) and width of the proposed building/development in detail. The BAR discussed the height of the proposed development at several different meetings, and considered information sufficient to allow them to evaluate the proposal in the context of other buildings in the area. (See also staff's response to ¶ 27, at the end of this report).

One of the recommendations of the Design Guidelines is “*Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.*” ATTACHMENT 7: ADC Design Guidelines Section III New Construction and Additions.

According to the Design Guidelines, a “subarea” is “an area within an ADC District that reflects different building forms, architectural styles, periods, natural features and boundaries that create a distinct physical character within the overall district,” see ATTACHMENT 8:ADC Guidelines Section I Introduction, p. 10. The proposed development is within the Downtown ADC District, within a “subarea” that is characterized as follows, see ATTACHMENT 8:ADC Guidelines Section I Introduction, p. 12:

“*Water/ South Street*: industrial, parking, narrow sidewalks, hard edges, larger warehouse scale, masonry, open space, backyard of Main Street, downhill, auto oriented, quirky modern style.”

The City does not catalogue or maintain information regarding the “prevailing” building height and width of each and every building within the various sub-areas of its ADC Districts, and the Design Guidelines do not explain what is meant by the term “*prevailing height and width*”.¹ That being said: the following information was provided to the BAR within Staff Reports dated 9/15/2015 (Preliminary discussion); 10/20/2015 (Approval of massing); 3/15/2016 (Approval of COA except details); and 4/19/2015 (Approval of details):

“ For context, nearby building heights include:

The **Holsinger Building** is 5 stories.²

Waterhouse (World Stride) has a SUP for 82.6 feet (7stories).

The **Landmark Hotel** (as approved) has 101 feet height (9 stories) plus an appurtenance level.

The **Water Street** parking garage is 4 stories.³

¹ According to the Merriam Webster Dictionary, the term means “common,” “popular” or “frequent”.

² 60 feet = 5 stories, per Zoning Ordinance § 34-1100(b)

³ 50 feet = 4 stories, per §34-1100(b)

The proposed **Market Plaza Building** has an SUP for 101 feet.
The rear of **Jefferson Theater, Live Arts and the Terraces** are all 4-5 stories.”

In the Staff Report dated 10/20/2015, staff also noted: “*Since the last review, the applicant has included north and south elevations as well as expanded elevations to show [the proposed building’s] relation to buildings on either side [the C&O Depot and the King Building].*”

3. Dr. Hellman: Neither did the Board consider whether the proposed height was within 130% of the prevailing average of both sides of the block.

Staff Response: Disagree. The BAR did consider height in relation to other nearby buildings. See, for example, the Water Street Section diagram dated 9/15/15 (which was provided to the BAR in September 2015, which was included among materials given to Dr. Hellman in response to his FOIA request. *see ATTACHMENT 9: Diagram.*

Further, City Staff wishes to point out:

Dr. Hellman’s reference to “130% of the prevailing average,” relates to a provision in *ATTACHMENT 7 ADC Guidelines Section III New Construction and Additions, at p. 10. A copy of that entire guideline is attached to this Response, but in relevant part it provides:*

“...[These guidelines address] *the relationship of height and width of the front elevation of a building mass....*”

3. *In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block...Additional stories should be stepped back so that the additional height is not readily visible from the street”*

(a) According to the description of the Downtown ADC District, the *Water/ South Street* subarea is not a “commercial area”; rather, it’s “*industrial...larger warehouse scale...backyard of Main Street....*”. Therefore, this particular guideline shouldn’t control the BAR’s consideration of the architectural compatibility of this proposed development.

(b) Given the language “...additional stories should be stepped back...,” staff reads this guideline as pertaining only to the height of the streetwall, not the overall height of the building.

(c) Even if the above-referenced guideline is applicable, the problem is that, in this particular location, there is no clearly apparent “block” for context. From the intersection of Water Street and 5th St., S.E., heading east, the next cross street is 9th St., N.E., which is a length much longer than what most would regard as a city “block”. If one uses property addresses to define what is a block, only three buildings in the “500 block” of Water Street can be considered: i.e., the Holsinger Building (5 stories/ 60 feet, per §34-1100) and 511 and 515 East Water Street (the C&O Restaurant) (tallest portion is 2 stories, less than 35 feet, per §34-1100). Without a definition of “prevailing average”, the best one can conclude

would be that the *average height* of these buildings would be about 47 feet, and that 130% of 47 feet = 61 feet. The proposed development, in comparison, is 70 feet tall.

4. Dr. Hellman: Perhaps more troubling, neither the Board nor its staff made any attempt to obtain the information, despite having this issue brought to their attention on multiple occasions over a 7 month period.

Staff Response: Disagree. See responses to ¶¶1-3, above.

Applicants, not city Staff, are responsible for providing information to support their development proposals. Nonetheless: each of the BAR members is a member of the Charlottesville community and is familiar with the area that is the subject of the application—in addition to all of the information within the Application materials, and related staff reports, there is no reason why BAR members can't rely on their knowledge and familiarity with the dimensions of existing buildings within the area to make judgments about compatibility.

Fundamentally, Staff disagrees with Dr. Hellman's assertion that no decision of the BAR can be regarded as valid unless or until the "200%" and "130%" formulas have been strictly applied and scientifically calculated. The Design Guidelines themselves specifically reject that, see ATTACHMENT 7 ADC Guidelines Section III New Construction and Additions, p. 5: "The following guidelines offer general recommendations....The intent of these guidelines is not to be overly specific or to dictate certain designs to owners and designers....the degree of importance of each criterion varies within each area as conditions vary."

5. Dr. Hellman: In addition, the Board did not require the applicant to file a complete application before considering the proposal. Specifically, the Board did not require until late in the process a view of the building from the west, and a 3D model was never provided as required.

Staff Response: Disagree. See the response to ¶27, following below.

6. Dr. Hellman: Accordingly, the public (and this Council) were never told, nor could they discover, just how badly the proposed building would loom over the buildings on either side, nor how significantly the proposed building would stick out.

Staff Response: Disagree. See the responses to ¶27, following below.

LEGAL BACKGROUND

7. Dr. Hellman: Before new construction can begin in an Architectural Design Control District (“ADC”) the Owner/ Developer must apply for, and be granted, a Certificate of Appropriateness by the Board of Architectural Review (“BAR”).

Staff Response: Agreed. City Code §34-275(a) states that “No building or structure within any major design control district...shall be constructed...unless and until an application for a certificate of appropriateness is approved.”

8. Dr. Hellman: In determining whether to grant a Certificate of Appropriateness, Charlottesville City Code Section 34-284(b) states that the Board of Architectural Review (“BAR”) must consider at least three factors: (a) Whether the proposal meets the specific standards set forth within the City Code; (b) Whether the proposal meets the specific standards set forth within the applicable provisions of the design guidelines established by the Board; and (c) Whether the proposal is compatible with the historic, cultural or architectural character of the district in which the property is located.

Staff Response: Actually, City Code §34-284(b) requires that, in considering an application, the BAR shall approve a requested COA, unless it finds specific standards or applicable guidelines have not been met, or that the proposed development is incompatible with the character of the ADC district in which the property is located. A copy of §34-284(b) is attached to this Response. *ATTACHMENT 2 Criteria and Standards*

***In other words:* if the BAR believes that a COA must be denied, §34-284 requires it to reference a specific provision justifying the denial. Conversely, however: the ordinance does *not* require the BAR to provide a written or verbal justification of the basis for its approval of a COA, citing each and every factor or consideration addressed within the Design Guidelines. (This is typical of an administrative review process; for example, it’s very similar to the process specified by state law for review of site plans).**

9. Dr. Hellman: The City Code, in Section 34-276, (factor 2(a) above) sets forth eight specific guidelines for the BAR to consider. Relevant to this appeal are the following: (a) “(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”; (b) “(4) The effect of the proposed change on the historic district neighborhood”; (c) “(8) Any applicable provisions of the city’s design guidelines (see section 34-288(6))”.

Staff Response: Agree, in part. A copy of City Code Section 34-276 is attached for your reference. ATTACHMENT 2 Criteria and Standards. The referenced Code provision lists eight standards, §34-276(1)-(8). Staff believes that standard 34-276(2) is also relevant to this particular appeal (i.e., in relevant part: “(2) *The harmony of the proposed change in terms of overall proportion....*”)

§34-276 does not assign any particular weight to any one or more of the listed standards. In Staff’s opinion, the reference to “ARCHITECTURAL COMPATIBILITY” is the most legally significant term. Local decisions granting or denying a COA should always be grounded on an assessment of the “architectural compatibility” of proposed construction, see Va. Code §15.2-2306. As a practical matter, each of the eight standards listed in §34-276 is a different way of describing the concept of architectural compatibility.

10. Dr. Hellman: Pursuant to 34-284(b), 34-276(8), and 34-288(6), the BAR developed ADC Design Guidelines, which were adopted by City Council. These Design Guidelines contain a section covering “New Construction & Additions” which apply to the 550 Application.

Staff Response: Agreed.

11. Dr. Hellman: The relevant Design Guidelines indicate that the BAR should “attempt to keep the height and width of new buildings within a maximum of 200% of the prevailing height and width in the surrounding area: and that “in commercial areas at street front, the heights should be within 130% of the prevailing average of both sides of the block.”

Staff Response: See previous responses to ¶¶ 2-3, above. The Design Guidelines do not say who must “attempt.” Staff believes that, since the applicant is designing and proposing a development, documentation of the “attempt” is the burden of an applicant.

Legally, the BAR cannot design a project or mandate any particular height; the BAR can only determine whether or not a particular development proposal, overall, is architecturally compatible with the ADC District.

The Design Guidelines (2015), *ATTACHMENT 7 ADC Guidelines Section III New Construction and Additions*, on pp. 5-6, state as follows: “*The following guidelines offer general recommendations....The intent of these guidelines is not to be overly specific or to dictate certain designs to owners and designers.*” This same limiting language is found in Section I of the Design Guidelines (Introduction, at page 6). The provisions of Section III are interpretive, intended to assist the BAR and the general public in applying the concept of ARCHITECTURAL COMPATIBILITY in a given context. The Design Guidelines are **NOT** intended as an inflexible “checklist”, and a cookie-cutter approach to reviewing applications is not practical. In this case, the absence of scientific calculations of the “200 percent” or “130 percent” measures do not mean that the BAR’s approval of a COA is without basis.

12. Dr. Hellman: Because the ADC Design Guidelines were adopted by Council and incorporated by reference into the City Code, they are binding on all City boards and commissions, including the BAR.

Staff Response: Agree, in part. When acting upon applications for certificates of appropriateness, the BAR performs an administrative function. The City Council requires the BAR to consider applicable provisions of the Design Guidelines in making its decisions, see 34-276(8); however, the Guidelines are not intended to be “binding” in the sense that term is used by Dr. Hellman. The Design Guidelines are intended to be interpretive, and are to be applied with flexibility, *see ATTACHMENT 8: ADC Guidelines Section I Introduction, p.6, “Flexibility”*):

“....The intent of these guidelines is not to be overly specific or to dictate certain designs to owners and designers. The intent is also not to encourage copying or mimicking particular historic styles. These guidelines are intended to provide a general design framework for new construction. Designers can take cues from the traditional architecture of the area and have the freedom to design appropriate new architecture for Charlottesville’s historic districts.”

Architectural compatibility is the ultimate measure to be applied. *See Va. Code §15.2-2306*. On appeal, City Council has stated within §34-286 that it will consider the criteria set forth within Sec. 34-276 (standards for review of construction, including the Design Guidelines), but Council has specifically reserved to itself the right, on appeal, to consult and consider any other information, factor(s) or opinion(s) it deems relevant to the ultimate issue of architectural compatibility. §34-286(b).

ANALYSIS

13. Dr. Hellman: There is no question that the building proposed in the 550 Application is significantly taller than the buildings on either side of it.

Staff Response: Agree.

14. Dr. Hellman: As proposed, 550 East Water Street will be 7 stories tall, rising 70 feet into the air.

Staff Response: Agree, in part. The proposed building will be six (6) stories tall, up to 70 feet in height (*per City Code §34-742(2), 70 feet is the maximum height allowed by right within the Water Street Zoning District (without an SUP)*).

15. Dr. Hellman: By contrast, the King Building and train depot are only 2 stories tall.

Staff Response: Agree.

16. Dr. Hellman: However, this appeal does not concern the BAR's determination that the above is an appropriate massing, or that it will not have a significant effect on the historic district neighborhood.

Staff Response: See Staff's Response to ¶9.

17. Dr. Hellman: Instead, it concerns whether the Board is required to at least consider each of the factors required by City Code in granting a Certificate of Appropriateness, or whether it can instead simply ignore those portions it finds inconvenient.

Staff Response: The BAR did consider the features and factors referenced in §34-276 of the Zoning Ordinance, including what it deemed to be applicable provisions of the Design Guidelines. Per §34-284 of the Zoning Ordinance, the BAR is REQUIRED to approve an application for a COA, unless the BAR specifically finds that the proposed development would not be compatible with the ADC District or does not satisfy specific *applicable* standards or design guidelines. Dr. Hellman does not challenge the BAR's conclusion that the "massing" of the proposed development is appropriate, and he does not challenge the BAR's conclusion that the proposed development won't have an adverse impact on the historic district. Those two concessions, however, form the core of a *valid* BAR action.

In this case, the BAR has correctly considered the Design Guidelines, and has correctly applied which will reasonably inform the ultimate determination: whether or not this proposed development is architecturally compatible with the ADC District. In the

opinion of the BAR, in the context of both the Downtown ADC District and the height regulations of the Water Street Zoning District, the proposed development meets the standard of architectural compatibility and a COA should be approved.

18. Dr. Hellman: This is not simply an academic concern. The factors ignored by the Board in this particular case concern the height and width (what the BAR terms “massing”) of the proposed building relative to its neighbors.

Staff Response: Section III of the Design Guidelines, p. 11, states it best: “Height and width also create scale....Scale can also be defined as the relationship of the size of a building to neighboring buildings and of a building to its site.”

19. Dr. Hellman: A Freedom of Information Act request was filed with the City for all information and documents concerning any analysis done of the “prevailing height and width in the surrounding sub-area” and “the prevailing average of both sides of the block.”

Staff Response: Agreed.

20. Dr. Hellman: The results reveal that no attempt was made to define either geographical area, and no measurement was made of the height of the buildings located around the proposed site.

Staff Response: See prior responses to ¶¶ 1-4. See also the Water Street Section diagram dated 9/15/15. ATTACHMENT 9: Diagram

21. Dr. Hellman: Indeed, the only attempt made to define the surrounding sub-area was by Appellant’s counsel, who provided a proposed map to the City Attorney’s office. It does not appear this was ever acted upon, or any attempt made to determine the heights of those buildings.

Staff Response: Within the Design Guidelines (Section I, p. 12), the subareas for the Downtown ADC District are described in the description of the Downtown ADC District. See also Staff response to ¶2, above. Frankly, it would be a near-impossible task to establish and maintain an ongoing inventory of the precise height and width of every existing building within each ADC District, and it has not previously been the practice of the BAR or City Council to perform these calculations.

22. Dr. Hellman: The BAR was notified back in October 2015 that it did not appear that any attention was being paid to the height/width guidelines contained in the ADC Design Guidelines.

Staff Response: staff agrees that Dr. Hellman or his counsel advised the BAR of their disagreement with the BAR’s review of this application.

23. Dr. Hellman: It does not appear that any action was taken, and the comments of certain BAR members indicated that the BAR was not going to consider them.

Staff Response: Staff believes that the BAR has appropriately reviewed this application, and has properly considered and applied the Design Guidelines. See previous responses to ¶¶1-6, and 7-12.

24. Dr. Hellman: The record bears this out, as the record is absent of any mention (apart from one email from one BAR member to Mary Joy Scala—see Exhibit 1 attached hereto) of a desire to determine these heights.

Staff Response: Staff agrees that the precise height and width of each and every building within the applicable subarea, and along the Water Street frontage, was not scientifically and mathematically measured, and that the “200%” and “130%” formulas were not precisely calculated. The BAR did consider the height, massing and scale of the proposed development in the context of existing buildings within the Downtown ADC District, the *Water/ South Street* subarea, and the 500 block of Water Street.

25. Dr. Hellman: Unless information was not turned over pursuant to the FOIA, there is no record that any part of the City government calculated the height of any existing structure near the proposed construction.

Staff Response: Agreed. However, Dr. Hellman cites no provision of the City Code or the Design Guidelines that requires the City government to make this calculation, OR that requires such calculation(s) to be mathematically performed for each and every application.

26. Dr. Hellman: Finally, it is worth noting that the 550 Application was not complete as required by City Code Section 34-282(d).

Staff Response: Disagree, see response to ¶27, following below.

27. Dr. Hellman: Specifically, the Application did not contain (and so far as the record indicates, still does not contain) a “three-dimensional model (in physical or digital form) depicting the site.” One suspects this is to avoid showing the impact of the massing from the western view, in which the proposed building would tower over the King Building located immediately adjacent.

Staff Response: The applicant did provide 3-D information. The following are illustrative excerpts from the application materials presented for the BAR’s consideration in September-October 2015:







28. Dr. Hellman: This omission, which continued even after members of the public noted its lack on at least two occasions, presents a separate and independent reason to reverse the BAR's approval and remand for further consideration.

Staff Response: Disagree. See response to ¶27, above.

CONCLUSION

Dr. Hellman: ACCORDINGLY, Appellant asks that this Council reverse the decision of the BAR and remand back for further proceedings. While the BAR's ultimate ruling may not change, they have to follow the process laid out by this Council and adopted into the City Code.

STAFF'S REQUEST TO COUNCIL: For the reasons stated within the various Staff Responses, above, Staff asks City Council to find that the BAR acted appropriately in reviewing this application and, specifically, in its consideration of the factors set forth in Sec. 34-276.

Further, in accordance with §34-286(b), Staff requests Council to make a final decision on the proposed certificate of appropriateness, consistent with Council's own consideration of the factors set forth within §34-276 and any other information, factors, or opinions City Council deems relevant to the application.

ATTACHMENT 2 Criteria and Standards

Criteria [Zoning Ordinance Section 34-284 (b)] and Standards for Review of Construction and Alterations [Zoning Ordinance Section 34-276]

Section 34-284. BAR review and hearing.

...

- (b) 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 section 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.

Section 34-276. Standards for review of construction and alterations.

The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to section 34-275 above:

- (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;*
- (7) When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections 34-1020, et seq. shall be applied; and*
- (8) Any applicable provisions of the city's design guidelines (see section 34-288(6)).*

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
September 15, 2015**



Preliminary Discussion
550 East Water Street
Tax Parcel 530162300
Neal Sansovich, Owner/ Andrew Baldwin, Applicant
New Mixed-Use Complex

Background

550 East Water Street is a vacant parcel, currently used as a parking lot, which was subdivided from the former C&O Depot property. It is located between the former C&O Depot building and the former King Warehouse Building.

600 East Water Street (the former C&O Depot) is a contributing structure in the Downtown ADC District. It was built in 1905 and refurbished in 1991 for offices.

410 East Water Street (King Warehouse) is the east side of a contributing structure located in the Downtown ADC district. The east end was built in 1897; the west end was added in 1917. The courtyard historically served as a warehouse loading area with multiple loading docks for the transfer of dry goods.

NOTE:

- The BAR approved in concept in May 2009 a 9-story structure on this site. Following that approval, the zoning of the site was changed from *Downtown Corridor* to *Water Street District Corridor*. In 2009, based on an opinion from the City Attorney, a new plan for a 5-story building was reviewed and approved under the prior zoning.
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May 19, 2015 - The BAR discussed, but made no recommendation on the special use permit. The applicant asked to defer the vote until their June meeting because they are still working on the design. Mohr asked to see more context in terms of massing; Schwarz asked how building height is defined; and expressed interest in lowering the minimum height to the level of the King Building; Keesecker asked the applicant to show the existing 800 foot black fence; and to consider lobby references to the King building height; Question: Should guidelines be used to judge impact on ADC district? Neighbors asked about loading space requirements.

June 16, 2015 - The BAR recommended (6-0) to City Council that the proposed Special Use Permit (SUP) to allow additional height (from 70 feet to 101 feet) *will* have an adverse impact on the Downtown ADC district, and the BAR notes the following considerations when making this recommendation:

- The height requested by SUP is too much, but the massing concept presented by the applicant is acceptable.
- The BAR appreciates the modulated rhythm.
- City Council should consider reducing the minimum required height of 40 feet.
- The BAR has concerns about the pedestrian experience relative to the garage.
- This site and/or the underlying by-right zoning may be uniquely problematic - the BAR is not advocating for the 70 foot streetwall allowed by zoning.
- The BAR is supportive of the potential to develop a building, and the aesthetic presented is headed in the right direction.
- The BAR would advocate for a building with similar program, but lower height.

Application

The applicant has decided not to pursue the Special Use Permit for height, but to make application under the by-right regulations. This evening BAR should have a preliminary discussion about the proposed design. Then the applicant will request final certificate of appropriateness (COA) from the BAR. The site plan will be reviewed concurrently by staff, and will be approved following the BAR approval of a COA.

Zoning District Regulations

The property is currently zoned Water Street Corridor (WSD) mixed use zoning district with ADC historic district overlay.

Minimum height: 40 feet; maximum 70 feet, with up to 101 feet allowed with SUP.

NOTE: Building height is defined as: the vertical distance measured from the level of the grade of the building footprint to the level of the highest point of the structure's roof surface. This distance is calculated by measuring separately the average height of each building wall, then averaging them together. The height is measured to the level of a flat roof, to the deck line of a mansard roof, and to the average height level between the eaves and ridge for gable, hip, or gambrel roofs.

Density: Residential density shall not exceed forty-three (43) DUA; however, up to two hundred forty (240) DUA may be allowed by special use permit. The minimum density required for multifamily developments (new construction only) shall be twenty-one (21) DUA.

Stepback: For properties with frontage on the north side of South Street between Ridge Street and 2nd Street SW, the maximum height of the streetwall of any building or structure shall be forty-five (45) feet. After forty-five (45) feet, there shall be a minimum stepback of twenty-five (25) feet along the length of such street wall.

Setbacks:

(1) *Primary and linking street frontage*. At least seventy-five (75) percent of the streetwall of a building must be built to the property line adjacent to a primary street. For the remaining portion of streetwall (i.e., twenty-five (25) percent), the maximum permitted setback is five (5) feet; however, (i) if streetscape trees are provided to the standards set forth in section 34-870, or (ii) pursuant to a special use permit granted by city council up to fifty (50) percent of the streetwall of a building may be set back twenty (20) feet.

(2) *Setback, Water Street*: **A minimum setback of five (5) feet shall be required for all buildings located on Water Street.**

Other mixed use regulations:

(1) No ground floor residential uses may front on a primary street, unless a building fronts on more than one primary street, in which case ground floor residential uses may front on one primary street. **Under no circumstances, however, shall any ground floor residential uses front on Main Street, Market Street or Water Street.**

(2) **All entrances shall be sheltered from the weather, and lighted.**

(3) Where any building or development occupies one or more parcels constituting an entire city block, courtyards shall be provided (subject to the street wall requirements set forth, above, within this division). Such courtyards shall be accessible from adjacent streets.

(4) **Off-street loading areas may not face public right-of-way.**

Parking: Non-residential developments in the *Parking Modified Zone* shall provide 50% of the required parking; residential developments shall provide **1 space per unit**. Parking requirements may be fulfilled by the property owner or developer through several alternatives outlined in the code. Affordable dwelling units do not require parking.

For context, nearby building heights include:

The Holsinger Building is 5 stories.

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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*

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Pertinent Standards for Review of Construction and Alterations

- (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 Design Review Guidelines for New Construction

A. Introduction

3. Building Types

e. Multi-lot

Often new commercial, office, or multiuse buildings will be constructed on sites much larger than the traditionally sized lots 25 to 40 feet wide. Many sites for such structures are located on West Main Street and in the 14th and 15th Street area of Venable neighborhood. These assembled parcels can translate into new structures whose scale and mass may overwhelm neighboring existing structures. Therefore, while this building type may need to respond to the various building conditions of the site, it also should employ design techniques to reduce its visual presence. These could include varying façade wall planes, differing materials, stepped-back upper levels, and irregular massing.

B. Setback

- 1. Construct new commercial buildings with a minimal or no setback in order to reinforce the traditional street wall.*
- 2. Use a minimal setback if the desire is to create a strong street wall or setback consistent with the surrounding area.*
- 3. Modify setback as necessary for sub-areas that do not have well-defined street walls.*
- 4. Avoid deep setbacks or open corner plazas on corner buildings in the downtown in order to maintain the traditional grid of the commercial district.*
- 5. In the West Main Street corridor, construct new buildings with a minimal (up to 15 feet according to the zoning ordinance) or no setback in order to reinforce the street wall. If the site adjoins historic buildings, consider a setback consistent with these buildings.*
- 6. On corners of the West Main Street corridor, avoid deep setbacks or open corner plazas unless the design contributes to the pedestrian experience or improves the transition to an adjacent residential area.*
- 7. New buildings, particularly in the West Main Street corridor, should relate to any neighborhoods adjoining them. Buffer areas should be considered to include any screening and landscaping requirements of the zoning ordinance.*
- 8. At transitional sites between two distinctive areas of setback, for instance between new commercial and historic commercial, consider using setbacks in the new construction that reinforce and relate to setbacks of the historic buildings.*

C. Spacing

- 2. Commercial and office buildings in areas that have a well-defined street wall should have minimal spacing between them.*
- 3. In areas that do not have consistent spacing, consider limiting or creating a more uniform spacing in order to establish an overall rhythm.*
- 4. Multi-lot buildings should be designed using techniques to incorporate and respect the existing spacing on a residential street.*

P. 3.6 Massing & Footprint

- 1. New commercial infill buildings' footprints will be limited by the size of the existing lot in the downtown or along the West Main Street corridor. Their massing in most cases should be simple rectangles like neighboring buildings.*
- 2. New infill construction in residential sub-areas should relate in footprint and massing to the majority of surrounding historic dwellings.*
- 3. Neighborhood transitional buildings should have small building footprints similar to nearby dwellings.*
 - a. If the footprint is larger, their massing should be reduced to relate to the smaller-scaled forms of residential structures.*
 - b. Techniques to reduce massing could include stepping back upper levels, adding residential roof and porch forms, and using sympathetic materials.*
- 4. Institutional and multi-lot buildings by their nature will have large footprints, particularly along the West Main Street corridor and in the 14th and 15th Street area of the Venable neighborhood.*
 - a. The massing of such a large scale structure should not overpower the traditional scale of the majority of nearby buildings in the district in which it is located.*
 - b. Techniques could include varying the surface planes of the buildings, stepping back the buildings as the structure increases in height, and breaking up the roof line with different elements to create smaller compositions.*

E. Height and Width

- 1. Respect the directional expression of the majority of surrounding buildings. In commercial areas, respect the expression of any adjacent historic buildings, which generally will have a more vertical expression.*
- 2. Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.*
- 3. In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block. Along West Main Street, heights should relate to any adjacent contributing buildings. Additional stories should be stepped back so that the additional height is not readily visible from the street.*
- 4. When the primary façade of a new building in a commercial area, such as downtown, West Main Street, or the Corner, is wider than the surrounding historic buildings or the traditional lot size, consider modulating it with bays or varying planes.*
- 5. Reinforce the human scale of the historic districts by including elements such as porches, entrances, storefronts, and decorative features depending on the character of the particular sub-area.*
- 6. In the West Main Street corridor, regardless of surrounding buildings, new construction should use elements at the street level, such as cornices, entrances, and display windows, to reinforce the human scale.*

F. Scale

- 1. Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.*
- 2. As an exception, new institutional or governmental buildings may be more appropriate on a monumental scale depending on their function and their site conditions.*

G. Roof

Roof Forms and Pitches

- a. The roof design of new downtown or West Main Street commercial infill buildings generally should be flat or sloped behind a parapet wall.*
- b. Neighborhood transitional buildings should use roof forms that relate to the neighboring residential forms instead of the flat or sloping commercial form.*
- c. Institutional buildings that are freestanding may have a gable or hipped roof with variations.*
- d. Large-scale, multi-lot buildings should have a varied roof line to break up the mass of the design using gable and/or hipped forms.*
- e. Shallow pitched roofs and flat roofs may be appropriate in historic residential areas on a contemporary designed building.*

f. Do not use mansard-type roofs on commercial buildings; they were not used historically in Charlottesville's downtown area, nor are they appropriate on West Main Street.

H. Orientation

- 1. New commercial construction should orient its façade in the same direction as adjacent historic buildings, that is, to the street.*
- 2. Front elevations oriented to side streets or to the interior of lots should be discouraged.*

I. Windows and Doors

- 1. The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent historic facades.*
 - a. The majority of existing buildings in Charlottesville's historic districts have a higher proportion of wall area than void area except at the storefront level.*
 - b. In the West Main Street corridor in particular, new buildings should reinforce this traditional proportion.*
- 2. The size and proportion, or the ratio of width to height, of window and door openings on new buildings' primary facades should be similar and compatible with those on surrounding historic facades.*
 - a. The proportions of the upper floor windows of most of Charlottesville's historic buildings are more vertical than horizontal.*
 - b. Glass storefronts would generally have more horizontal proportions than upper floor openings.*
- 3. Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the historic districts as opposed to designing openings that are flush with the rest of the wall.*
- 4. Many entrances of Charlottesville's historic buildings have special features such as transoms, sidelights, and decorative elements framing the openings. Consideration should be given to incorporating such elements in new construction.*
- 5. Darkly tinted mirrored glass is not an appropriate material for windows in new buildings within the historic districts.*
- 6. If small-paned windows are used, they should have true divided lights or simulated divided lights with permanently affixed interior and exterior muntin bars and integral spacer bars between the panes of glass.*
- 7. Avoid designing false windows in new construction.*
- 8. Appropriate material for new windows depends upon the context of the building within a historic district, and the design of the proposed building. Sustainable materials such as wood, aluminum-clad wood, solid fiberglass, and metal windows are preferred for new construction. Vinyl windows are discouraged.*
- 9. Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.*

K. Street level Design

- 1. Street level facades of all building types, whether commercial, office, or institutional, should not have blank walls; they should provide visual interest to the passing pedestrian.*
- 2. When designing new storefronts or elements for storefronts, conform to the general configuration of traditional storefronts depending on the context of the sub-area. New structures do offer the opportunity for more contemporary storefront designs.*
- 3. Keep the ground level facades(s) of new retail commercial buildings at least eighty percent transparent up to a level of ten feet.*
- 4. Include doors in all storefronts to reinforce street level vitality.*
- 5. Articulate the bays of institutional or office buildings to provide visual interest.*
- 6. Institutional buildings, such as city halls, libraries, and post offices, generally do not have storefronts, but their street levels should provide visual interest and display space or first floor windows should be integrated into the design.*
- 7. Office buildings should provide windows or other visual interest at street level.*
- 8. Neighborhood transitional buildings in general should not have transparent first floors, and the design and size of their façade openings should relate more to neighboring residential structures.*
- 9. Along West Main Street, secondary (rear) facades should also include features to relate appropriately to any adjacent residential areas.*

10. Any parking structures facing on important streets or on pedestrian routes must have storefronts, display windows, or other forms of visual relief on the first floors of these elevations.
11. A parking garage vehicular entrance/exit opening should be diminished in scale, and located off to the side to the degree possible.

L. Foundation and Cornice

1. Distinguish the foundation from the rest of the structure through the use of different materials, patterns, or textures.
2. Respect the height, contrast of materials, and textures of foundations on surrounding historic buildings.
3. If used, cornices should be in proportion to the rest of the building.
4. Wood or metal cornices are preferred. The use of fypon may be appropriate where the location is not immediately adjacent to pedestrians.

M. Materials and Textures

1. The selection of materials and textures for a new building should be compatible with and complementary to neighboring buildings.
2. In order to strengthen the traditional image of the residential areas of the historic districts, brick, stucco, and wood siding are the most appropriate materials for new buildings.
3. In commercial/office areas, brick is generally the most appropriate material for new structures. "Thin set" brick is not permitted. Stone is more commonly used for site walls than buildings.
4. Large-scale, multi-lot buildings, whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings, can have varied materials, shades, and textures.
5. Synthetic siding and trim, including, vinyl and aluminum, are not historic cladding materials in the historic districts, and their use should be avoided.
6. Cementitious siding, such as HardiPlank boards and panels, are appropriate.
7. Concrete or metal panels may be appropriate.
8. Metal storefronts in clear or bronze are appropriate.
9. The use of Exterior Insulation and Finish Systems (EIFS) is discouraged but may be approved on items such as gables where it cannot be seen or damaged. It requires careful design of the location of control joints.
10. The use of fiberglass-reinforced plastic is discouraged. If used, it must be painted.
11. All exterior trim woodwork, decking and flooring must be painted, or may be stained solid if not visible from public right-of-way.

O. Details and Decorations

1. Building detail and ornamentation should be consistent with and related to the architecture of the surrounding context and district.
2. The mass of larger buildings may be reduced using articulated design details.
3. Pedestrian scale may be reinforced with details.

Discussion and Recommendations

A preliminary discussion is required prior to consideration of a Certificate of Appropriateness for new construction. The BAR should consider the ADC Design Guidelines in making preliminary comments regarding the proposed design. The BAR should focus on the proposed massing of the new building.

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
October 20, 2015**



Certificate of Appropriateness

BAR 15-10-08

550 East Water Street

Tax Parcel 530162300

Neal Sansovich, Owner/ Andrew Baldwin, Applicant

New Mixed-Use Complex

Background

550 East Water Street is a vacant parcel, currently used as a parking lot, which was subdivided from the former C&O Depot property. It is located between the former C&O Depot building and the former King Warehouse Building.

600 East Water Street (the former C&O Depot) is a contributing structure in the Downtown ADC District. It was built in 1905 and refurbished in 1991 for offices.

410 East Water Street (King Warehouse) is the east side of a contributing structure located in the Downtown ADC district. The east end was built in 1897; the west end was added in 1917. The courtyard historically served as a warehouse loading area with multiple loading docks for the transfer of dry goods.

NOTE:

- The BAR approved in concept in May 2009 a 9-story structure on this site. Following that approval, the zoning of the site was changed from *Downtown Corridor* to *Water Street District Corridor*. In 2009, based on an opinion from the City Attorney, a new plan for a 5-story building was reviewed and approved under the prior zoning.
- In December of 2010, the BAR approved the application for a new 4-story building on the same site, with consideration of Sec 34- 872(b)(3) of the Zoning Ordinance, which requires screening of all mechanical equipment.

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- The BAR is supportive of the potential to develop a building, and the aesthetic presented is headed in the right direction.
- The BAR would advocate for a building with similar program, but lower height.

September 15, 2015 - The BAR held a preliminary discussion, no action was taken. Graves recused himself from the discussion. The BAR asked staff to provide an explanation of how height is averaged, with examples of how it has been done in the past.

Some comments: Lower height is huge improvement; continue to make it relate to smaller buildings on sides, similar to a 2-story building plus a top; richer texture/details on lower levels; garage opening and trellis are strong and help pedestrian experience.

Application

The applicant has decided not to pursue the Special Use Permit for height, but to make application under the by-right regulations. The applicant has had a preliminary discussion and is now requesting approval of massing.

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The property is currently zoned Water Street Corridor (WSD) mixed use zoning district with ADC historic district overlay.

Minimum height: 40 feet; maximum 70 feet, with up to 101 feet allowed with SUP.

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- 8. At transitional sites between two distinctive areas of setback, for instance between new commercial and historic commercial, consider using setbacks in the new construction that reinforce and relate to setbacks of the historic buildings.*

C. Spacing

- 2. Commercial and office buildings in areas that have a well-defined street wall should have minimal spacing between them.*
- 3. In areas that do not have consistent spacing, consider limiting or creating a more uniform spacing in order to establish an overall rhythm.*

4. *Multi-lot buildings should be designed using techniques to incorporate and respect the existing spacing on a residential street.*

P. 3.6 Massing & Footprint

1. *New commercial infill buildings' footprints will be limited by the size of the existing lot in the downtown or along the West Main Street corridor. Their massing in most cases should be simple rectangles like neighboring buildings.*

2. *New infill construction in residential sub-areas should relate in footprint and massing to the majority of surrounding historic dwellings.*

3. *Neighborhood transitional buildings should have small building footprints similar to nearby dwellings.*

a. *If the footprint is larger, their massing should be reduced to relate to the smaller-scaled forms of residential structures.*

b. *Techniques to reduce massing could include stepping back upper levels, adding residential roof and porch forms, and using sympathetic materials.*

4. *Institutional and multi-lot buildings by their nature will have large footprints, particularly along the West Main Street corridor and in the 14th and 15th Street area of the Venable neighborhood.*

a. *The massing of such a large scale structure should not overpower the traditional scale of the majority of nearby buildings in the district in which it is located.*

b. *Techniques could include varying the surface planes of the buildings, stepping back the buildings as the structure increases in height, and breaking up the roof line with different elements to create smaller compositions.*

E. Height and Width

1. *Respect the directional expression of the majority of surrounding buildings. In commercial areas, respect the expression of any adjacent historic buildings, which generally will have a more vertical expression.*

2. *Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.*

3. *In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block. Along West Main Street, heights should relate to any adjacent contributing buildings. Additional stories should be stepped back so that the additional height is not readily visible from the street.*

4. *When the primary façade of a new building in a commercial area, such as downtown, West Main Street, or the Corner, is wider than the surrounding historic buildings or the traditional lot size, consider modulating it with bays or varying planes.*

5. *Reinforce the human scale of the historic districts by including elements such as porches, entrances, storefronts, and decorative features depending on the character of the particular sub-area.*

6. *In the West Main Street corridor, regardless of surrounding buildings, new construction should use elements at the street level, such as cornices, entrances, and display windows, to reinforce the human scale.*

F. Scale

1. *Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.*

2. *As an exception, new institutional or governmental buildings may be more appropriate on a monumental scale depending on their function and their site conditions.*

G. Roof

Roof Forms and Pitches

a. *The roof design of new downtown or West Main Street commercial infill buildings generally should be flat or sloped behind a parapet wall.*

b. *Neighborhood transitional buildings should use roof forms that relate to the neighboring residential forms instead of the flat or sloping commercial form.*

c. *Institutional buildings that are freestanding may have a gable or hipped roof with variations.*

d. *Large-scale, multi-lot buildings should have a varied roof line to break up the mass of the design using gable and/or hipped forms.*

- e. Shallow pitched roofs and flat roofs may be appropriate in historic residential areas on a contemporary designed building.*
- f. Do not use mansard-type roofs on commercial buildings; they were not used historically in Charlottesville's downtown area, nor are they appropriate on West Main Street.*

H. Orientation

- 1. New commercial construction should orient its façade in the same direction as adjacent historic buildings, that is, to the street.*
- 2. Front elevations oriented to side streets or to the interior of lots should be discouraged.*

I. Windows and Doors

- 1. The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent historic facades.*
 - a. The majority of existing buildings in Charlottesville's historic districts have a higher proportion of wall area than void area except at the storefront level.*
 - b. In the West Main Street corridor in particular, new buildings should reinforce this traditional proportion.*
- 2. The size and proportion, or the ratio of width to height, of window and door openings on new buildings' primary facades should be similar and compatible with those on surrounding historic facades.*
 - a. The proportions of the upper floor windows of most of Charlottesville's historic buildings are more vertical than horizontal.*
 - b. Glass storefronts would generally have more horizontal proportions than upper floor openings.*
- 3. Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the historic districts as opposed to designing openings that are flush with the rest of the wall.*
- 4. Many entrances of Charlottesville's historic buildings have special features such as transoms, sidelights, and decorative elements framing the openings. Consideration should be given to incorporating such elements in new construction.*
- 5. Darkly tinted mirrored glass is not an appropriate material for windows in new buildings within the historic districts.*
- 6. If small-paned windows are used, they should have true divided lights or simulated divided lights with permanently affixed interior and exterior muntin bars and integral spacer bars between the panes of glass.*
- 7. Avoid designing false windows in new construction.*
- 8. Appropriate material for new windows depends upon the context of the building within a historic district, and the design of the proposed building. Sustainable materials such as wood, aluminum-clad wood, solid fiberglass, and metal windows are preferred for new construction. Vinyl windows are discouraged.*
- 9. Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.*

K. Street level Design

- 1. Street level facades of all building types, whether commercial, office, or institutional, should not have blank walls; they should provide visual interest to the passing pedestrian.*
- 2. When designing new storefronts or elements for storefronts, conform to the general configuration of traditional storefronts depending on the context of the sub-area. New structures do offer the opportunity for more contemporary storefront designs.*
- 3. Keep the ground level facades(s) of new retail commercial buildings at least eighty percent transparent up to a level of ten feet.*
- 4. Include doors in all storefronts to reinforce street level vitality.*
- 5. Articulate the bays of institutional or office buildings to provide visual interest.*
- 6. Institutional buildings, such as city halls, libraries, and post offices, generally do not have storefronts, but their street levels should provide visual interest and display space or first floor windows should be integrated into the design.*
- 7. Office buildings should provide windows or other visual interest at street level.*
- 8. Neighborhood transitional buildings in general should not have transparent first floors, and the design and size of their façade openings should relate more to neighboring residential structures.*

9. *Along West Main Street, secondary (rear) facades should also include features to relate appropriately to any adjacent residential areas.*
10. *Any parking structures facing on important streets or on pedestrian routes must have storefronts, display windows, or other forms of visual relief on the first floors of these elevations.*
11. *A parking garage vehicular entrance/exit opening should be diminished in scale, and located off to the side to the degree possible.*

L. Foundation and Cornice

1. *Distinguish the foundation from the rest of the structure through the use of different materials, patterns, or textures.*
2. *Respect the height, contrast of materials, and textures of foundations on surrounding historic buildings.*
3. *If used, cornices should be in proportion to the rest of the building.*
4. *Wood or metal cornices are preferred. The use of fypon may be appropriate where the location is not immediately adjacent to pedestrians.*

M. Materials and Textures

1. *The selection of materials and textures for a new building should be compatible with and complementary to neighboring buildings.*
2. *In order to strengthen the traditional image of the residential areas of the historic districts, brick, stucco, and wood siding are the most appropriate materials for new buildings.*
3. *In commercial/office areas, brick is generally the most appropriate material for new structures. "Thin set" brick is not permitted. Stone is more commonly used for site walls than buildings.*
4. *Large-scale, multi-lot buildings, whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings, can have varied materials, shades, and textures.*
5. *Synthetic siding and trim, including, vinyl and aluminum, are not historic cladding materials in the historic districts, and their use should be avoided.*
6. *Cementitious siding, such as HardiPlank boards and panels, are appropriate.*
7. *Concrete or metal panels may be appropriate.*
8. *Metal storefronts in clear or bronze are appropriate.*
9. *The use of Exterior Insulation and Finish Systems (EIFS) is discouraged but may be approved on items such as gables where it cannot be seen or damaged. It requires careful design of the location of control joints.*
10. *The use of fiberglass-reinforced plastic is discouraged. If used, it must be painted.*
11. *All exterior trim woodwork, decking and flooring must be painted, or may be stained solid if not visible from public right-of-way.*

O. Details and Decorations

1. *Building detail and ornamentation should be consistent with and related to the architecture of the surrounding context and district.*
2. *The mass of larger buildings may be reduced using articulated design details.*
3. *Pedestrian scale may be reinforced with details.*

Discussion and Recommendations

The applicant is requesting massing approval. The BAR should decide if the massing is appropriate, so that the applicant can proceed in the design of other elements.

Since the last review, the applicant has included north and south elevations as well as expanded elevations to show its *relation to the buildings on either side*. The BAR should focus on how the new construction interacts with the buildings on either side as well as the streetscape and pedestrian experience of East Water Street. The proposed design minimizes the impact of the garage openings, and includes along Water Street entrances to two commercial spaces, and a stair egress door.

In staff opinion, this building has a relatively small footprint, compared to surrounding buildings. The zoning ordinance is a bit unclear on how height is measured, but the intent is to allow for variation in grade

only. The current design correctly shows the maximum height called out to be 70 feet, measured to the flat roof, although the scale on the drawings is incorrect. The BAR should ask to see the west elevation included with future plans.

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for New Construction and Additions, I move to find that the massing of the proposed new mixed-use complex satisfies/does not satisfy the BAR's criteria and guidelines and is compatible/not compatible with this property and other properties in the Downtown ADC district, and that the BAR approves/denies the massing only, as submitted.

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
March 15, 2016**



Certificate of Appropriateness

BAR 15-10-08

550 East Water Street

Tax Parcel 530162300

Neal Sansovich, Owner/ Andrew Baldwin, Applicant

New Mixed-Use Complex

Background

550 East Water Street is a vacant parcel, currently used as a parking lot, which was subdivided from the former C&O Depot property. It is located between the former C&O Depot building and the former King Warehouse Building.

600 East Water Street (the former C&O Depot) is a contributing structure in the Downtown ADC District. It was built in 1905 and refurbished in 1991 for offices.

410 East Water Street (King Warehouse) is the east side of a contributing structure located in the Downtown ADC district. The east end was built in 1897; the west end was added in 1917. The courtyard historically served as a warehouse loading area with multiple loading docks for the transfer of dry goods.

NOTE:

- The BAR approved in concept in May 2009 a 9-story structure on this site. Following that approval, the zoning of the site was changed from *Downtown Corridor* to *Water Street District Corridor*. In 2009, based on an opinion from the City Attorney, a new plan for a 5-story building was reviewed and approved under the prior zoning.
- In December of 2010, the BAR approved the application for a new 4-story building on the same site, with consideration of Sec 34- 872(b)(3) of the Zoning Ordinance, which requires screening of all mechanical equipment.

January 15, 2008 – The BAR discussed a preliminary request. In general, most liked the proposed building. BAR members said that the massing is generally OK, a nice response to site; some preferred red not yellow brick; some said tan brick would be OK with tan windows; glass balcony piece is weird; should enter stores from street; base needs articulation; need double hung windows; need 1 type of window, not 2-3; west elevation doesn't go with the rest of vocabulary; balconies are anomalous in 1920's design revival; decorate spandrels in tower? Consider a low resolution between vertical and long piece; concern with blank garage wall on street; one member said this is too conventional a solution for the site; discussion whether or not to simplify the tower given the context; suggested doing the warehouse look on the 2-story part, treating like a separate building? The BAR wants to see the roofscape; want the transformer moved from the visible location.

May 20, 2008 – The BAR approved (8-0) the design in concept for massing, height, openings, and scale. Details as they relate to its materials and construction are to come back to BAR (including guard rails, cornices, wall section through window sill and head, roofscape, and depth of niche defining the two separate building elements.)

September 15, 2009 – The BAR made preliminary comments. The BAR preferred the version in their packet to the version submitted at the meeting.

November 17, 2009 - The BAR approved (6-1 with Wall against) the application for massing, height, openings, scale, and materials as submitted, with the applicant's modification for exterior [vehicle driveway] pavement (pavers, not concrete) and retaining wall material (brick, not stacked block). Details as they relate to balconies and protection for secondary entrances shall come back to the BAR for review.

December 21, 2010 - The BAR approved (7-0) the application for massing, height, openings, scale, and materials as submitted. The BAR noted that the applicant should consider Sec 34- 872(b)(3) of the Zoning Ordinance, which requires screening of all mechanical equipment.

September 17, 2013 - The BAR accepted the applicant's request for deferral (8-0). The BAR found the ADA entrance to the rear too isolating, the design overall too complicated for the size of the building, and that the applicant should appear to present an overall plan for the entire site, including possible future phases.

May 19, 2015 - The BAR discussed, but made no recommendation on the special use permit. The applicant asked to defer the vote until their June meeting because they are still working on the design. Mohr asked to see more context in terms of massing; Schwarz asked how building height is defined; and expressed interest in lowering the minimum height to the level of the King Building; Keesecker asked the applicant to show the existing 800 foot black fence; and to consider lobby references to the King building height; Question: Should guidelines be used to judge impact on ADC district? Neighbors asked about loading space requirements.

June 16, 2015 - The BAR recommended (6-0) to City Council that the proposed Special Use Permit (SUP) to allow additional height (from 70 feet to 101 feet) *will* have an adverse impact on the Downtown ADC district, and the BAR notes the following considerations when making this recommendation:

- The height requested by SUP is too much, but the massing concept presented by the applicant is acceptable.
- The BAR appreciates the modulated rhythm.
- City Council should consider reducing the minimum required height of 40 feet.
- The BAR has concerns about the pedestrian experience relative to the garage.
- This site and/or the underlying by-right zoning may be uniquely problematic – the BAR is not advocating for the 70 foot streetwall allowed by zoning.
- The BAR is supportive of the potential to develop a building, and the aesthetic presented is headed in the right direction.
- The BAR would advocate for a building with similar program, but lower height.

September 15, 2015 - The BAR held a preliminary discussion, no action was taken. Graves recused himself from the discussion. The BAR asked staff to provide an explanation of how height is averaged, with examples of how it has been done in the past.

Some comments: Lower height is huge improvement; continue to make it relate to smaller buildings on sides, similar to a 2-story building plus a top; richer texture/details on lower levels; garage opening and trellis are strong and help pedestrian experience.

October 20, 2015 - The BAR approved the massing only, of the proposed new mixed-use complex, as submitted. (7-0-1 with Graves recused).

Application

The applicant has received massing approval, and is now requesting final approval for this by-right, mixed use building on a 0.28 acre site currently used for parking. The proposed building has below-grade parking, commercial office space and residential condominiums.

The west end of the building is 70 feet tall (6 stories). The middle section is two stories with a rooftop trellis, and the east end is about 45 feet tall (3 stories).

Materials are:

Walls: "pearl gray" buff colored, smooth finish, brick, 16" long, running bond, with inserts of "manganese ironspot" (dark gray) stacked brick tile, 8" and 16" long, surrounding the windows.
Garage doors, entry bench and patio decking: ipe wood. Garage doors are custom wood-clad swing doors.
Glass: Solarban 60 Solar Control, low-e glass with a VLT of 70.
Windows, doors, entry canopy, railings: Black coated metal and aluminum storefront.
Trellis: Stainless steel weave on metal supports.
Paving: Bluestone stacked, 32" x 16".

The site includes a public courtyard at the west end, and a private courtyard at the east end. The five foot front setback is landscaped with street trees, ornamental trees, and ferns. There is a biofiltration garden in the rear, and tall shrubs. The electrical lines are being undergrounded, requiring a transformer and switching station. Mechanical units are located on the roof, screened by the parapets.

Proposed lighting includes a wall sconce, step lights, and landscape stake lights.

Zoning District Regulations

The property is currently zoned Water Street Corridor (WSD) mixed use zoning district with ADC historic district overlay.

Minimum height: 40 feet; maximum 70 feet, with up to 101 feet allowed with SUP.

NOTE: Building height is defined as: the vertical distance measured from the level of the grade of the building footprint to the level of the highest point of the structure's roof surface. This distance is calculated by measuring separately the average height of each building wall, then averaging them together. The height is measured to the level of a flat roof, to the deck line of a mansard roof, and to the average height level between the eaves and ridge for gable, hip, or gambrel roofs.

Density: Residential density shall not exceed forty-three (43) DUA; however, up to two hundred forty (240) DUA may be allowed by special use permit. The minimum density required for multifamily developments (new construction only) shall be twenty-one (21) DUA.

Setbacks:

(1) Primary and linking street frontage. At least seventy-five (75) percent of the streetwall of a building must be built to the property line adjacent to a primary street. For the remaining portion of streetwall (i.e., twenty-five (25) percent), the maximum permitted setback is five (5) feet; however, (i) if streetscape trees are provided to the standards set forth in [section 34-870](#), or (ii) pursuant to a special use permit granted by city council up to fifty (50) percent of the streetwall of a building may be set back twenty (20) feet.

(2) Setback, Water Street: A minimum setback of five (5) feet shall be required for all buildings located on Water Street.

Other mixed use regulations:

*(1) No ground floor residential uses may front on a primary street, unless a building fronts on more than one primary street, in which case ground floor residential uses may front on one primary street. **Under no circumstances, however, shall any ground floor residential uses front on Main Street, Market Street or Water Street.***

*(2) **All entrances shall be sheltered from the weather, and lighted.***

(3) Where any building or development occupies one or more parcels constituting an entire city block, courtyards shall be provided (subject to the street wall requirements set forth, above, within this division). Such courtyards shall be accessible from adjacent streets.

*(4) **Off-street loading areas may not face public right-of-way.***

Parking: Non-residential developments in the *Parking Modified Zone* shall provide 50% of the required parking; residential developments shall provide **1 space per unit**. Parking requirements may be fulfilled by the property owner or developer through several alternatives outlined in the code. Affordable dwelling units do not require parking.

For context, nearby building heights include:

The Holsinger Building is 63 feet (5 stories).

Waterhouse (World Stride) has a SUP for 82.6 feet (7 stories).

The Landmark Hotel (under construction) has 101 feet height (9 stories) plus an appurtenance level.

The Water Street parking garage is 4 stories.

The proposed Market Plaza Building has an SUP for 101 feet.

The rear of Jefferson Theater, Live Arts and the Terraces are all 4-5 stories.

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

(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;

(7) When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections 34-1020 et seq. (SIGNS) shall be applied; and

(8) Any applicable provisions of the City's Design Guidelines.

Pertinent Design Review Guidelines for New Construction

A. Introduction

3. Building Types

e. Multi-lot

Often new commercial, office, or multiuse buildings will be constructed on sites much larger than the traditionally sized lots 25 to 40 feet wide. Many sites for such structures are located on West Main Street and in the 14th and 15th Street area of Venable neighborhood. These assembled parcels can translate into new structures whose scale and mass may overwhelm neighboring existing structures. Therefore, while this building type may need to respond to the various building conditions of the site, it also should employ design techniques to reduce its visual presence. These could include varying façade wall planes, differing materials, stepped-back upper levels, and irregular massing.

B. Setback

- 1. Construct new commercial buildings with a minimal or no setback in order to reinforce the traditional street wall.*
- 2. Use a minimal setback if the desire is to create a strong street wall or setback consistent with the surrounding area.*
- 3. Modify setback as necessary for sub-areas that do not have well-defined street walls.*
- 4. Avoid deep setbacks or open corner plazas on corner buildings in the downtown in order to maintain the traditional grid of the commercial district.*
- 5. In the West Main Street corridor, construct new buildings with a minimal (up to 15 feet according to the zoning ordinance) or no setback in order to reinforce the street wall. If the site adjoins historic buildings, consider a setback consistent with these buildings.*
- 6. On corners of the West Main Street corridor, avoid deep setbacks or open corner plazas unless the design contributes to the pedestrian experience or improves the transition to an adjacent residential area.*
- 7. New buildings, particularly in the West Main Street corridor, should relate to any neighborhoods adjoining them. Buffer areas should be considered to include any screening and landscaping requirements of the zoning ordinance.*
- 8. At transitional sites between two distinctive areas of setback, for instance between new commercial and historic commercial, consider using setbacks in the new construction that reinforce and relate to setbacks of the historic buildings.*

C. Spacing

- 2. Commercial and office buildings in areas that have a well-defined street wall should have minimal spacing between them.*
- 3. In areas that do not have consistent spacing, consider limiting or creating a more uniform spacing in order to establish an overall rhythm.*
- 4. Multi-lot buildings should be designed using techniques to incorporate and respect the existing spacing on a residential street.*

P. 3.6 Massing & Footprint

- 1. New commercial infill buildings' footprints will be limited by the size of the existing lot in the downtown or along the West Main Street corridor. Their massing in most cases should be simple rectangles like neighboring buildings.*
- 2. New infill construction in residential sub-areas should relate in footprint and massing to the majority of surrounding historic dwellings.*
- 3. Neighborhood transitional buildings should have small building footprints similar to nearby dwellings.*
 - a. If the footprint is larger, their massing should be reduced to relate to the smaller-scaled forms of residential structures.*
 - b. Techniques to reduce massing could include stepping back upper levels, adding residential roof and porch forms, and using sympathetic materials.*
- 4. Institutional and multi-lot buildings by their nature will have large footprints, particularly along the West Main Street corridor and in the 14th and 15th Street area of the Venable neighborhood.*
 - a. The massing of such a large scale structure should not overpower the traditional scale of the majority of nearby buildings in the district in which it is located.*
 - b. Techniques could include varying the surface planes of the buildings, stepping back the buildings as the structure increases in height, and breaking up the roof line with different elements to create smaller compositions.*

E. Height and Width

- 1. Respect the directional expression of the majority of surrounding buildings. In commercial areas, respect the expression of any adjacent historic buildings, which generally will have a more vertical expression.*
- 2. Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.*

3. *In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block. Along West Main Street, heights should relate to any adjacent contributing buildings. Additional stories should be stepped back so that the additional height is not readily visible from the street.*
4. *When the primary façade of a new building in a commercial area, such as downtown, West Main Street, or the Corner, is wider than the surrounding historic buildings or the traditional lot size, consider modulating it with bays or varying planes.*
5. *Reinforce the human scale of the historic districts by including elements such as porches, entrances, storefronts, and decorative features depending on the character of the particular sub-area.*
6. *In the West Main Street corridor, regardless of surrounding buildings, new construction should use elements at the street level, such as cornices, entrances, and display windows, to reinforce the human scale.*

F. Scale

1. *Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.*
2. *As an exception, new institutional or governmental buildings may be more appropriate on a monumental scale depending on their function and their site conditions.*

G. Roof

Roof Forms and Pitches

- a. *The roof design of new downtown or West Main Street commercial infill buildings generally should be flat or sloped behind a parapet wall.*
- b. *Neighborhood transitional buildings should use roof forms that relate to the neighboring residential forms instead of the flat or sloping commercial form.*
- c. *Institutional buildings that are freestanding may have a gable or hipped roof with variations.*
- d. *Large-scale, multi-lot buildings should have a varied roof line to break up the mass of the design using gable and/or hipped forms.*
- e. *Shallow pitched roofs and flat roofs may be appropriate in historic residential areas on a contemporary designed building.*
- f. *Do not use mansard-type roofs on commercial buildings; they were not used historically in Charlottesville's downtown area, nor are they appropriate on West Main Street.*

H. Orientation

1. *New commercial construction should orient its façade in the same direction as adjacent historic buildings, that is, to the street.*
2. *Front elevations oriented to side streets or to the interior of lots should be discouraged.*

I. Windows and Doors

1. *The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent historic facades.*
 - a. *The majority of existing buildings in Charlottesville's historic districts have a higher proportion of wall area than void area except at the storefront level.*
 - b. *In the West Main Street corridor in particular, new buildings should reinforce this traditional proportion.*
2. *The size and proportion, or the ratio of width to height, of window and door openings on new buildings' primary facades should be similar and compatible with those on surrounding historic facades.*
 - a. *The proportions of the upper floor windows of most of Charlottesville's historic buildings are more vertical than horizontal.*
 - b. *Glass storefronts would generally have more horizontal proportions than upper floor openings.*
3. *Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the historic districts as opposed to designing openings that are flush with the rest of the wall.*
4. *Many entrances of Charlottesville's historic buildings have special features such as transoms, sidelights, and decorative elements framing the openings. Consideration should be given to incorporating such elements in new construction.*

5. *Darkly tinted mirrored glass is not an appropriate material for windows in new buildings within the historic districts.*
6. *If small-paned windows are used, they should have true divided lights or simulated divided lights with permanently affixed interior and exterior muntin bars and integral spacer bars between the panes of glass.*
7. *Avoid designing false windows in new construction.*
8. *Appropriate material for new windows depends upon the context of the building within a historic district, and the design of the proposed building. Sustainable materials such as wood, aluminum-clad wood, solid fiberglass, and metal windows are preferred for new construction. Vinyl windows are discouraged.*
9. *Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.*

K. Street level Design

1. *Street level facades of all building types, whether commercial, office, or institutional, should not have blank walls; they should provide visual interest to the passing pedestrian.*
2. *When designing new storefronts or elements for storefronts, conform to the general configuration of traditional storefronts depending on the context of the sub-area. New structures do offer the opportunity for more contemporary storefront designs.*
3. *Keep the ground level facades(s) of new retail commercial buildings at least eighty percent transparent up to a level of ten feet.*
4. *Include doors in all storefronts to reinforce street level vitality.*
5. *Articulate the bays of institutional or office buildings to provide visual interest.*
6. *Institutional buildings, such as city halls, libraries, and post offices, generally do not have storefronts, but their street levels should provide visual interest and display space or first floor windows should be integrated into the design.*
7. *Office buildings should provide windows or other visual interest at street level.*
8. *Neighborhood transitional buildings in general should not have transparent first floors, and the design and size of their façade openings should relate more to neighboring residential structures.*
9. *Along West Main Street, secondary (rear) facades should also include features to relate appropriately to any adjacent residential areas.*
10. *Any parking structures facing on important streets or on pedestrian routes must have storefronts, display windows, or other forms of visual relief on the first floors of these elevations.*
11. *A parking garage vehicular entrance/exit opening should be diminished in scale, and located off to the side to the degree possible.*

L. Foundation and Cornice

1. *Distinguish the foundation from the rest of the structure through the use of different materials, patterns, or textures.*
2. *Respect the height, contrast of materials, and textures of foundations on surrounding historic buildings.*
3. *If used, cornices should be in proportion to the rest of the building.*
4. *Wood or metal cornices are preferred. The use of fypon may be appropriate where the location is not immediately adjacent to pedestrians.*

M. Materials and Textures

1. *The selection of materials and textures for a new building should be compatible with and complementary to neighboring buildings.*
2. *In order to strengthen the traditional image of the residential areas of the historic districts, brick, stucco, and wood siding are the most appropriate materials for new buildings.*
3. *In commercial/office areas, brick is generally the most appropriate material for new structures. "Thin set" brick is not permitted. Stone is more commonly used for site walls than buildings.*
4. *Large-scale, multi-lot buildings, whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings, can have varied materials, shades, and textures.*
5. *Synthetic siding and trim, including, vinyl and aluminum, are not historic cladding materials in the historic districts, and their use should be avoided.*
6. *Cementitious siding, such as HardiPlank boards and panels, are appropriate.*

7. *Concrete or metal panels may be appropriate.*
8. *Metal storefronts in clear or bronze are appropriate.*
9. *The use of Exterior Insulation and Finish Systems (EIFS) is discouraged but may be approved on items such as gables where it cannot be seen or damaged. It requires careful design of the location of control joints.*
10. *The use of fiberglass-reinforced plastic is discouraged. If used, it must be painted.*
11. *All exterior trim woodwork, decking and flooring must be painted, or may be stained solid if not visible from public right-of-way.*

O. Details and Decorations

1. *Building detail and ornamentation should be consistent with and related to the architecture of the surrounding context and district.*
2. *The mass of larger buildings may be reduced using articulated design details.*
3. *Pedestrian scale may be reinforced with details.*

Discussion and Recommendations

The proposed development has a relatively small footprint. The building is well-articulated in massing and materials. The proposed street level design minimizes the impact of the garage openings, and includes along Water Street entrances to the main lobby and the east end commercial space, and a stair egress door.

The site design and landscape plan are thoughtful. Lighting appears to be minimal. Any uplights should be less than 3000 lumens to meet dark sky requirements.

The BAR should determine if the proposed building and site design are consistent with the guidelines, and appropriate to the character of the district.

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for New Construction and Additions, I move to find that the proposed new mixed-use building satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application, as submitted (or with the following modifications...).

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
April 19, 2016**



Certificate of Appropriateness

BAR 15-10-08

550 East Water Street

Tax Parcel 530162300

Neal Sansovich, Owner/ Andrew Baldwin, Applicant

New Mixed-Use Complex - Details

Background

550 East Water Street is a vacant parcel, currently used as a parking lot, which was subdivided from the former C&O Depot property. It is located between the former C&O Depot building and the former King Warehouse Building.

600 East Water Street (the former C&O Depot) is a contributing structure in the Downtown ADC District. It was built in 1905 and refurbished in 1991 for offices.

410 East Water Street (King Warehouse) is the east side of a contributing structure located in the Downtown ADC district. The east end was built in 1897; the west end was added in 1917. The courtyard historically served as a warehouse loading area with multiple loading docks for the transfer of dry goods.

NOTE:

- The BAR approved in concept in May 2009 a 9-story structure on this site. Following that approval, the zoning of the site was changed from *Downtown Corridor* to *Water Street District Corridor*. In 2009, based on an opinion from the City Attorney, a new plan for a 5-story building was reviewed and approved under the prior zoning.
- In December of 2010, the BAR approved the application for a new 4-story building on the same site, with consideration of Sec 34- 872(b)(3) of the Zoning Ordinance, which requires screening of all mechanical equipment.

January 15, 2008 – The BAR discussed a preliminary request. In general, most liked the proposed building. BAR members said that the massing is generally OK, a nice response to site; some preferred red not yellow brick; some said tan brick would be OK with tan windows; glass balcony piece is weird; should enter stores from street; base needs articulation; need double hung windows; need 1 type of window, not 2-3; west elevation doesn't go with the rest of vocabulary; balconies are anomalous in 1920's design revival; decorate spandrels in tower? Consider a low resolution between vertical and long piece; concern with blank garage wall on street; one member said this is too conventional a solution for the site; discussion whether or not to simplify the tower given the context; suggested doing the warehouse look on the 2-story part, treating like a separate building? The BAR wants to see the roofscape; want the transformer moved from the visible location.

May 20, 2008 – The BAR approved (8-0) the design in concept for massing, height, openings, and scale. Details as they relate to its materials and construction are to come back to BAR (including guard rails, cornices, wall section through window sill and head, roofscape, and depth of niche defining the two separate building elements.)

September 15, 2009 – The BAR made preliminary comments. The BAR preferred the version in their packet to the version submitted at the meeting.

November 17, 2009 - The BAR approved (6-1 with Wall against) the application for massing, height, openings, scale, and materials as submitted, with the applicant's modification for exterior [vehicle driveway] pavement (pavers, not concrete) and retaining wall material (brick, not stacked block). Details as they relate to balconies and protection for secondary entrances shall come back to the BAR for review.

December 21, 2010 - The BAR approved (7-0) the application for massing, height, openings, scale, and materials as submitted. The BAR noted that the applicant should consider Sec 34- 872(b)(3) of the Zoning Ordinance, which requires screening of all mechanical equipment.

September 17, 2013 - The BAR accepted the applicant's request for deferral (8-0). The BAR found the ADA entrance to the rear too isolating, the design overall too complicated for the size of the building, and that the applicant should appear to present an overall plan for the entire site, including possible future phases.

May 19, 2015 - The BAR discussed, but made no recommendation on the special use permit. The applicant asked to defer the vote until their June meeting because they are still working on the design. Mohr asked to see more context in terms of massing; Schwarz asked how building height is defined; and expressed interest in lowering the minimum height to the level of the King Building; Keesecker asked the applicant to show the existing 800 foot black fence; and to consider lobby references to the King building height; Question: Should guidelines be used to judge impact on ADC district? Neighbors asked about loading space requirements.

June 16, 2015 - The BAR recommended (6-0) to City Council that the proposed Special Use Permit (SUP) to allow additional height (from 70 feet to 101 feet) *will* have an adverse impact on the Downtown ADC district, and the BAR notes the following considerations when making this recommendation:

- The height requested by SUP is too much, but the massing concept presented by the applicant is acceptable.
- The BAR appreciates the modulated rhythm.
- City Council should consider reducing the minimum required height of 40 feet.
- The BAR has concerns about the pedestrian experience relative to the garage.
- This site and/or the underlying by-right zoning may be uniquely problematic – the BAR is not advocating for the 70 foot streetwall allowed by zoning.
- The BAR is supportive of the potential to develop a building, and the aesthetic presented is headed in the right direction.
- The BAR would advocate for a building with similar program, but lower height.

September 15, 2015 - The BAR held a preliminary discussion, no action was taken. Graves recused himself from the discussion. The BAR asked staff to provide an explanation of how height is averaged, with examples of how it has been done in the past.

Some comments: Lower height is huge improvement; continue to make it relate to smaller buildings on sides, similar to a 2-story building plus a top; richer texture/details on lower levels; garage opening and trellis are strong and help pedestrian experience.

October 20, 2015 - The BAR approved the massing only, of the proposed new mixed-use complex, as submitted. (7-0-1 with Graves recused).

March 15, 2016 - Schwarz moved to find that the proposed new mixed-use building satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application, as submitted with the following conditions:

- Planting and lighting plan
- Revised mortar detail
- How the applicant intends to deal with site walls and fencing
- Continuing design development on warming up façade on street side and west elevation.

Keesecker seconded. Motion passes (5-0-2, with Graves recused, and Balut abstained)

Staff was asked to verify that guidelines E.2 and E. 3 in New Construction and Additions were considered. The question came up, what is difference between guideline and regulation?

Application

The applicant has received approval with conditions, and is now requesting final approval for those details. The proposal is a by-right, mixed use building on a 0.28 acre site currently used for parking. The proposed building has below-grade parking, commercial office space and residential condominiums.

The west end of the building is 70 feet tall (6 stories). The middle section is two stories with a rooftop trellis, and the east end is about 45 feet tall (3 stories).

The applicant has submitted revised plans including revisions to the planting and lighting plans, site walls and fencing, continued development of fenestration on the north and west facades, and a clarification of mortar colors.

The five foot front setback is now landscaped with a black gum, heritage river birch, and 10 european hornbeam. There are proposed shrubs, vines and a black gum in the rear, and sweet bay magnolias in the courtyards. The electrical lines are being undergrounded, requiring a transformer and switching station in the east front. Mechanical units are now located in the west rear. Both are to be concealed with a thermally modified wood fence and gate. The public courtyard at the west end is paved with 18 x 36 bluestone pavers; the private courtyard at the east end is an elevated wood deck. There is a retaining wall on the west end of the site, about 44" high, cast-in-place concrete.

The glazing area has been increased on the north and west elevations.

Also as requested, staff verified that BAR, in approving the massing scheme last October, certainly considered guideline E.2. in New Construction and Additions, *"Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area."* Guideline E.3. *"In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block. Along West Main Street, heights should relate to any adjacent contributing buildings. Additional stories should be stepped back so that the additional height is not readily visible from the street."* actually refers to the streetwall height, not the building height. The guideline does not apply to this proposal since there is no streetwall requirement in the Water Street zoning district. Regardless, the BAR did consider the adjacent building height, and the proposed building references that line in the design.

A guideline is just that; it is not a zoning regulation. Any math calculations for building height are addressed during site plan review, and with the Zoning Administrator and site plan reviewer.

Zoning District Regulations

The property is currently zoned Water Street Corridor (WSD) mixed use zoning district with ADC historic district overlay.

Minimum height: 40 feet; maximum 70 feet, with up to 101 feet allowed with SUP.

NOTE: Building height is defined as: the vertical distance measured from the level of the grade of the building footprint to the level of the highest point of the structure's roof surface. This distance is calculated by measuring separately the average height of each building wall, then averaging them together. The height is measured to the level of a flat roof, to the deck line of a mansard roof, and to the average height level between the eaves and ridge for gable, hip, or gambrel roofs.

Density: Residential density shall not exceed forty-three (43) DUA; however, up to two hundred forty (240) DUA may be allowed by special use permit. The minimum density required for multifamily developments (new construction only) shall be twenty-one (21) DUA.

Setbacks:

(2) *Setback, Water Street: A minimum setback of five (5) feet shall be required for all buildings located on Water Street.*

Other mixed use regulations:

(1) No ground floor residential uses may front on a primary street, unless a building fronts on more than one primary street, in which case ground floor residential uses may front on one primary street. **Under no circumstances, however, shall any ground floor residential uses front on Main Street, Market Street or Water Street.**

(2) **All entrances shall be sheltered from the weather, and lighted.**

(3) Where any building or development occupies one or more parcels constituting an entire city block, courtyards shall be provided (subject to the street wall requirements set forth, above, within this division). Such courtyards shall be accessible from adjacent streets.

(4) **Off-street loading areas may not face public right-of-way.**

Parking: Non-residential developments in the *Parking Modified Zone* shall provide 50% of the required parking; residential developments shall provide **1 space per unit**. Parking requirements may be fulfilled by the property owner or developer through several alternatives outlined in the code. Affordable dwelling units do not require parking.

For context, nearby building heights include:

The Holsinger Building is 63 feet (5 stories).

Waterhouse (World Stride) has a SUP for 82.6 feet (7stories).

The Landmark Hotel (under construction) has 101 feet height (9 stories) plus an appurtenance level.

The Water Street parking garage is 4 stories.

The proposed Market Plaza Building has an SUP for 101 feet.

The rear of Jefferson Theater, Live Arts and the Terraces are all 4-5 stories.

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

(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;*

(7) *When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections 34-1020 et seq. (SIGNS) shall be applied; and*

(8) Any applicable provisions of the City's Design Guidelines.

Pertinent Design Review Guidelines for New Construction

A. INTRODUCTION

3. Building Types within the Historic District

e. Multi-lot

Often new commercial, office, or multiuse buildings will be constructed on sites much larger than the traditionally sized lots 25 to 40 feet wide. Many sites for such structures are located on West Main Street and in the 14th and 15th Street area of Venable Neighborhood. These assembled parcels can translate into new structures whose scale and mass may overwhelm neighboring existing structures. Therefore, while this building type may need to respond to the various building conditions of the site, it also should employ design techniques to reduce its visual presence. These could include varying facade wall planes, differing materials, stepped-back upper levels, and irregular massing.

B. SETBACK

The term "setback" for these guidelines is defined generally as the area between the street and the wall of the building, although in the zoning code it refers to the distance between the property line and wall of the building.

- 1) Construct new commercial buildings with a minimal or no setback in order to reinforce the traditional street wall.*
- 2) Use a minimal setback if the desire is to create a strong street wall or setback consistent with the surrounding area.*
- 3) Modify setback as necessary for sub-areas that do not have well-defined street walls.*
- 4) Avoid deep setbacks or open corner plazas on corner buildings in the downtown in order to maintain the traditional grid of the commercial district.*
- 5) In the West Main Street corridor, construct new buildings with a minimal (up to 15 feet according to the zoning ordinance) or no setback in order to reinforce the street wall. If the site adjoins historic buildings, consider a setback consistent with these buildings.*
- 6) On corners of the West Main Street corridor, avoid deep setbacks or open corner plazas unless the design contributes to the pedestrian experience or improves the transition to an adjacent residential area.*
- 7) New buildings, particularly in the West Main Street corridor, should relate to any neighborhoods adjoining them. Buffer areas should be considered to include any screening and landscaping requirements of the zoning ordinance.*
- 8) At transitional sites between two distinctive areas of setback, for instance between new commercial and historic commercial, consider using setbacks in the new construction that reinforce and relate to setbacks of the historic buildings.*
- 9) For new governmental or institutional buildings, either reinforce the street wall through a minimal setback, or use a deep setback within a landscaped area to emphasize the civic function of the structure.*
- 10) Keep residential setbacks within 20 percent of the setbacks of a majority of neighborhood dwellings.*

C. SPACING

Spacing between buildings depends on the size of the lot, the size of the building, and side-yard setback requirements. Consistent spacing between a row of buildings helps to establish an overall rhythm along a street.

- 1) Maintain existing consistency of spacing in the area. New residences should be spaced within 20 percent of the average spacing between houses on the block.*
- 2) Commercial and office buildings in the areas that have a well-defined street wall should have minimal spacing between them.*
- 3) In areas that do not have consistent spacing, consider limiting or creating a more uniform spacing in order to establish an overall rhythm.*
- 4) Multi-lot buildings should be designed using techniques to incorporate and respect the existing spacing on a residential street.*

D. MASSING & FOOTPRINT

While the typical footprint of commercial building from the turn of the twentieth century might be 20 feet wide by 60 feet long or 1200 square feet per floor, new buildings in the downtown can be expected to be somewhat larger. Likewise, new buildings in the West Main Street corridor may be larger than this district's historic buildings. It is important that even large buildings contribute to the human scale and pedestrian orientation of the district.

- 1) *New commercial infill buildings' footprints will be limited by the size of the existing lot in the downtown or along the West Main Street corridor. Their massing in most cases should be simple rectangles like neighboring buildings.*
- 2) *New infill construction in residential sub-areas should relate in footprint and massing to the majority of surrounding historic dwellings.*
- 3) *Neighborhood transitional buildings should have small building footprints similar to nearby dwellings.*
 - a. *If the footprint is larger, their massing should be reduced to relate to the smaller-scaled forms of residential structures.*
 - b. *Techniques to reduce massing could include stepping back upper levels, adding residential roof and porch forms, and using sympathetic materials.*
- 4) *Institutional and multi-lot buildings by their nature will have large footprints, particularly along the West Main Street corridor and in the 14th and 15th Street area of the Venable neighborhood.*
 - a. *The massing of such a large scale structure should not overpower the traditional scale of the majority of nearby buildings in the district in which it is located.*
 - b. *Techniques could include varying the surface planes of the buildings, stepping back the buildings as the structure increases in height, and breaking up the roof line with different elements to create smaller compositions.*

E. HEIGHT & WIDTH

1. *Respect the directional expression of the majority of surrounding buildings. In commercial areas, respect the expression of any adjacent historic buildings, which generally will have a more vertical expression.*
2. *Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.*
3. *In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block. Along West Main Street, heights should relate to any adjacent contributing buildings. Additional stories should be stepped back so that the additional height is not readily visible from the street.*
4. *When the primary façade of a new building in a commercial area, such as downtown, West Main Street, or the Corner, is wider than the surrounding historic buildings or the traditional lot size, consider modulating it with bays or varying planes.*
5. *Reinforce the human scale of the historic districts by including elements such as porches, entrances, storefronts, and decorative features depending on the character of the particular sub-area.*
6. *In the West Main Street corridor, regardless of surrounding buildings, new construction should use elements at the street level, such as cornices, entrances, and display windows, to reinforce the human scale.*

F. SCALE

Height and width also create scale, the relationship between the size of a building and the size of a person. Scale can also be defined as the relationship of the size of a building to neighboring buildings and of a building to its site. The design features of a building can reinforce a human scale or can create a monumental scale. In Charlottesville, there is a variety of scale. For instance, an institutional building like a church or library may have monumental scale due to its steeple or entry portico, while a more human scale may be created by a storefront in a neighboring commercial building.

1. *Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.*
2. *As an exception, new institutional or governmental buildings may be more appropriate on a monumental scale depending on their function and their site conditions.*

G. ROOF

Roof design, materials, and textures should be consistent with the existing structures in the historic districts. Common roof forms include hipped roofs, gable roofs, flat roofs, and gambrel roofs, as well as combinations of the above. In general, the roof pitch of an older dwelling is steeper than a new tract house, and this factor is more important than the type of roof in most neighborhoods.

1. *Roof Forms and Pitches*
 - a. *The roof design of new downtown or West Main Street commercial infill buildings generally should be flat or sloped behind a parapet wall.*
 - b. *Neighborhood transitional buildings should use roof forms that relate to the neighboring residential forms instead of the flat or sloping commercial form.*

- c. Institutional buildings that are freestanding may have a gable or hipped roof with variations.
- d. Large-scale, multi-lot buildings should have a varied roof line to break up the mass of the design using gable and/or hipped forms.
- e. Shallow pitched roofs and flat roofs may be appropriate in historic residential areas on a contemporary designed building.
- f. Do not use mansard-type roofs on commercial buildings; they were not used historically in Charlottesville's downtown area, nor are they appropriate on West Main Street.

H. ORIENTATION

1. New commercial construction should orient its façade in the same direction as adjacent historic buildings, that is, to the street.
2. Front elevations oriented to side streets or to the interior of lots should be discouraged.

I. WINDOWS and DOORS

1. The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent historic facades.
 - a. The majority of existing buildings in Charlottesville's historic districts have a higher proportion of wall area than void area except at the storefront level.
 - b. In the West Main Street corridor in particular, new buildings should reinforce this traditional proportion.
2. The size and proportion, or the ratio of width to height, of window and door openings on new buildings' primary facades should be similar and compatible with those on surrounding historic facades.
 - a. The proportions of the upper floor windows of most of Charlottesville's historic buildings are more vertical than horizontal.
 - b. Glass storefronts would generally have more horizontal proportions than upper floor openings.
3. Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the historic districts as opposed to designing openings that are flush with the rest of the wall.
4. Many entrances of Charlottesville's historic buildings have special features such as transoms, sidelights, and decorative elements framing the openings. Consideration should be given to incorporating such elements in new construction.
5. Darkly tinted mirrored glass is not an appropriate material for windows in new buildings within the historic districts.
6. If small-paned windows are used, they should have true divided lights or simulated divided lights with permanently affixed interior and exterior muntin bars and integral spacer bars between the panes of glass.
7. Avoid designing false windows in new construction.
8. Appropriate material for new windows depends upon the context of the building within a historic district, and the design of the proposed building. Sustainable materials such as wood, aluminum-clad wood, solid fiberglass, and metal windows are preferred for new construction. Vinyl windows are discouraged.
9. Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.

K. STREET LEVEL DESIGN

1. Street level facades of all building types, whether commercial, office, or institutional, should not have blank walls; they should provide visual interest to the passing pedestrian.
2. When designing new storefronts or elements for storefronts, conform to the general configuration of traditional storefronts depending on the context of the sub-area. New structures do offer the opportunity for more contemporary storefront designs.
3. Keep the ground level facades(s) of new retail commercial buildings at least eighty percent transparent up to a level of ten feet.
4. Include doors in all storefronts to reinforce street level vitality.
5. Articulate the bays of institutional or office buildings to provide visual interest.
6. Institutional buildings, such as city halls, libraries, and post offices, generally do not have storefronts, but their street levels should provide visual interest and display space or first floor windows should be integrated into the design.
7. Office buildings should provide windows or other visual interest at street level.
8. Neighborhood transitional buildings in general should not have transparent first floors, and the design and size of their façade openings should relate more to neighboring residential structures.
9. Along West Main Street, secondary (rear) facades should also include features to relate appropriately to any adjacent residential areas.
10. Any parking structures facing on important streets or on pedestrian routes must have storefronts, display windows, or other forms of visual relief on the first floors of these elevations.
11. A parking garage vehicular entrance/exit opening should be diminished in scale, and located off to the side to the degree possible.

L. FOUNDATION and CORNICE

- 1. Distinguish the foundation from the rest of the structure through the use of different materials, patterns, or textures.*
- 2. Respect the height, contrast of materials, and textures of foundations on surrounding historic buildings.*
- 3. If used, cornices should be in proportion to the rest of the building.*
- 4. Wood or metal cornices are preferred. The use of fypon may be appropriate where the location is not immediately adjacent to pedestrians.*

M. MATERIALS and TEXTURE

- 1. The selection of materials and textures for a new building should be compatible with and complementary to neighboring buildings.*
- 2. In order to strengthen the traditional image of the residential areas of the historic districts, brick, stucco, and wood siding are the most appropriate materials for new buildings.*
- 3. In commercial/office areas, brick is generally the most appropriate material for new structures. "Thin set" brick is not permitted. Stone is more commonly used for site walls than buildings.*
- 4. Large-scale, multi-lot buildings, whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings, can have varied materials, shades, and textures.*
- 5. Synthetic siding and trim, including, vinyl and aluminum, are not historic cladding materials in the historic districts, and their use should be avoided.*
- 6. Cementitious siding, such as HardiPlank boards and panels, are appropriate.*
- 7. Concrete or metal panels may be appropriate.*
- 8. Metal storefronts in clear or bronze are appropriate.*
- 9. The use of Exterior Insulation and Finish Systems (EIFS) is discouraged but may be approved on items such as gables where it cannot be seen or damaged. It requires careful design of the location of control joints.*
- 10. The use of fiberglass-reinforced plastic is discouraged. If used, it must be painted.*
- 11. All exterior trim woodwork, decking and flooring must be painted, or may be stained solid if not visible from public right-of-way.*

O. DETAILS and DECORATION

- 1. Building detail and ornamentation should be consistent with and related to the architecture of the surrounding context and district.*
- 2. The mass of larger buildings may be reduced using articulated design details.*
- 3. Pedestrian scale may be reinforced with details.*

Discussion and Recommendations

The site design and landscape plan are thoughtful and the lighting appears to be minimal.

Staff requested the specifics to the lighting plan, such cut sheets for the lighting fixtures that include the color temperature. There is a lot of uplighting shown, (L1) that the applicant should confirm is dark sky-compliant (not to exceed 3000 lumens).

The applicant should confirm that the proposed screening of the electrical transformer area and the mechanical unit area will be provided on all four sides. There is a retaining (site) wall on the west side, which should be described in terms of relative height on both sides, and material.

Staff asked that the shrub areas in the rear should be made more specific.

The BAR should decide if the revised fenestration is appropriate.

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for New Construction and Additions, I move to find that the proposed new mixed-use building details satisfy the BAR's criteria and guidelines and are compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application, as submitted (or with the following modifications...).

BAR Motions – 550 East Water Street

September 15, 2015

Preliminary discussion – no motion made.

Graves recused himself from the discussion. The BAR asked staff to provide an explanation of how height is averaged, with examples of how it has been done in the past.

Some comments: Lower height is huge improvement; continue to make it relate to smaller buildings on sides, similar to a 2-story building plus a top; richer texture/details on lower levels; garage opening and trellis are strong and help pedestrian experience.

October 20, 2015

Having considered the standards set forth within the City Code, including City Design Guidelines for New Construction and Additions, Mr. Keesecker moved to find that the massing of the proposed new mixed-use complex satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the massing only, as submitted. Ms. Knott seconded. Motion passes (7-0-1 with Graves recused).

March 15, 2016

Having considered the standards set forth within the City Code, including City Design Guidelines for New Construction and Additions, Mr. Schwarz moved to find that the proposed new mixed-use building satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application as submitted, with the following conditions:

- Planting and lighting plan
- Revised mortar detail
- How the applicant intends to deal with site walls and fencing
- Continuing design development on warming up façade on street side and west elevation.

Mr. Keesecker seconded. Motion passes (5-0-2, with Mr. Graves recused, and Mr. Balut abstained).

Staff was asked to verify that guidelines E.2, 3 in New Construction and Additions were considered. What is difference between a guideline and a regulation?

April 19, 2016

Having considered the standards set forth within the City Code, including City Design Guidelines for New Construction and Additions, Mr. Sarafin moved to find that the proposed new mixed-use building details satisfy the BAR's criteria and guidelines and are compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application, as submitted, with the clarification that upon installation of the lighting, it is adjusted appropriately. Seconded by Ms. Knott, motion passes (8-0).

EDWARD B. LOWRY
RONALD R. TWEEL
GARY W. KENDALL
JOHN V. LITTLE
ELIZABETH P. COUGHTER
JAMES P. COX, III
M. BRYAN SLAUGHTER (VA, WV)
J. GREGORY WEBB (VA, WV)
R. LEE LIVINGSTON
DAVID W. THOMAS (VA, DC)
E. KYLE MCNEW
JASON P. SEIDEN
JORDAN E. MCKAY (VA, DC)
LISA S. BROOK
ELLEN C. BOGNAR (VA, FL)
BRITTANI L. LEMONDS



MICHIEHAMLETT
ATTORNEYS AT LAW

500 COURT SQUARE, SUITE 300 ■ P.O. BOX 298
CHARLOTTESVILLE, VIRGINIA 22902-0298
www.michiehamlett.com

TELEPHONE: 434-951-7200 FACSIMILE: 434-951-7218

Direct Dial: (434) 951-7239 Direct Fax: (434) 951-7259 Email: mbaldwin@michiehamlett.com

Of Counsel
EDWARD R. SLAUGHTER, JR.

Retired
THOMAS J. MICHIE
LEROY R. HAMLETT, JR.
CHRISTINE THOMSON

BRUCE D. RASMUSSEN
(1946-2004)

VIA HAND DELIVERY AND EMAIL

May 2, 2016

Paige Rice, Clerk of City Council
City Hall
605 East Main Street
Charlottesville, VA 22902
clerk@charlottesville.org

**Re: Dr. Samuel Hellman Appeal of Certificate of Appropriateness Application
BAR 15-10-08**

Dear Ms. Rice,

On behalf of David W. Thomas, please find enclosed for submission to the Charlottesville City Council an Appeal to City Council relative to the Certificate of Appropriateness Application, BAR 15-10-08, 550 East Water Street, Tax Parcel 530162300.

Thank you for your assistance, and do not hesitate to contact me with any questions.

Sincerely,

Matthew J. Baldwin
Paralegal

Enclosure

C: Dr. Samuel Hellman (via email w/encl.)

IN THE CITY COUNCIL FOR THE CITY OF CHARLOTTESVILLE, VIRGINIA

DR. SAMUEL HELLMAN, Appellant,

In Re:

**CERTIFICATE OF APPROPRIATENESS APPLICATION
BAR 15-10-08
550 EAST WATER STREET
TAX PARCEL 530162300
NEAL SANSOVICH, OWNER
ANDREW BALDWIN, APPLICANT**

APPEAL TO CITY COUNCIL

Pursuant to Charlottesville City Code Section 34-285(b), Dr. Samuel Hellman, by counsel, hereby appeals the Board of Architectural Review's ("Board") approval of a Certificate of Appropriateness to Andrew Baldwin (Neal Sansovich, Owner) (Application No. BAR-15-10-8) for the property located at 550 East Water Street (the "550 Application"). In further support thereof, Dr. Hellman states as follows:

INTRODUCTION

1. In approving the 550 Application, the Board of Architectural Review failed to consider whether the proposed construction met the Charlottesville Architectural Design Control District Design Guidelines.
2. Specifically, the Board never discussed whether the height and/or width of the proposed building was more than twice as tall as prevailing height/width of buildings in the area.
3. Neither did the Board consider whether the proposed height was within 130% of the prevailing average of both sides of the block.
4. Perhaps more troubling, neither the Board nor its staff made any attempt to obtain the information, despite having this issue brought to their attention on multiple occasions over a 7 month period.

5. In addition, the Board did not require the applicant to file a complete application before considering the proposal. Specifically, the Board did not require until late in the process a view of the building from the west, and a 3D model was never provided as required.

6. Accordingly, the public (and this Council) were never told, nor could they discover, just how badly the proposed building would loom over the buildings on either side, nor how significantly the proposed building would stick out.

LEGAL BACKGROUND

7. Before new construction can begin in an Architectural Design Control District (“ADC”), the Owner/Developer must apply for, and be granted, a Certificate of Appropriateness by the Board of Architectural Review (“BAR”).

8. In determining whether to grant a Certificate of Appropriateness, Charlottesville City Code Section 34-284(b) states that the Board of Architectural Review (“BAR”) must consider at least three factors:

- a. Whether the proposal meets the specific standards set forth within the City Code;
- b. Whether the proposal meets the specific standards set forth within the applicable provisions of the design guidelines established by the Board; and
- c. Whether the proposal is compatible with the historic, cultural or architectural character of the district in which the property is located.

If the Board determines that the application fails to meet any of these three standards, the Board may deny the application.

9. The City Code, in Section 34-276, (factor 2(a) above) sets forth eight specific guidelines for the BAR to consider. Relevant to this appeal are the following:

- a. “(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”;
- b. “(4) The effect of the proposed change on the historic district neighborhood”;
- c. “(8) Any applicable provisions of the city's design guidelines (see section 34-288(6))”.

10. Pursuant to 34-284(b), 34-276(8), and 34-288(6), the BAR developed ADC Design Guidelines, which were adopted by City Council. These Design Guidelines contain a section covering “New Construction & Additions” which apply to the 550 Application.

11. The relevant Design Guidelines indicate that the BAR should “attempt to keep the height and width of new buildings within a maximum of 200% of the prevailing height and width in the surrounding area” and that “in commercial areas at street front, the heights should be within 130% of the prevailing average of both sides of the block.”

12. Because the ADC Design Guidelines were adopted by Council and incorporated by reference into the City Code, they are binding on all City boards and commissions, including the BAR.

ANALYSIS

13. There is no question that the building proposed in the 550 Application is significantly taller than the buildings on either side of it.

14. As proposed, 550 East Water Street will be 7 stories tall, rising 70 feet into the air.

15. By contrast, the King Building and train depot are only 2 stories tall.

16. However, this appeal does not concern the BAR's determination that the above is an appropriate massing, or that it will not have a significant effect on the historic district neighborhood.

17. Instead, it concerns whether the Board is required to at least consider each of the factors required by City Code in granting a Certificate of Appropriateness, or whether it can instead simply ignore those portions it finds inconvenient.

18. This is not simply an academic concern. The factors ignored by the Board in this particular case concern the height and width (what the BAR terms "massing") of the proposed building relative to its neighbors.

19. A Freedom of Information Act request was filed with the City for all information and documents concerning any analysis done of the "prevailing height and width in the surrounding sub-area" and "the prevailing average of both sides of the block."

20. The results reveal that no attempt was made to define either geographical area, and no measurement was made of the height of the buildings located around the proposed site.

21. Indeed, the only attempt made to define the surrounding sub-area was by Appellant's counsel, who provided a proposed map to the City Attorney's office. It does not appear this was ever acted upon, or any attempt made to determine the heights of those buildings.

22. The BAR was notified back in October 2015 that it did not appear that any attention was being paid to the height/width guidelines contained in the ADC Design Guidelines.

23. It does not appear that any action was taken, and the comments of certain BAR members indicated that the BAR was not going to consider them.

24. The record bears this out, as the record is absent of any mention (apart from one email from one BAR member to Mary Joy Scala – see Exhibit 1 attached hereto) of a desire to determine these heights.

25. Unless information was not turned over pursuant to the FOIA, there is no record that any part of the City government calculated the height of any existing structure near the proposed construction.

26. Finally, it is worth noting that the 550 Application was not complete as required by City Code Section 34-282(d).

27. Specifically, the Application did not contain (and so far as the record indicates, still does not contain) a “three-dimensional model (in physical or digital form) depicting the site.” One suspects this is to avoid showing the impact of the massing from the western view, in which the proposed building would tower over the King Building located immediately adjacent.

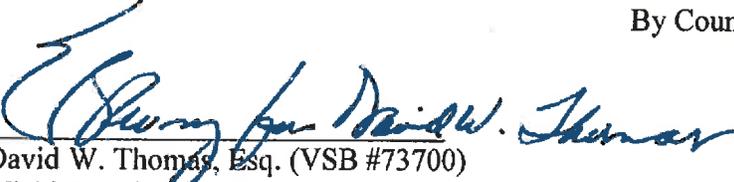
28. This omission, which continued even after members of the public noted its lack on at least two occasions, presents a separate and independent reason to reverse the BAR’s approval and remand for further consideration.

ACCORDINGLY, Appellant asks that this Council reverse the decision of the BAR and remand back for further proceedings. While the BAR’s ultimate ruling may not change, they have to follow the process laid out by this Council and adopted into the City Code.

Respectfully Submitted,

DR. SAMUEL HELLMAN

By Counsel

A handwritten signature in blue ink that reads "Placed for David W. Thomas". The signature is written in a cursive style and is positioned above a horizontal line.

David W. Thomas, Esq. (VSB #73700)

MichieHamlet PLLC

500 Court Square, Suite 300

Charlottesville, VA 22902

(434) 951-7229 Tel.

(434) 951-7249 Fax.

dthomas@michiehamlett.com

EXHIBIT 1

From: Scala, Mary Joy
To: Mess, Camie
Subject: FW: Hgt percentage
Date: Monday, March 21, 2016 3:51:40 PM

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

From: Melanie Miller [<mailto:melanie@houseofmillers.com>]
Sent: Thursday, October 22, 2015 9:35 AM
To: Scala, Mary Joy
Subject: RE: Hgt percentage

Did Lisa watch the tape from the other night? Is she worried that we could be outside of the code? My gut says we should be fine, since development would be too costly to begin if a full set of drawings were required at each step along the way....and the massing approval means absolutely nothing without ultimately receiving a COA. Thoughts?

From: Scala, Mary Joy [<mailto:scala@charlottesville.org>]
Sent: Thursday, October 22, 2015 8:45 AM
To: Mohr, Tim
Cc: BAR
Subject: RE: Hgt percentage

130% refers to the commercial street front before the setback. (Water Street Corridor zoning does not require setbacks) Compare the wording of the two guidelines:

2. Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.
3. In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block. Along West Main Street, heights should relate to any adjacent contributing buildings. Additional stories should be stepped back so that the additional height is not readily visible from the street.

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

From: T Mohr [<mailto:tmohr@tmdarch.com>]
Sent: Wednesday, October 21, 2015 6:59 PM
To: Scala, Mary Joy
Cc: BAR
Subject: Re: Hgt percentage

Thanks Mary Joy - what I was particularly curious about is whether the 130% Hgt the attorney referred to in the mtg last night has been calculated - this appears to be a BAR guideline and not a zoning guideline if I am not mistaken.

Tim

Tim Mohr

tim mohr
ARCHITECT

From: Scala, Mary Joy
Sent: Wednesday, October 21, 2015 4:15 PM
To: Mohr, Tim
Cc: BAR
Subject: RE: Hgt percentage

The Zoning Administrator is responsible ultimately for that determination. He confirmed 550 E Water is generally correct this month. Not sure if he confirmed Atwood's project but that would be checked during site plan review. The intent of the ordinance definition of building height is to average the building height to account for grade. For a regular building on a sloped site, Read would take the average measurement at the four corners. If the building is not rectangular, like 1000 W Main, then the calculation gets more complicated.

The classic example is the Landmark Hotel on a site that slopes down from E Main to Water Street. The middle of the building is at 101 feet high (the max height permitted) and the facade on Water Street measures somewhat taller than that; the part on the mall somewhat lower.

Last month, 550 E Water incorrectly tried to average the 2-story part of the building against the 86 feet tall higher part. That is not the intent of the zoning regulations.

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

From: T Mohr [<mailto:tmohr@tmdarch.com>]
Sent: Wednesday, October 21, 2015 3:40 PM
To: Scala, Mary Joy
Cc: BAR
Subject: Hgt percentage

Hi Mary Joy -

Who is responsible for confirming that the East Water St project meets the Hgt percentage% - strikes me that it is the BAR's - is this a calculation that staff can take a shot at? Seems like it something we should have assessed long ago - might have saved some teeth gnashing. Also would be good to do same w/Atwood's West Main project.

Best,

Tim

Tim Mohr

t i m m o h r
ARCHITECT

Scala, Mary Joy

From: Tim Michel <tim.m.michel@gmail.com>
Sent: Tuesday, October 20, 2015 8:39 AM
To: Scala, Mary Joy
Subject: Re: is there a time on arb agenda yet for 550?

Dear Mary Joy,

Thank you for the ARB agenda.

The proposed 550 project is still big for the small site and, more importantly, out of scale with the surrounding urban context and diminishes the historic buildings at the east end of the Mall. The building is better at 6 vs 9 stories, but seeing site by site city development without stronger emphasis on the broader urban context is depressing.

I really hope the city will create a study similar to the West Main St one to try and better address future development at the East End of the Mall. I would be eager to get involved in that if the opportunity arose. Also what is the point of height limits if a builder can add 25% of the building roof sq footage for any use whatsoever?

Maybe I should reconsider the vacant parking lot I own on 4th St. The City clearly wants to increase the density.

Thank you, Tim Michel

On Mon, Oct 19, 2015 at 11:57 AM, Scala, Mary Joy <scala@charlottesville.org> wrote:

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](tel:434.970.3130) FAX [434.970.3359](tel:434.970.3359)

scala@charlottesville.org

From: Tim Michel [<mailto:tim.m.michel@gmail.com>]
Sent: Monday, October 19, 2015 1:58 PM
To: Scala, Mary Joy
Subject: is there a time on arb agenda yet for 550?

thanks, Tim

--

Tim Michel

Cell 434 960 1124

Office 434 295 1131

Email: Tim.M.Michel@gmail.com

Scala, Mary Joy

Subject: FW: NDRA Endorsement of Community Concerns for 550 East Water Street

From: Heather Danforth Hill [mailto:heatherraedanforth@gmail.com]

Sent: Sunday, October 18, 2015 9:31 PM

To: Schwarz, Carl; Sarafin, Justin; Graves, Whit; Miller, Melanie; Knott, Laura; kkeesecker@brw-architects.com; Earnst, Emma; DeLoach, Candace; Mohr, Tim

Cc: Scala, Mary Joy; Bright, Jon

Subject: NDRA Endorsement of Community Concerns for 550 East Water Street

Dear members of the Board of Architectural Review:

The North Downtown Residents Association (NDRA) Board of Directors has reviewed the issues raised by members of the Water Street Community regarding the most recent submission for the 550 East Water Street Project in their letter previously sent to you and City staff on September 14th and October 15th (attached). The Board endorses their concerns for your consideration in determining the appropriateness of this project.

We thank you in advance for considering these issues in preparation for your meeting on October 20th and for the outstanding work and mission you perform for our community.

Sincerely,
Heather Hill
NDRA Board of Directors

Heather Danforth Hill | HeatherRaeDanforth@gmail.com | 434.825.7374

From: Myatt

Sent: Monday, September 14, 2015 2:37 PM

Subject: 550 East Water Street -- BAR Preliminary Discussion, September 15, 2015

Dear Members of the Board of Architectural Review, and City Staff,

Michelangelo said that "every block of stone has a statue inside it, and it is the task of the sculptor to discover it."

As neighboring residents and/or property owners, we believe that 550 Water Street has viable development potential and could support a project harmonious with its Architectural Design Control District and respectful of its important historic neighboring properties.

However, this new proposal is not that.

Wide and squat, it nevertheless is tall enough -- the maximum height permitted by code (plus a parapet and an "appurtenance") -- to dwarf the historic King Building and the old C&O Railway Station, each only a few feet away on either side.

The proposed massing and scale might be appropriate for an office park or condo complex, situated in a sizable expanse with ample open space and sizable green areas, or for a city plaza where it would include humanizing features such as substantial courtyards, stepbacks and setbacks. But here, on this tiny and shallow 1/4 acre lot, it massively overburdens its site and overpowers its surroundings.

It creates an urban canyon -- an aesthetically-disastrous juxtaposition of two tall frontages facing one another across a busy but relatively narrow street. This is not Charlottesville's character, and we hope it never will be.

For the immediate historic district neighborhood, it would seriously reduce quality of life. The lack of significant elements of public space or amenity, the poor pedestrian experience, the blockage of light, sky and views, all starkly contrast with the architectural and social character of the community and of the historic neighboring structures.

Further, even at this preliminary stage it is apparent that the proposal will have many practical issues which are not addressed by the current drawings. Some of these issues – such as parking, required off-street loading areas, garage entrances, traffic/method of construction/street closures (see attached photos) – derive from and are inextricably related to the structure's problematic massing and scale (especially in relation to its exceptionally small site, in which no provision is made for side or rear access). Accordingly, we believe that these issues should be kept in mind in even the preliminary consideration of this project's massing and scale. In this regard, we appreciate the BAR's careful review at its May and June meetings, in which it recognized many of the special challenges of large-scale development on this very small lot.

This proposed project's site is very near the heart of our beautiful and beloved City. Any development there should reflect and reinforce Charlottesville's special character and charm. That is, it should be open, landscaped, pedestrian-friendly, architecturally and aesthetically in harmony with its surroundings, and human-scale rather than massive and conspicuously incompatible with its neighboring historic properties.

Respectfully, and with appreciation for all the good work you do for our City,

Dr. Gerard Alexander

Dr. Bruce Campbell

Ms. Marcia Hellman

Dr. Samuel Hellman

Ms. Lisa Hogan

Dr. Emilie Johnson

Mr. Gregory Ledford

Ms. Nancy Ledford

Mr. Wayne Lee

Ms. Hillary Lee

Dr. Carol Mershon

Mr. David Myatt

Ms. Patty Myatt

Mrs. Dana Palmer

Mr. Kevin Palmer

Ms. Lee Randall

Mr. Peter Randall

Mr. Derek Wheeler

Mr. Jaffray Woodruff

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The proposed massing and scale might be appropriate for an office park or condo complex, situated in a sizable expanse with ample open space and sizable green areas, or for a city plaza where it would include humanizing features such as substantial courtyards, setbacks and setbacks. But here, on this tiny and shallow 1/4 acre lot, it massively overburdens its site and overpowers its surroundings.

It creates an urban canyon -- an aesthetically-disastrous juxtaposition of two tall frontages facing one another across a busy but relatively narrow street. This is not Charlottesville's character, and we hope it never will be.

For the immediate historic district neighborhood, it would seriously reduce quality of life. The lack of significant elements of public space or amenity, the poor pedestrian experience, the blockage of light, sky and views, all starkly contrast with the architectural and social character of the community and of the historic neighboring structures.

Further, even at this preliminary stage it is apparent that the proposal will have many practical issues which are not addressed by the current drawings. Some of these issues -- such as parking, required off-street loading areas, garage entrances, traffic/method of construction/street closures (see attached photos) -- derive from and are inextricably related to the structure's problematic massing and scale (especially in relation to its exceptionally small site, in which no provision is made for side or rear access). Accordingly, we believe that these issues should be kept in mind in even the preliminary consideration of this project's massing and scale. In this regard, we appreciate the BAR's careful review at its May and June meetings, in which it recognized many of the special challenges of large-scale development on this very small lot.

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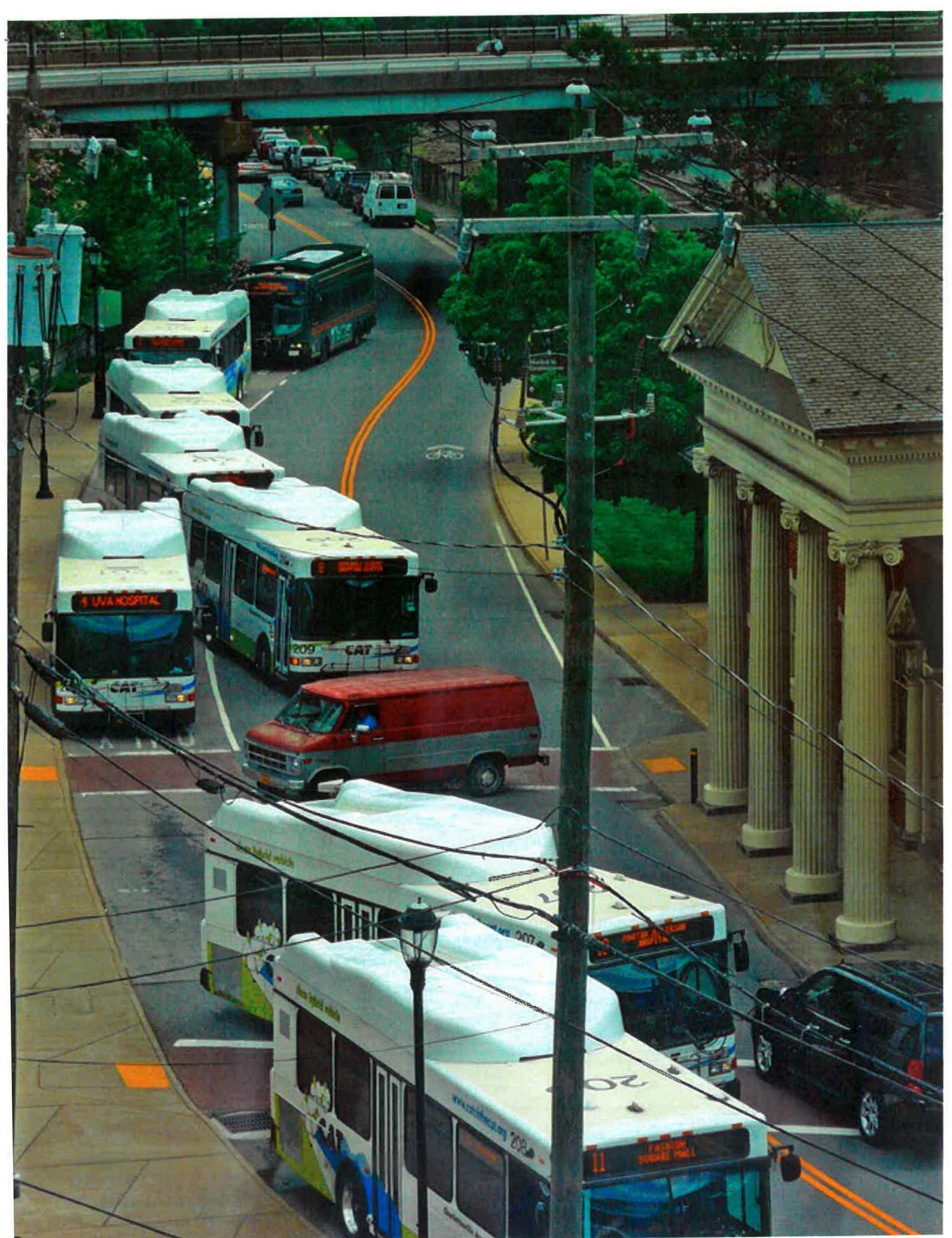
Respectfully, and with appreciation for all the good work you do for our City,

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Ms. Marcia Hellman
Dr. Samuel Hellman
Ms. Lisa Hogan

Dr. Emilie Johnson
Mr. Gregory Ledford
Ms. Nancy Ledford
Mr. Wayne Lee
Ms. Hillary Lee

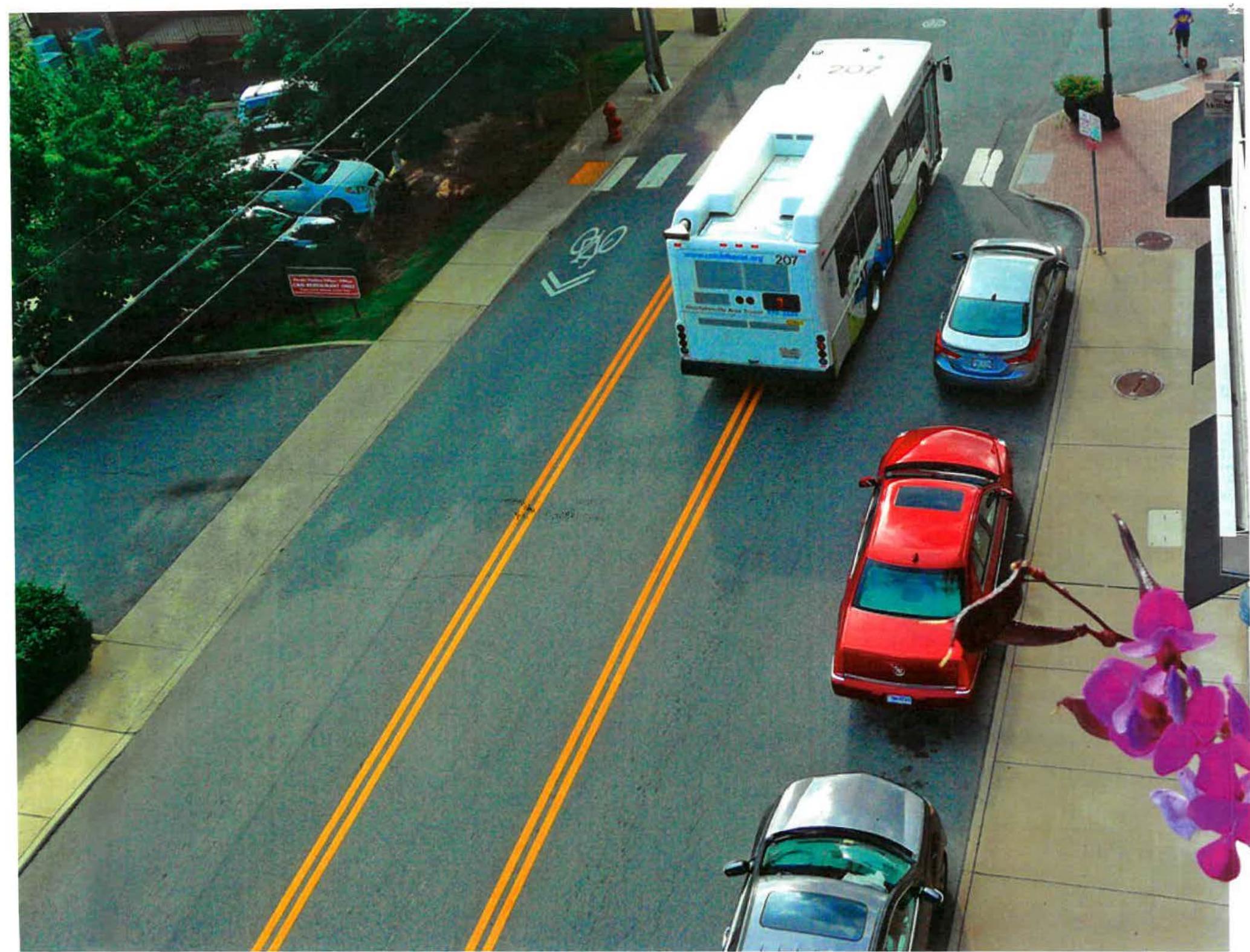
Dr. Carol Mershon
Mr. David Myatt
Ms. Patty Myatt
Mrs. Dana Palmer
Mr. Kevin Palmer

Ms. Lee Randall
Mr. Peter Randall
Mr. Derek Wheeler
Mr. Jaffray Woodruff
Ms. Merrill Woodruff









Dear Members of the Board of Architectural Review and City Staff,

I write as a neighboring property owner to express concerns over the new proposal for 550 Water Street. As a new addition to the Architectural Design Control District that preserves the historic fabric of Downtown Charlottesville, I have significant reservations over the size, scale, and massing of the proposed building. While the proposal contains elements to break up the megalithic expanses of structure, most of these breaks face away from the street. The building presents a monolithic face to the bustle of Water Street, overpowering the neighboring C&O train station and the King building. Unfortunately, because of the modest scale of this lot, common techniques to reduce street-scale like step-backs are not utilized in the design.

The small size and unusual shape of this lot, as well as its low-lying profile, have avoided development since the late 1980s. Before that, this oddly-shaped parcel served a very specific function, as the shed for the C&O rail station serving passenger trains. The newly constructed train shed is visible in my attached postcard from July 1908. The train shed's low profile, open construction, and restrained size in relationship to surrounding buildings, including the King building, is documented in the Sanborn Fire Insurance map, recorded in October 1907 (Sheet 2). 5th Street SE continued across the tracks, between the train shed and the King building, which gave the transportation structure room to breathe.

As the neighborhood developed by 1920, the sensitive scale and open massing of the train shed continued to coexist harmoniously with the surrounding buildings (Sheet 3, 4, and 14). These maps show the horizontal expanse of the train shed surrounded by low density, multi-use structures, including two-story dwellings on 5th Street SE and Water Street, a three-story warehouse on the other side of the iron viaduct that arched over the tracks, and two-story dwellings and warehouses across the tracks.

The train shed survived until 1987 or 1988. The property has resisted development ever since.

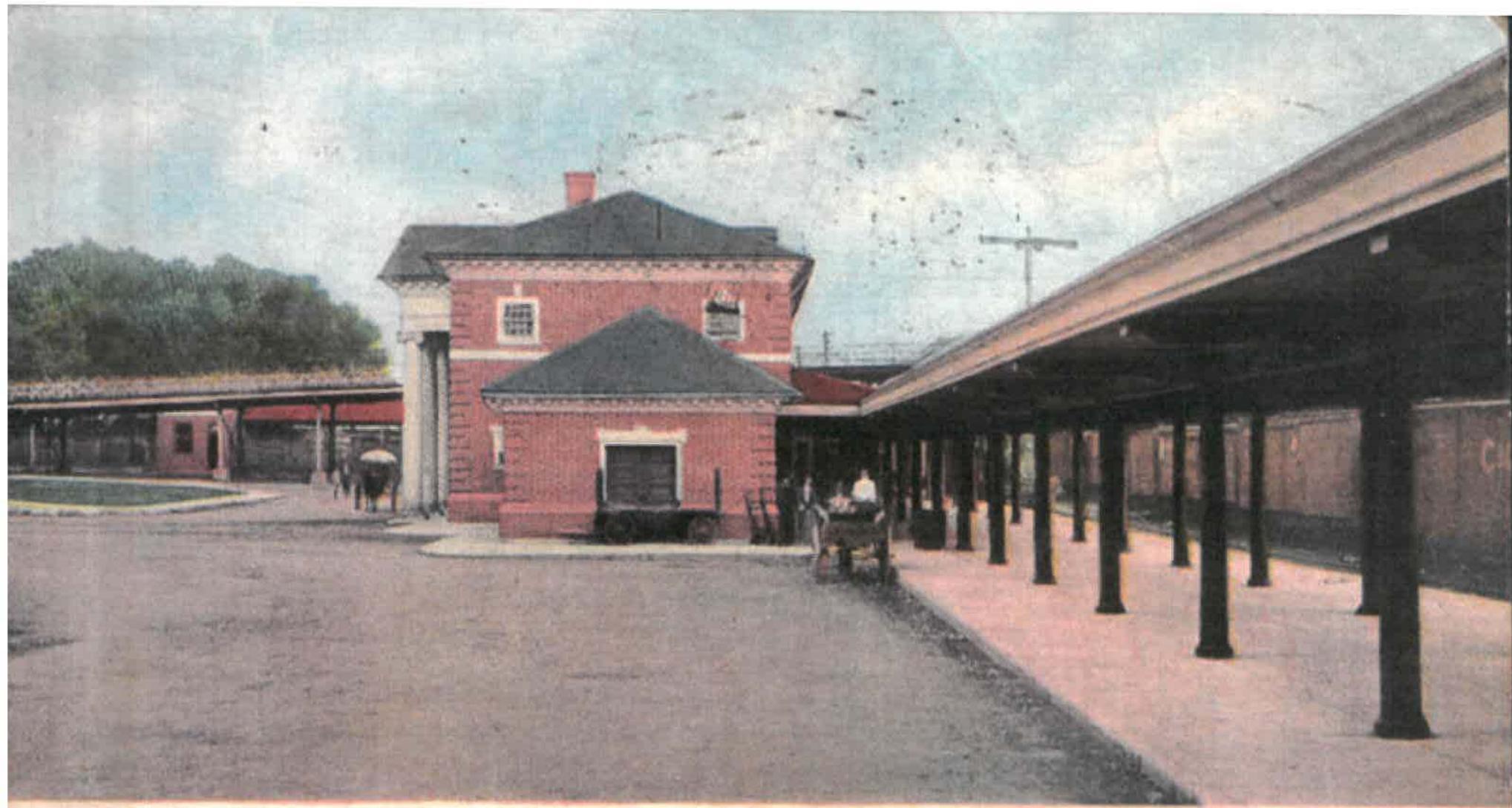
Most of these buildings are long-gone. The roads have undergone significant transformation, and the abbatoir has happily relocated. However, this oddly shaped parcel is a relic of early-20th century Charlottesville, a remnant worth preserving. As such, it deserves development that recognizes its historic neighbors, and celebrates the particular history of this site.

Guidelines for ADC districts explicitly caution against impacts of massing and height by infill construction on surrounding structures. This proposal does not offer compatible height or massing, which make immediate impacts on densely built, established neighborhoods. Historic buildings like the C&O station and the King building have existed harmoniously with a structure on this site – a long, low, open one. Inspired design, appropriately scaled, that embraces the history of the site and surrounding structures would be a welcome addition to the neighborhood. I urge you to insist upon a proposal that does not ignore its site.

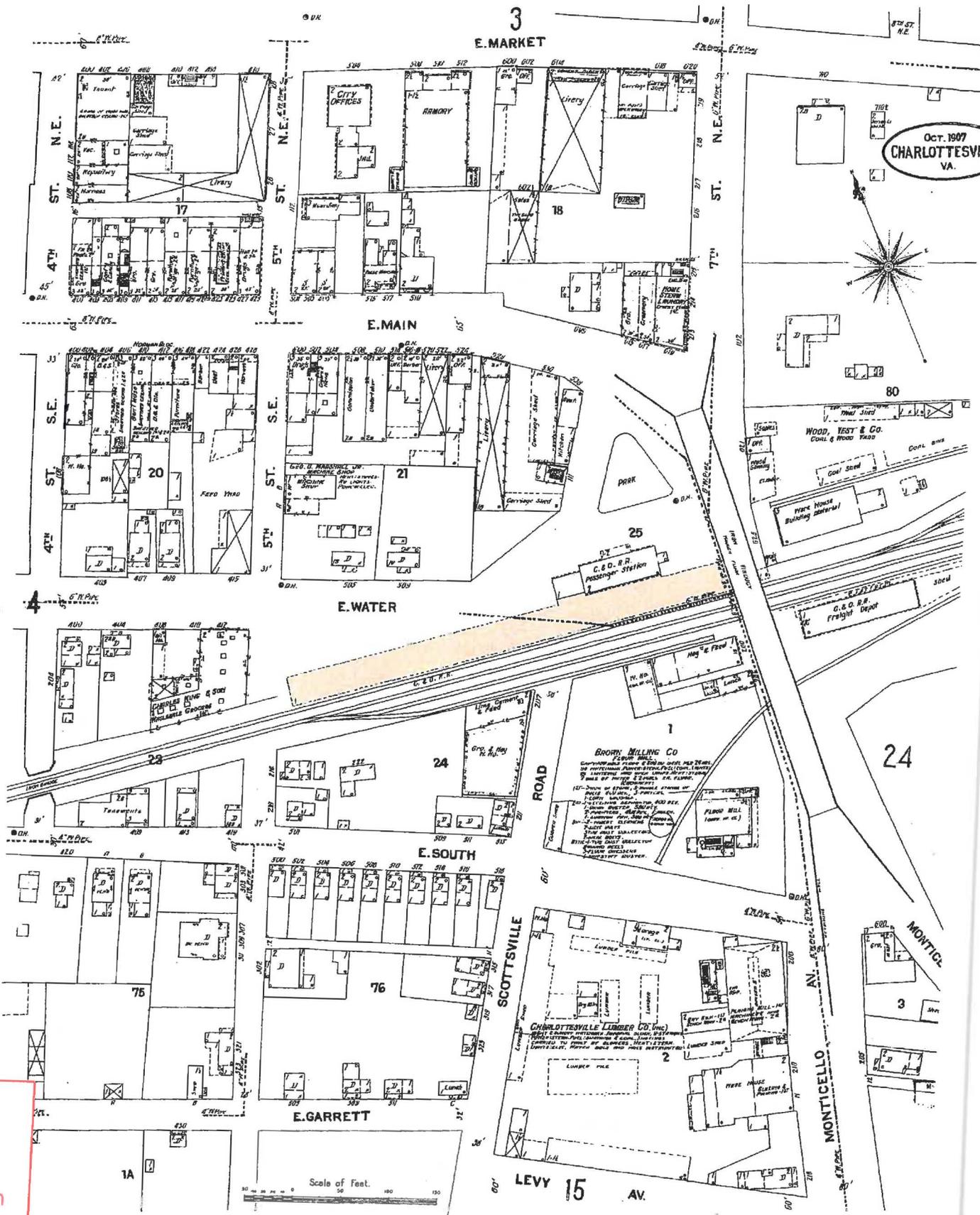
Respectfully, and with appreciation,

Emilie Johnson, PhD

October 19, 2015

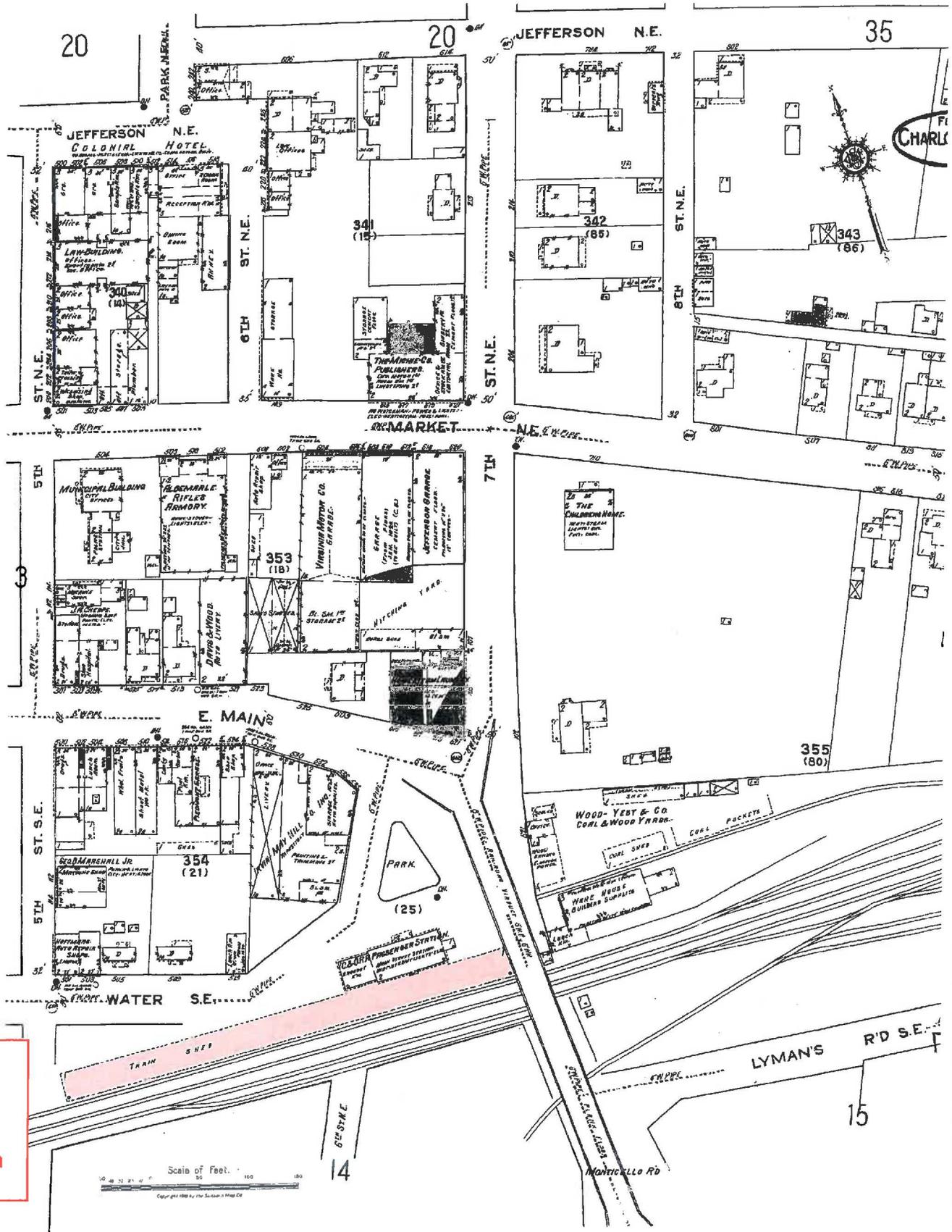


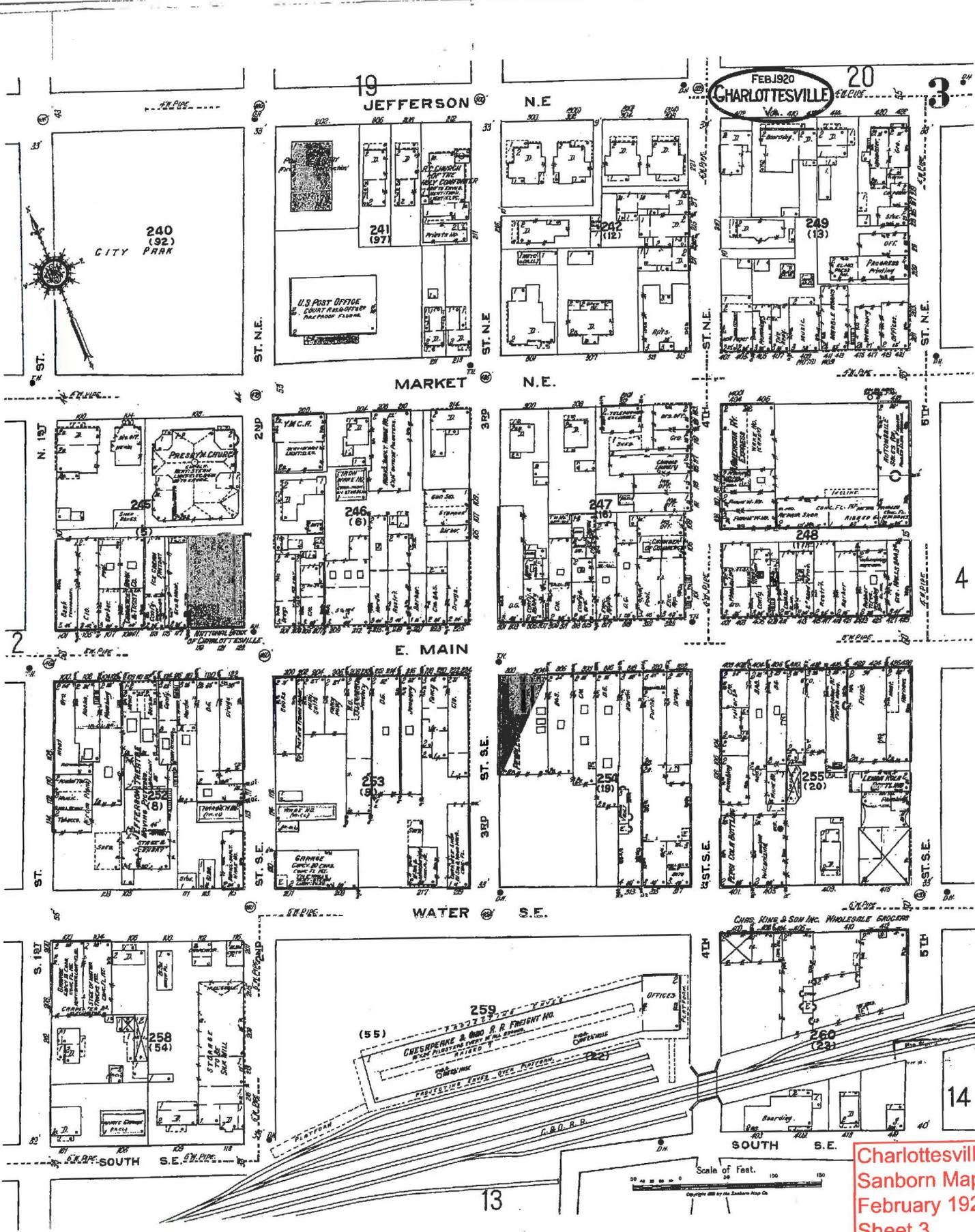
C. & O. DEPOT, CHARLOTTESVILLE, VA.—(507)



Charlottesville
Sanborn Map
October 1907
Sheet 2
C&O 1-story train
shed highlighted

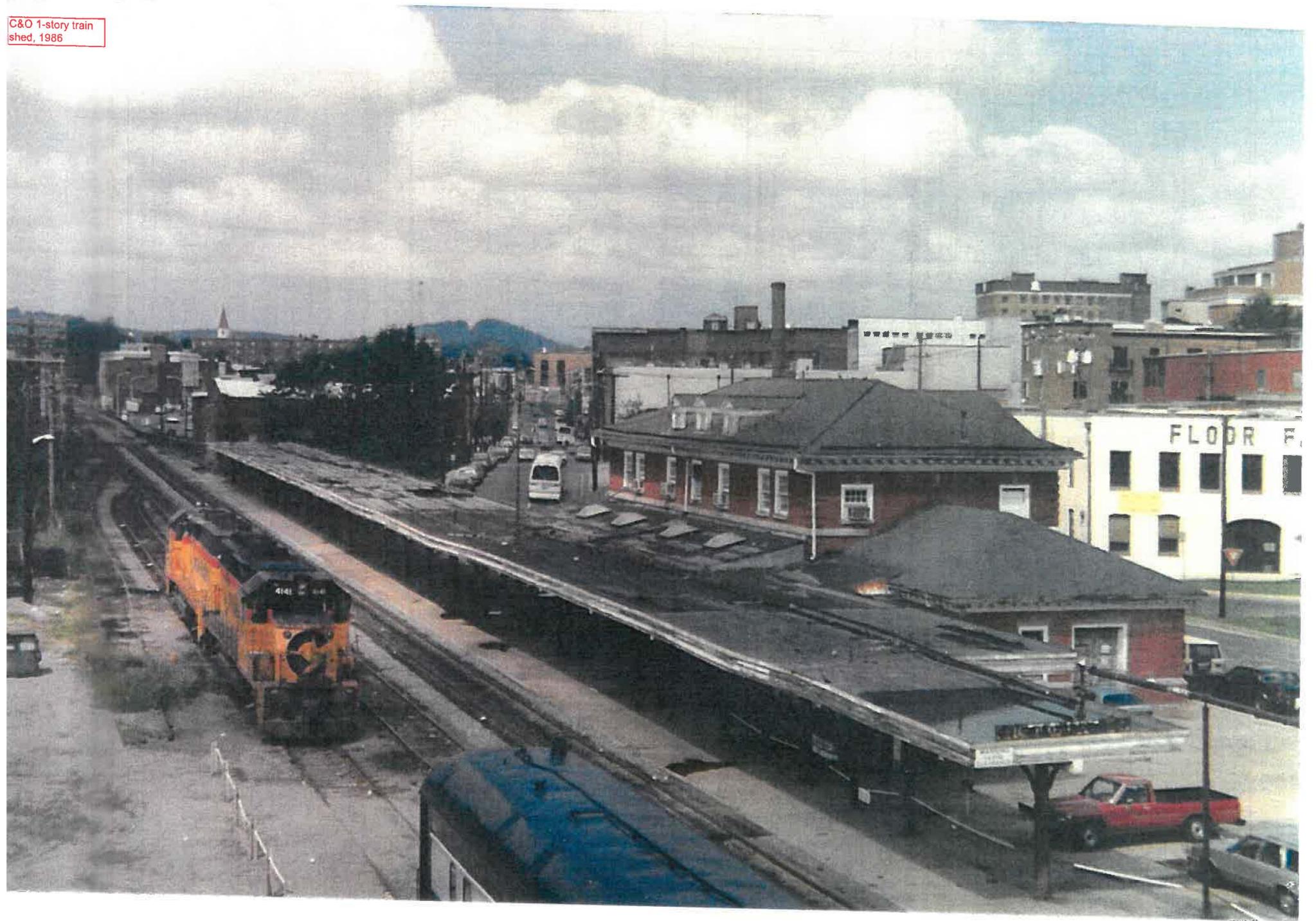
Charlottesville
 Sanborn Map
 February 1920
 Sheet 4
 C&O 1-story train
 shed highlighted





Charlottesville
Sanborn Map
February 1920
Sheet 3
Notice the King
building in the
bottom right corner

C&O 1-story train shed, 1986



Scala, Mary Joy

From: Bob Kroner <rkroner@scottkroner.com>
Sent: Monday, October 19, 2015 1:52 PM
To: Scala, Mary Joy
Subject: Re: 550 East Water Street / BAR 15-10-08

Mary Joy,

I'm not crazy about the overall design as it dwarfs the two adjoining historic structures (namely, the train station and the King Building); and it drives a wedge through the historic heart of this end of the historic district by completing the canyon effect of tall buildings facing one another.

That being said, is the design any worse for the historic district than the Holsinger? Alas, probably not.

The drawings suggest that there is some sort of mechanical structure atop the building that exceeds the 70-foot height restriction. Is that allowed?

Bob

Robert J. Kroner
Attorney at Law
SCOTT | KRONER, PLC
www.scottkroner.com
418 East Water Street
P.O. Box 2737
Charlottesville, VA 22902
(434) 296-2161 *Office*
(434) 293-2073 *Fax*

NOTICE: This email may contain confidential and privileged material for the sole use of the intended recipient. Any unauthorized review, use or distribution by others is strictly prohibited. If you are not the intended recipient please contact the sender and delete all copies. Thank you.

On Tue, Oct 13, 2015 at 10:09 AM, Scala, Mary Joy <scala@charlottesville.org> wrote:

Not yet, but I'll ask for one.

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

From: Bob Kroner [mailto:rkroner@scottkroner.com]

Sent: Monday, October 12, 2015 5:22 PM

To: Scala, Mary Joy

Subject: 550 East Water Street / BAR 15-10-08

Hi, Mary Joy. I hope that all is well with you and that you are enjoying these wonderful Fall days. Today was the perfect day to be outside; alas, I was stuck at my desk all day.

Can you tell me if this applicant has submitted any elevations for the west side of the proposed building? That is the "face" that will be staring into/down on our building, so I'm interested in seeing what is proposed.

Thanks!

Bob

Robert J. Kroner

Attorney at Law

SCOTT | KRONER, PLC

www.scottkroner.com

418 East Water Street

P.O. Box 2737

Charlottesville, VA 22902

(434) 296-2161 Office

(434) 293-2073 Fax

E. HEIGHT & WIDTH

The actual size of a new building can either contribute to or be in conflict with a historic area. This guideline addresses the relationship of height and width of the front elevation of a building mass. A building is horizontal, vertical, or square in its proportions. Residential buildings' height often relates to the era and style in which they were built. Houses in the historic districts for the most part range from one to three stories with the majority being two stories. Most historic residential buildings range in width from 25 to 50 feet. While some commercial buildings are larger, the majority are two to three stories in height. Most historic commercial buildings range from 20 to 40 feet in width. The West Main Street corridor has a greater variety of building types. Early-nineteenth-century (Federal and Greek Revival) and early-twentieth-century (Colonial Revival) designs often have horizontal expressions except for the townhouse form which is more vertical. From the Victorian era after the Civil War through the turn of the century, domestic architecture is usually 2 to 2 1/2 stories with a more vertical expression. Commercial buildings may be divided between horizontal and vertical orientation depending on their original use and era of construction.

1. Respect the directional expression of the majority of surrounding buildings. In commercial areas, respect the expression of any adjacent historic buildings, which generally will have a more vertical expression.
2. Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.
3. In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block. Along West Main Street, heights should relate to any adjacent contributing buildings. Additional stories should be stepped back so that the additional height is not readily visible from the street.
4. When the primary façade of a new building in a commercial area, such as downtown, West Main Street, or the Corner, is wider than the surrounding historic buildings or the traditional lot size, consider modulating it with bays or varying planes.
5. Reinforce the human scale of the historic districts by including elements such as porches, entrances, storefronts, and decorative features depending on the character of the particular sub-area.
6. In the West Main Street corridor, regardless of surrounding buildings, new construction should use elements at the street level, such as cornices, entrances, and display windows, to reinforce the human scale.



The vertical expression of this late-twentieth century residence echoes the height and width of its Victorian neighbors.



In this downtown block, traditional bay divisions have been used to modulate the planes of the building facades.

III NEW CONSTRUCTION & ADDITIONS

F. SCALE

Height and width also create scale, the relationship between the size of a building and the size of a person. Scale can also be defined as the relationship of the size of a building to neighboring buildings and of a building to its site. The design features of a building can reinforce a human scale or can create a monumental scale. In Charlottesville, there is a variety of scale. For instance, an institutional building like a church or library may have monumental scale due to its steeple or entry portico, while a more human scale may be created by a storefront in a neighboring commercial building.

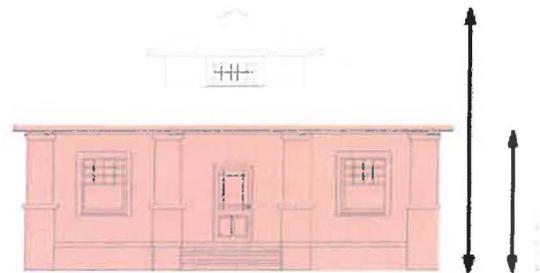
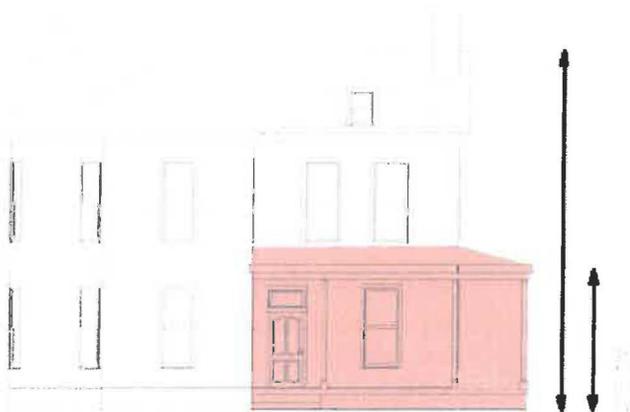
1. Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.
2. As an exception, new institutional or governmental buildings may be more appropriate on a monumental scale depending on their function and their site conditions.



This parking garage facade lacks any design elements that would suggest a human scale.



This parking garage facade uses bay divisions, storefronts, openings and changes in materials to help reduce its scale.



Porches reduce the overall scale of a structure and relate it better to the size of the human being.

A. INTRODUCTION

The following guidelines offer general recommendations on the design for all new buildings and additions in Charlottesville's historic districts. The guidelines are flexible enough to both respect the historic past and to embrace the future. The intent of these guidelines is not to be overly specific or to dictate certain designs to owners and designers. The intent is also not to encourage copying or mimicking particular historic styles. These guidelines are intended to provide a general design framework for new construction. Designers can take cues from the traditional architecture of the area, and have the freedom to design appropriate new architecture for Charlottesville's historic districts. These criteria are all important when considering whether proposed new buildings are appropriate and compatible; however, the degree of importance of each criterion varies within each area as conditions vary.

For instance, setback and spacing between buildings may be more important than roof forms or materials since there is more variety of the last two criteria on most residential streets. All criteria need not be met in every example of new construction although all criteria should be taken into consideration in the design process. When studying the character of a district, examine the forms of historic contributing buildings and avoid taking design cues from non-contributing structures.

There may be the opportunity for more flexibility in designing new buildings or making an addition depending on the level of historic integrity of a particular area. Some parts of the historic districts retain a high degree of their original historic character. In these areas care should be taken to ensure that the new design does not visually overpower its historic neighboring buildings. In other areas where there are more non-contributing structures or more commercial utilitarian buildings, new designs could be more contemporary and the Board of Architectural Review (BAR) may be more flexible in applying these guidelines. Thus, the overall context of historic integrity of an area needs to be understood and considered on an individual basis and what may be appropriate in some areas may not be appropriate in others.

According to the Secretary of the Interior's Standards for Rehabilitation:

- New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Sustainability

Sustainability means meeting the needs of the present without compromising the ability of future generations to meet their own needs. Green building means building practices that use energy, water, and other resources wisely. The City of Charlottesville and the Board of Architectural Review support the principles of green building and sustainable design in order to create a community that is healthy, livable, and affordable:

- Preservation is the most sustainable choice. Adaptive reuse of a historic building or living in a pre-owned home reduces consumption of land and materials for new construction, and may reduce housing costs.
- Durable building materials such as brick, wood, cementitious siding, and metal roofs are economical and more compatible with the character of the community.
- Mixed-use development provides an alternative to sprawl that allows residents to live within walking distance of activities, thereby reducing time spent in the car.
- Infill development is an efficient use of land that can provide diversity in housing sizes and types, and can revitalize neighborhoods.
- Options for walking, bicycling, and transit promote healthy living and reduce dependence on automobiles and energy use.
- Designing buildings for the local climate helps conserve energy.
- Locally obtained building materials, rapidly renewable or recycled materials, non-toxic materials and finishes, and wood certified by the Forest Stewardship Council provide sustainable choices.
- Alternative construction techniques, such as structural insulated panels (SIPS), are energy efficient.
- Low Impact development methods (porous pavement, rain gardens, vegetated buffers, green roofs) retain storm water on site and protect stream water quality by filtering runoff.
- Use of rating systems such as LEED, Energy Star, and EarthCraft House are encouraged.

Sustainability and preservation are complementary concepts, and both goals should be pursued. Nothing in these guidelines should be construed to discourage green building or sustainable design. If such a design is found to conflict with a specific guideline, the BAR shall work with the applicant to devise a creative design solution that meets the applicant's goals for sustainability, and that is compatible with the character of the district and the property.

A. INTRODUCTION

Flexibility

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Building Types within the Historic Districts

When designing new buildings in the historic districts, one needs to recognize that while there is an overall distinctive district character, there is, nevertheless, a great variety of historic building types, styles, and scales throughout the districts and sub-areas that are described in Chapter 1: Introduction. Likewise, there are several types of new construction that might be constructed within the districts the design parameters of these new buildings will differ depending on the following types:



Traditional Commercial Infill

Traditional commercial infill buildings are the forms that fill in holes in a larger block of buildings in the downtown mall or in certain areas of the West Main Street corridor. This type of building generally has a limited setback, attaches to or is very close to neighboring structures, and takes many of its design cues from the adjoining buildings. Its typical lot width would be 25 to 40 feet.

Residential Infill



These buildings are new dwellings that are constructed on the occasional vacant lot within a block of existing historic houses. Setback, spacing, and general massing of the new dwelling are the most important criteria that should relate to the existing historic structures, along with residential roof and porch forms.



Neighborhood Transitional

Neighborhood transitional commercial/office buildings are located on sites that adjoin residential areas. The design of these buildings should attempt to relate to the character of the adjacent residential neighborhood as well as the commercial area. While these buildings may be larger in scale than residential structures, their materials, roof forms, massing, and window patterns should relate

to residential forms. In the West Main Street Corridor and in the 14th and 15th Street area of Venable Neighborhood, new buildings on these sites should provide an appropriate transition to any neighborhood adjoining the district.

Institutional



Government buildings, churches, schools, and libraries are all structures that represent a unique aspect of community life and frequently have special requirements that relate to their distinct uses. For these reasons, these buildings usually are freestanding and their scale and architectural arrangements may be of a different nature than

their residential and historic neighbors, but their materials should blend with the character of the districts.

Multi-lot



Often new commercial, office, or multiuse buildings will be constructed on sites much larger than the traditionally sized lots 25 to 40 feet wide. Many sites for such structures are located on West Main Street and in the 14th and 15th Street area of Venable Neighborhood. These assembled

parcels can translate into new structures whose scale and mass may overwhelm neighboring existing structures. Therefore, while this building type may need to respond to the various building conditions of the site, it also should employ design techniques to reduce its visual presence. These could include varying facade wall planes, differing materials, stepped-back upper levels, and irregular massing.

B. SUSTAINABILITY & FLEXIBILITY

Sustainability

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F. REHABILITATION TAX CREDITS

If you are undertaking a major rehabilitation of a contributing historic building in one of the Virginia Landmarks Register or National Register Historic Districts, which have nearly the same boundaries as the local historic districts administered by the BAR, you may be eligible for certain tax credits. Buildings listed individually on the State or National Register are also eligible. Contact the Virginia Department of Historic Resources or visit their website early in the planning stages of the project before spending time and money on architectural plans. To be a “certified rehabilitation” under either program, you must file an application with VDHR before any construction begins. Your rehabilitation must follow the *Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

G. ARCHITECTURAL DESIGN CONTROL DISTRICTS OVERVIEW

This section contains a brief description of each of the Architectural Design Control Districts along with a map that outlines the boundaries of the district, and the boundaries of sub-areas within each district. The map also identifies which structures are contributing and non-contributing.

Sub-areas: Sub-areas reflect the different building forms, architectural styles, periods, natural features and boundaries that create a distinct physical character within the overall district. When designing a new building or an addition to an existing structure, the sub-area will provide the primary context.

Contributing and Non-Contributing Structures: Some districts contain non-contributing structures, which do not require BAR approval for demolition. Otherwise, contributing and non-contributing structures and sites follow the same design review process.

Individually Protected Properties: The following maps show the Architectural Design Control (ADC) Districts, but not Individually Protected Properties. Please consult the Appendix for a listing of these Individually Protected Properties, which must follow the same design review process as contributing structures.

Recent Amendments: Maps of recently adopted new ADC Districts will be added to the Appendices at the end of Section 1.



G. ARCHITECTURAL DESIGN CONTROL DISTRICTS

Downtown ADC District

Charlottesville's traditional, late 19th-century commercial core centered on Main Street, originally the Three Notched Road. Seven blocks now comprise a pedestrian mall designed by Lawrence Halprin in 1971. To the west, "Vinegar Hill" was an area of African-American commercial, civic, and residential buildings razed in a 1964 urban renewal project. 333 West Main, formerly Inge's Grocery, and Jefferson School are surviving structures. To the south, Water Street contained railroad-oriented warehouses and industrial buildings.

Market Street: some turn-of-the-century residences with shallow setbacks converted to commercial uses, parking lots, late-nineteenth to mid-twentieth century commercial with no setback, vertical expression, 2 to 3 stories.

Mall: traditional Main Street, attached buildings, 2 to 4 stories with some larger buildings, masonry, no setbacks, traditional three-part facades: storefront, upper stories with windows, and cornice, tall proportions, flat or shed roofs, many mall amenities, tree canopies, outdoor eating, lively pedestrian atmosphere.

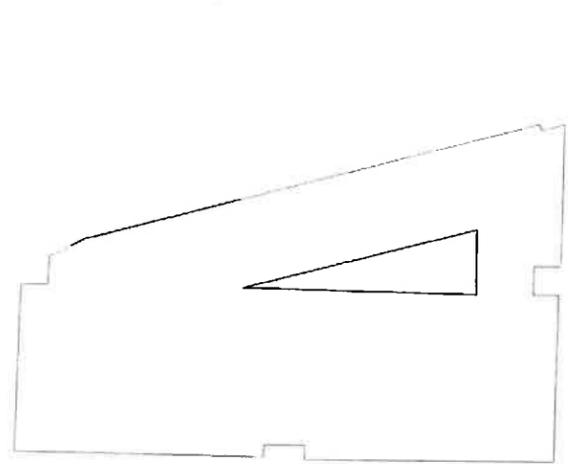
Water/South Street: industrial, parking, narrow sidewalks, hard edges, larger warehouse scale, masonry, open space, backyard of Main Street, downhill, auto oriented, quirky modern style.

South Street Residential: small enclave, residential, frame, turn-of-the-century, vernacular, 2 story, metal roofs, limited setbacks and spacing.

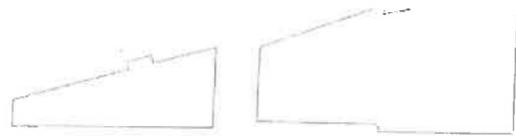
Vinegar Hill: eclectic area with remnants of traditional neighborhood patterns and a rich African-American cultural history; generally, a mix of medium scaled institutional and commercial buildings with intermittent residential structures; open lots and topographic change create a unique transitional urban fabric and opportunity for mixed uses.

West Main Street: increasingly vital commercial district with strong definition of the street edge and moderate pedestrian activity typically medium scaled, turn of the century masonry structures, generally mixed use with commercial/service below and residential above, street parking with small off street lots.

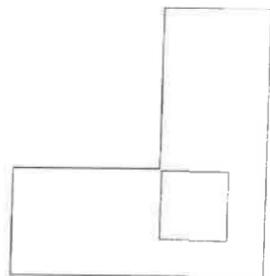




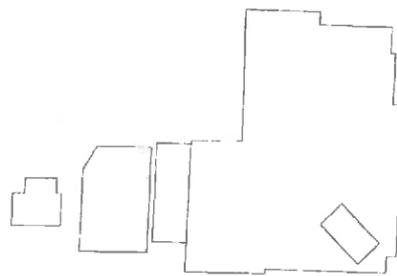
WATER ST PARKING GARAGE



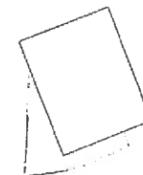
SURFACE PARKING



MARKET PLAZA

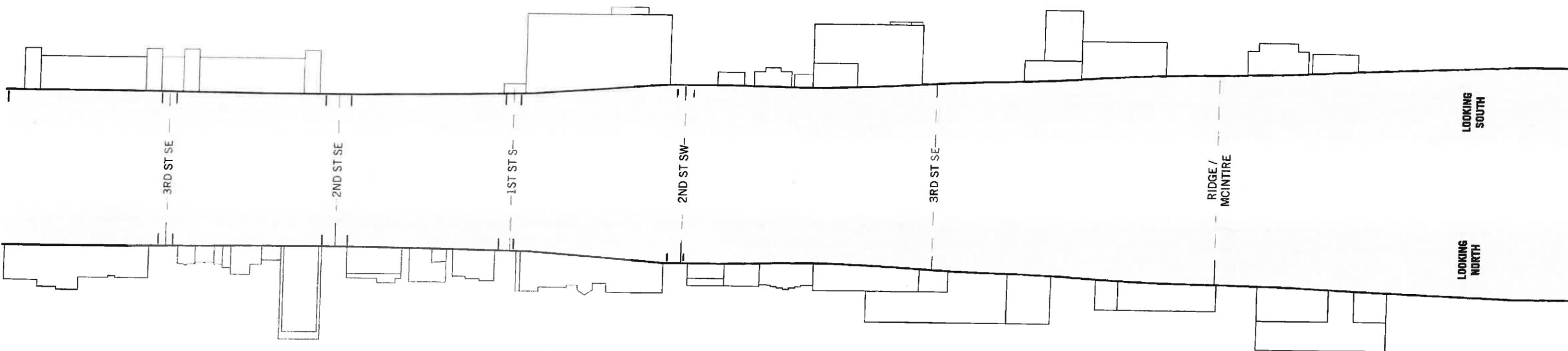


WATERHOUSE



LEWIS & CLARK

PLAN VIEW



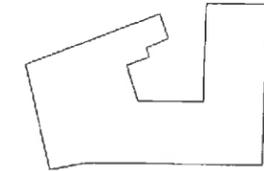
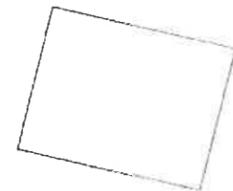
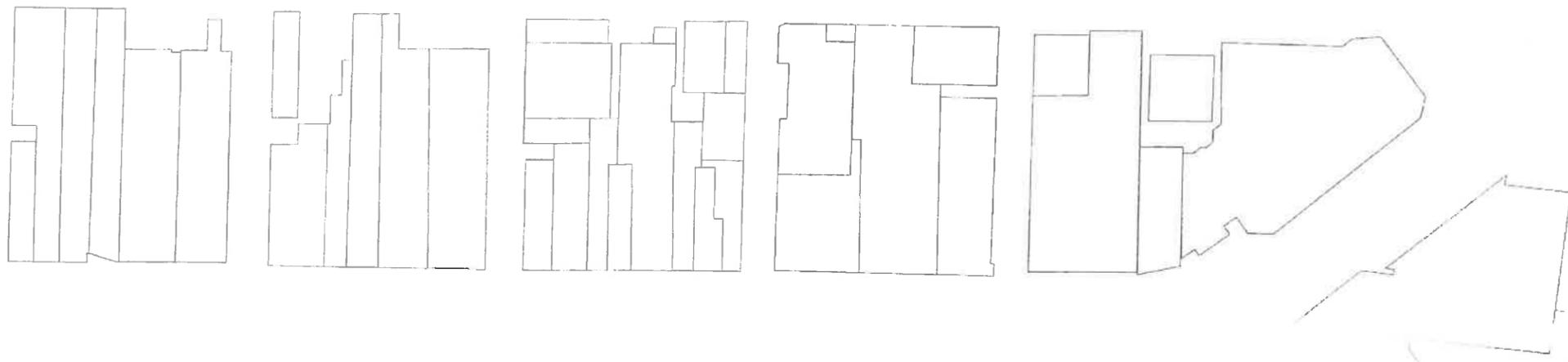
LOOKING SOUTH

LOOKING NORTH

LANDMARK HOTEL

FEDERAL COURTHOUSE

MARRIOTT ON WEST MAIN



PLAN VIEW

