

**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.
- 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.

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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. This property is located in the Downtown ADC District. The site is currently used for parking. A building used by the City Department of Parks and Recreation recently burned and was removed.

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.

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

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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;*
- (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.

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.

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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.
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- 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.

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.

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.

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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.*
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C. Spacing

- 2. Commercial and office buildings in areas that have a well-defined street wall should have minimal spacing between them.*
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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.*
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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.*

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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.
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8. Metal storefronts in clear or bronze are appropriate.
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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 (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 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).

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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)
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DAVID W. THOMAS (VA, DC)
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VIA HAND DELIVERY AND EMAIL

May 2, 2016

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

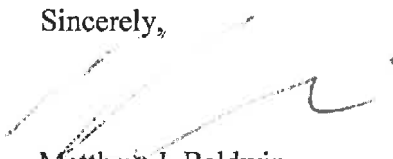
**Re: Dr. Samuel Hellman Appeal of Certificate of Appropriateness Application
BAR 15-10-08**

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.

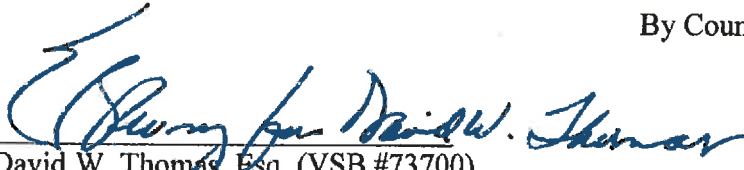
28. This omission, which continued even after members of the public noted its lack on at least two occasions, presents a separate and independent reason to reverse the BAR’s approval and remand for further consideration.

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, appearing to read "For David W. Thomas". The signature is written in a cursive, flowing style.

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, Camile](#)
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

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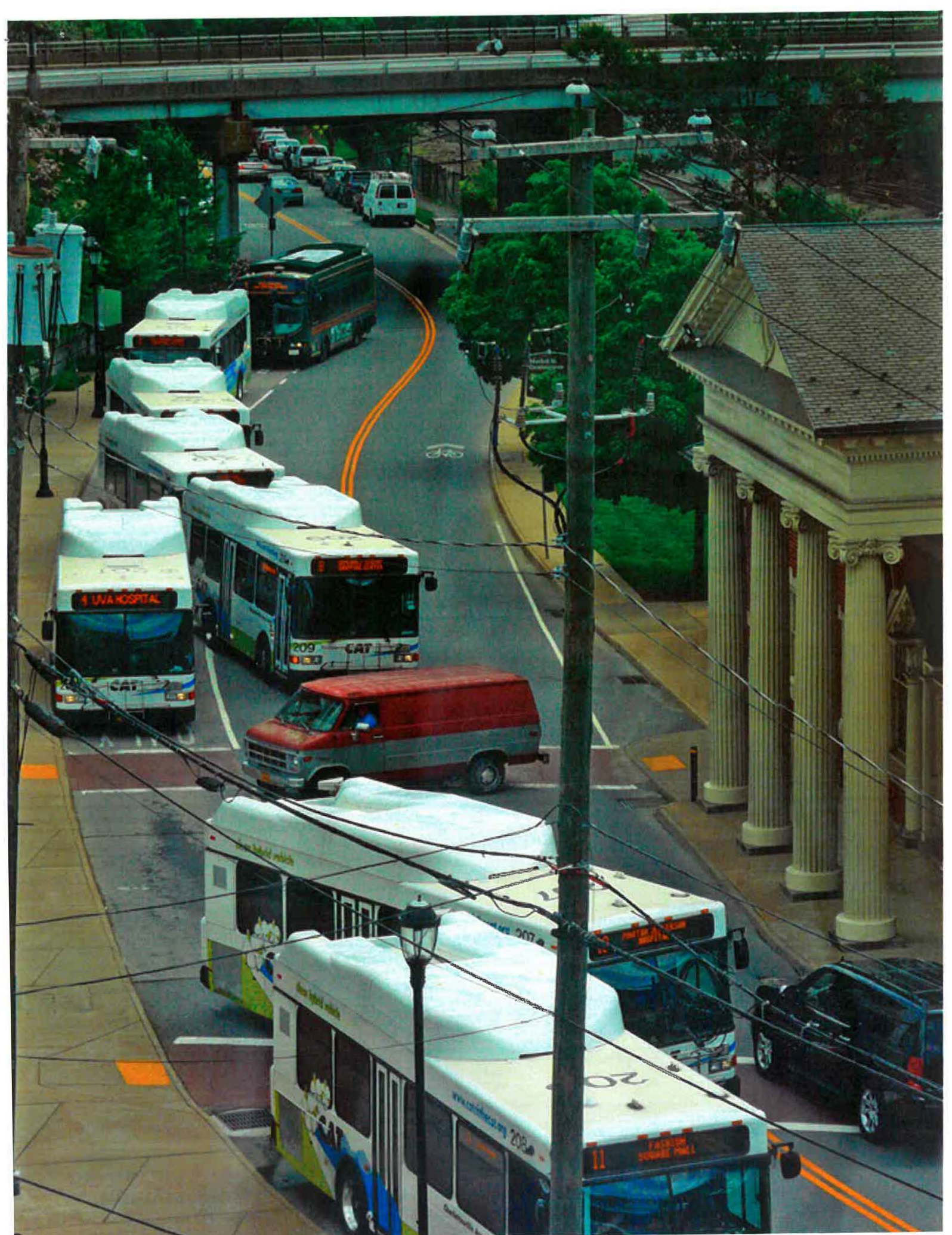
Respectfully, and with appreciation for all the good work you do for our City,

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Ms. Nancy Ledford
Mr. Wayne Lee
Ms. Hillary Lee

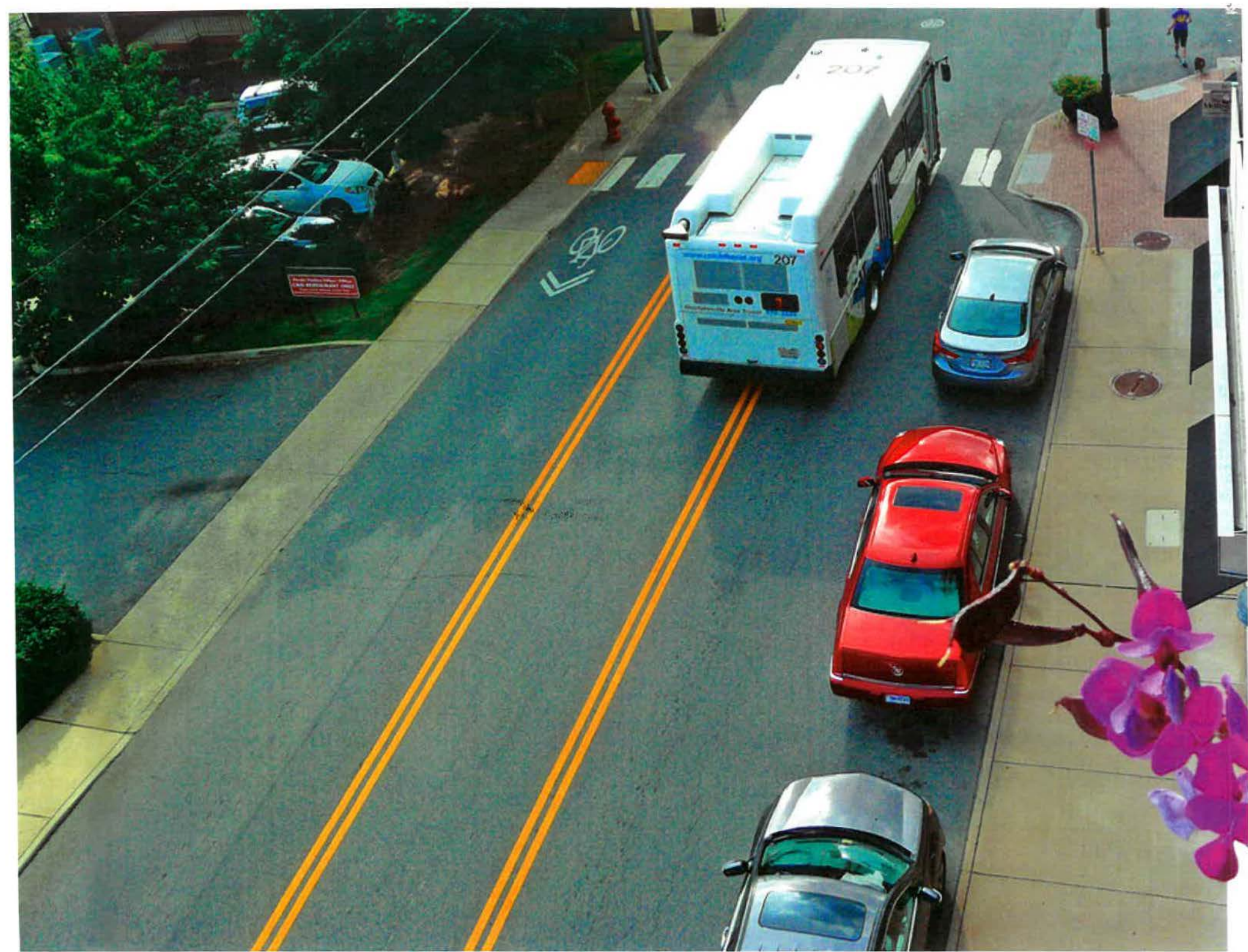
Dr. Carol Mershon
Mr. David Myatt
Ms. Patty Myatt
Mrs. Dana Palmer
Mr. Kevin Palmer

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.

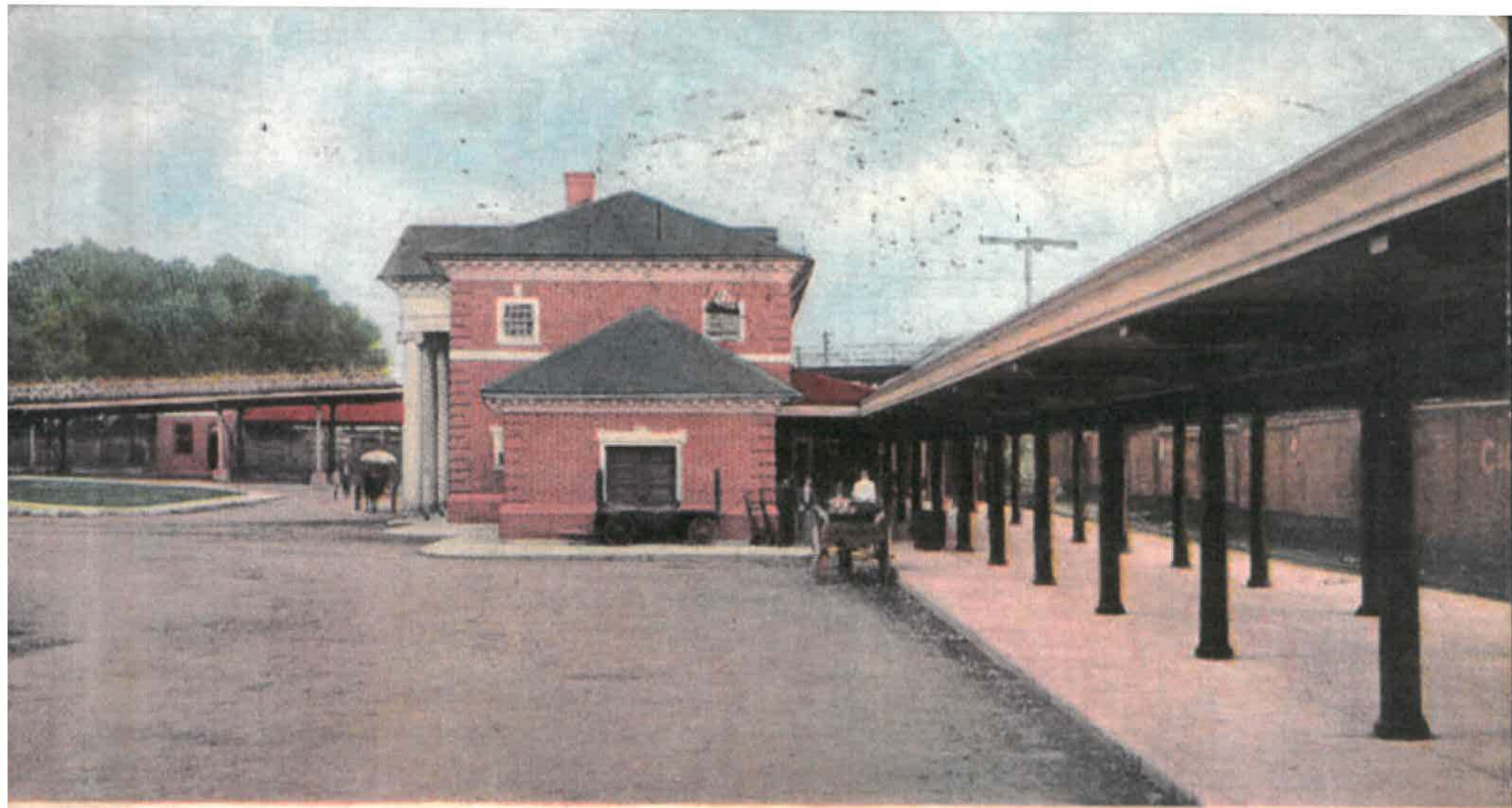
Most of these buildings are long-gone. The roads have undergone significant transformation, and the abbatoir has happily relocated. However, this oddly shaped parcel is a relic of early-20th century Charlottesville, a remnant worth preserving. As such, it deserves development that recognizes its historic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

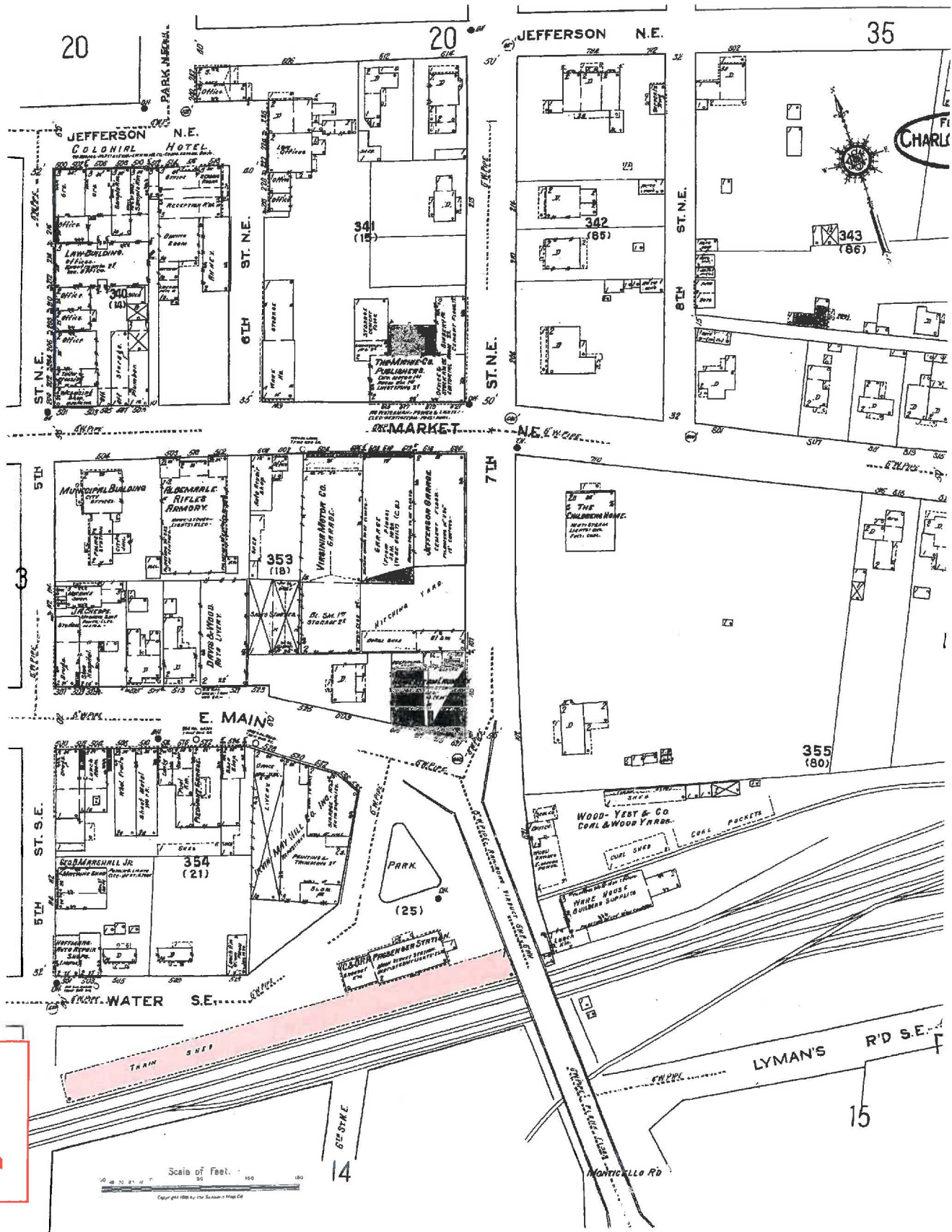
Emilie Johnson, PhD

October 19, 2015



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

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

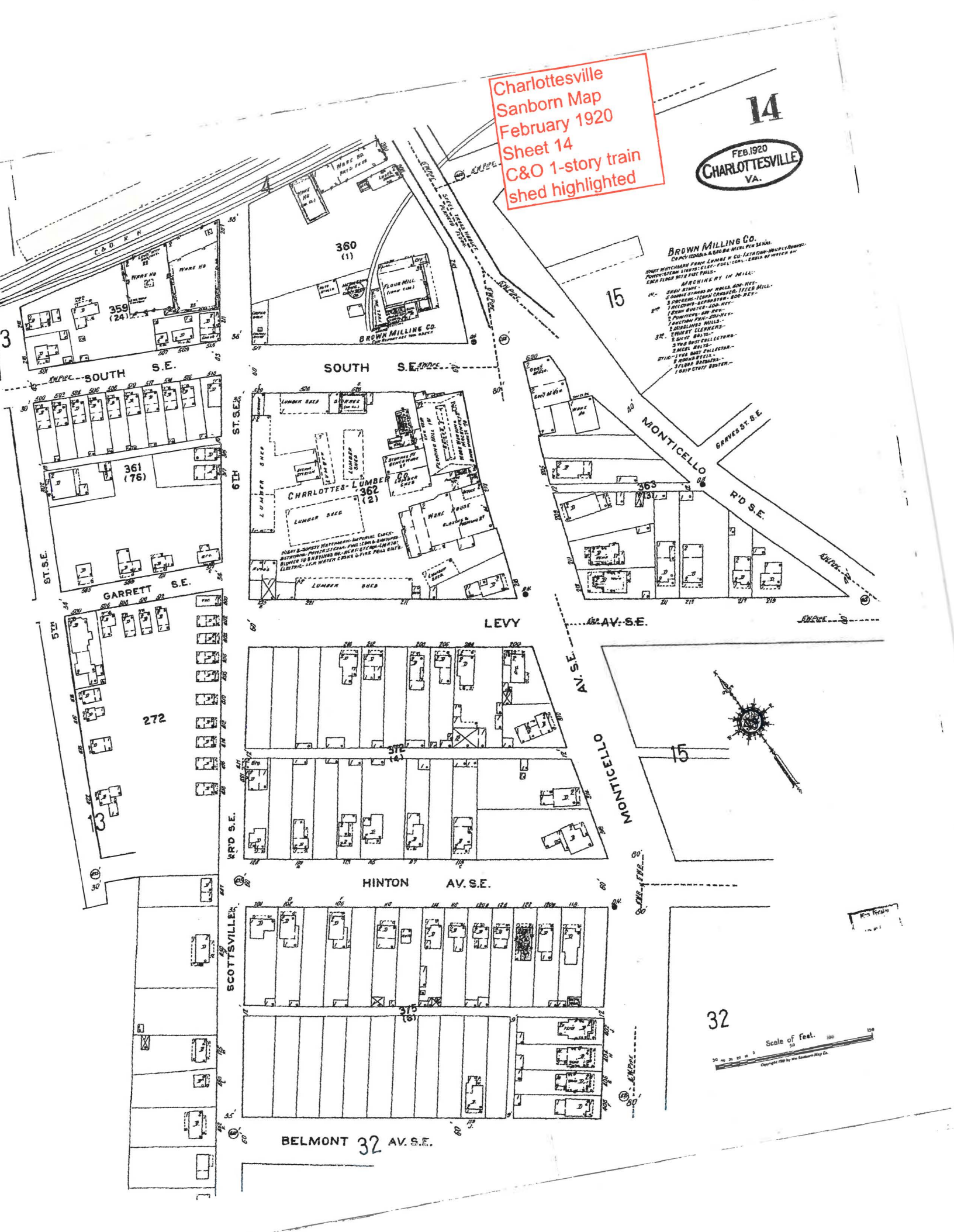


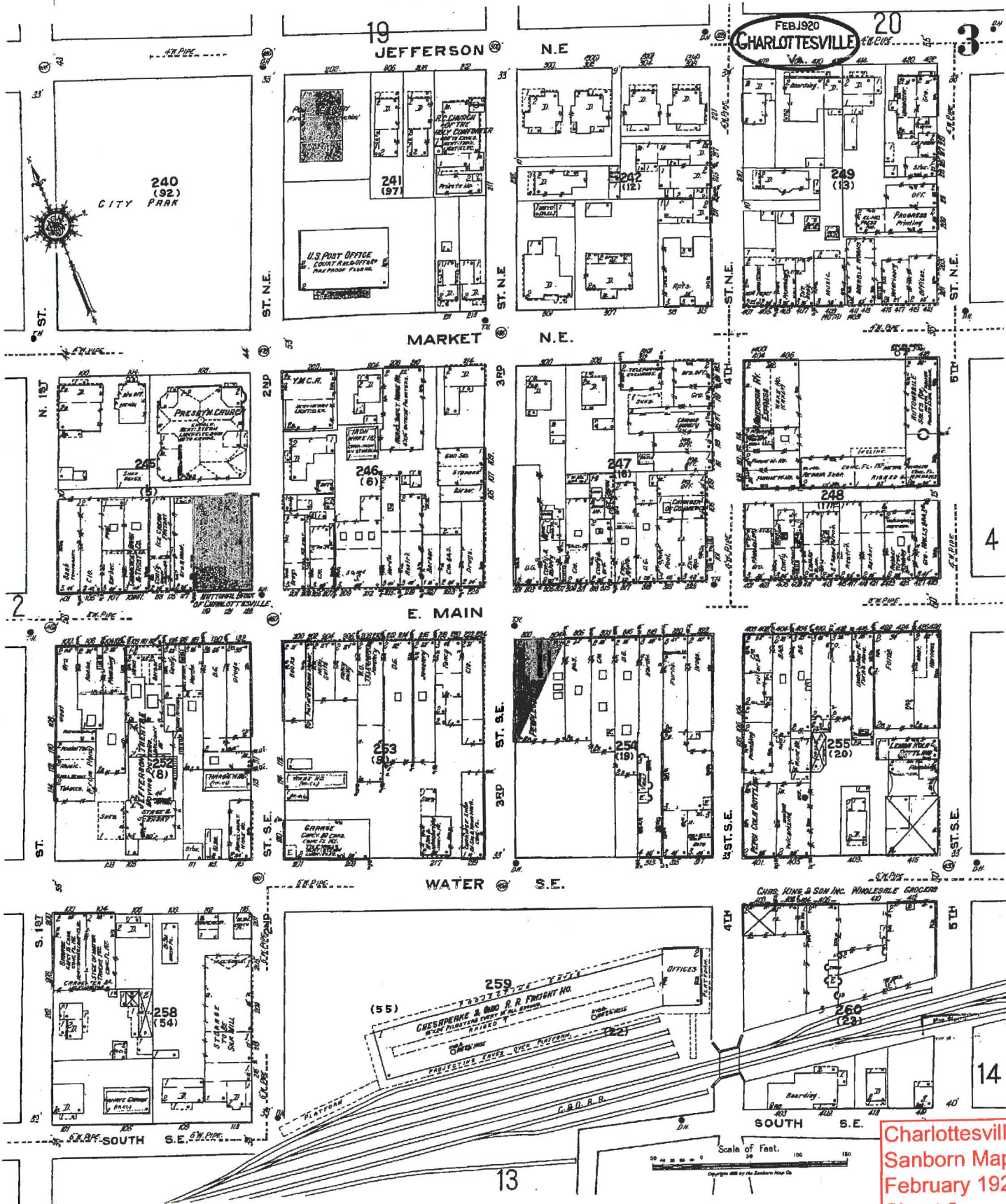
Charlottesville
Sanborn Map
February 1920
Sheet 14
C&O 1-story train
shed highlighted

14

FEB. 1920
CHARLOTTESVILLE
VA.

BROWN MILLING CO.
CAPACITY 120000 LBS. PER DAY
DRYING, GRINDING, PULVERIZING, SIFTING, PACKING, SHEDS, ELEVATORS, ETC.
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98. 2000 H.P. STEAM ENGINE
99. 2000 H.P. STEAM ENGINE
100. 2000 H.P. STEAM ENGINE





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
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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

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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.

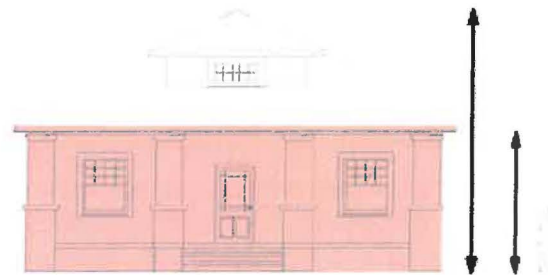
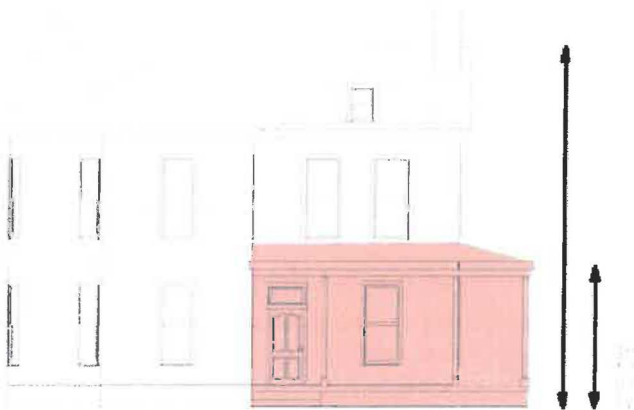
1. Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.
2. As an exception, new institutional or governmental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

III NEW CONSTRUCTION & ADDITIONS

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

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.

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

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:

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- 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.
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Flexibility

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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.





