

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



Agenda Date:	November 18, 2024
Action Required:	Approve resolution adopting revisions to the Architectural Design Control (ADC) Districts Design Guidelines: Chapter 5, Section E. Outdoor Cafés
Presenter:	Jeffrey Werner, Historic Preservation and Design Planner
Staff Contacts:	Jeffrey Werner, Historic Preservation and Design Planner Kellie Brown, Director of NDS Kate Richardson, Assistant Historic Preservation & Design Planner
Title:	Resolution for revisions to Architecture Design Control District Design Guidelines: Chapter 5, Section E. Outdoor Cafes

Background

On the Downtown Mall and The [University] Corner, the City leases segments of the public right of way to businesses to use as café spaces. Both areas are within City-designated ADC Districts and therefore subject to BAR design review. [\[See maps in Attachment 2 or GIS Link: Charlottesville City Cafés Dashboard\]](#) The ADC District Design Guidelines (“Design Guidelines”) for Outdoor Cafés were adopted by City Council in 2012. [\[Link: Chapter 5 Signs, Awnings, Vending, and Cafes\]](#) Per City Code Chapter 34, Sec. 5.1.5.C.1.v., the BAR is required to periodically review the design guidelines and recommend to City Council, for formal adoption, any updates or revisions.

In order to better align the guidelines with how the café spaces have evolved and allow time for Council to adopt any proposed revisions ahead of March 1, 2025, when café leases will next be renewed, preservation and design staff requested the BAR review the Design Guidelines for Outdoor Cafés and make a subsequent recommendation to City Council.

Following two advertised work sessions, at its meeting on October 15, 2024 the BAR voted (8-0) to recommend Council approve the proposed revisions to the Design Guidelines for Outdoor Cafés. [\[Link: October 15, 2024 BAR Staff Report- Agenda item E, 5.\]](#)

City Council is being asked to formally adopt, by resolution (see Attachment 1), the proposed revisions.

Discussion

Per City Code Chapter 28, Sec. 213, leased café spaces require an annual permit issued by the Zoning Administrator. For spaces within an ADC District, that permit requires a design review CoA for the elements within the leased space, such as furniture, planters, and railings. As currently applied, for cafes with elements that meet the guidelines, the CoA can be issued administratively (a *Minor Historic Review*, per Chapter 34,

Sec. 5.2.6.), with the option for a formal BAR review, if warranted (a *Major Historic Review*, per Chapter 34, Sec. 5.2.7.). Additionally, while café permits and leases [issued by zoning] are reviewed and renewed annually, the design review CoA has been a one-time approval, with updates required only if elements change, a space has a new lease, or there is a change in ownership of the business operating the café. That practice will continue.

On September 17, 2024, and October 1, 2024, the BAR held advertised work sessions regarding the guidelines for Outdoor Cafés. To help evaluate revisions to specific elements, the BAR established a list of broad, guiding principles, which are incorporated into the proposed guidelines. The overarching principle that guided the BAR's discussions: **Elements within leased cafe spaces should be subordinate to the experience and treatment of the surrounding public space.** The specific list of guiding principles is available in full detail within the October BAR staff report.

The proposed updates aim to address the evolution of outdoor cafés in Charlottesville by bringing the guidelines up to date in areas of lighting technology, current private use, public access, and to reaffirm the historic integrity of the districts in which these cafés are located. The text of the proposed changes is provided in Attachment 1.

Regarding the continued use of elements *inconsistent with the guidelines*: The BAR instructed staff to develop guidelines that can immediately mitigate obvious visual clutter (for example, tall elements that obstruct pedestrian views), while accommodating incremental adaptation such that businesses with currently leased spaces can continue to use existing furniture and enclosure railings. The proposed guidelines revisions strike that balance.

Elements inconsistent with the guidelines and currently in place within a leased space that can remain are as noted below:

- Railings/enclosures (provided they are ADA compliant).
- Tables and chairs, including dining counters, bars, and barstools.
- Service furniture and cabinets.
- Umbrellas, provided that open umbrellas are entirely within the leased space/enclosure. (Note: Height of umbrellas and location within the space are requirements of the zoning ordinance. This includes a requirement that the umbrella--frame and fabric, when opened or closed--is entirely within the leased space/enclosure.)
- Planters that meet the guidelines, provided they are located entirely within the leased space/enclosure. (Note: Location entirely within the space is a requirement of the zoning ordinance.)
- Wood, full/entire casks or barrels.
- Bizou (119 W Main Street): The existing tan and chrome chairs, such that any new or replacement chairs should be similar; not require the new be black or silvertone. *
- The Fitzroy (120 E Main Street): The existing black, composite material furniture such that any new or replacement should be of a similar material and color; not require the new be metal. *

*In the event of a change in ownership, a new lease will require a new CoA, and use of existing furniture may require a *Major Historic Review* by the BAR.

Elements inconsistent with the guidelines and currently in place within a leased space that must be removed:

- Overhead lighting that does not comply with the catenary lighting guidelines.
- Accent lighting and/or luminaries installed on railings or under counters. (Includes but is not limited to lanterns, LED strips, string lights)
- Half-barrel wood planters.
- Feed-trough (stock tank) planters.
- Pressure treated pine such as unfinished wood furniture, structures, or planters.
- Artificial plants on railings or in planters.
- Planters on railings, unless entirely within the leased space/enclosure.
- Visible storage of loose materials such as potting soil, sandbags, or coolers.
- Temporary decorations, unless for current holiday or special event.
- Space heaters. (Per City Code Chapter 28, Sec. 214.i., heaters must be approved by City staff.)
- Any non-confirming elements not specifically noted above.

CoA process for 2025: Prior to March 1, 2025, staff will prepare for each leased café space a summary and inventory of the existing elements, noting what is permitted or not permitted, including any elements that, while inconsistent with the guidelines, can remain, under the provisions stated. This summary and inventory will constitute a formal CoA and be recorded in NDS records and BAR archive. There will be no fee for this initial [administrative] Minor Historic Review; however, fees will be required for administrative CoA requests after this initial review and CoA, including requests to revise an approved CoA, and/or requests for a formal BAR review, under a Major Historic Review. Additionally, approved CoAs for existing spaces will be reevaluated annually without additional fees, provided no significant changes in the elements and/or no change in business ownership. Requests to continue after March 1, 2025 the continued use of an existing but inconsistent element prohibited by the guidelines will require a formal CoA application to the BAR. (Major Historical Review, per Chapter 34, Sec. 5.2.72.)

Alignment with City Council's Vision and Strategic Plan

This supports the City's Strategic Plan in recreation, arts, and culture as the proposed guidelines revision will provide, encourage, and support recreation, greenspace, art, and cultural programs and opportunities. Additionally, this supports the City's Strategic Plan in the area of Climate Action, as the proposed guidelines revision facilitates improving the environment through the selection of sustainable, quality materials for café space elements, and by recognizing the importance of maintaining the integrity of public landscapes and native species. [See Attachment 8.]

Community Engagement

On September 17 and October 1, 2024, the BAR held advertised work sessions re: the guidelines for Outdoor Cafes. A letter was delivered to each operator of a leased café space on the Downtown Mall and at The Corner notifying them of the October 15, 2024 BAR meeting (see attachment 3). During this October BAR meeting, two members of the public offered comments and stated their support of the proposed revisions. [Video excerpt of October 15, 2024 BAR discussion re: café guidelines: [Oct 15 2024 BAR re Cafe Guidelines.](#)]

Budgetary Impact

No budgetary impact.

Recommendation

On October 15, 2024, the Charlottesville Board of Architectural Review (BAR) at its advertised monthly meeting, voted (8-0) to recommend Council approve the proposed revisions to the ADC District Design Guidelines for Outdoor Cafés.

Mr. Gastinger moved to recommend City Council approve the proposed changes and updates to the Architectural Design Control District Design Guidelines regarding Outdoor Cafes, including the guidelines for Catenary Lights and the Guiding Principles for Outdoor Cafes. He further moved to recommend that Council concur with the BAR's recommendations regarding grandfathered and/or nonconforming* elements of existing cafes, with the following changes to the chart: [Note: The changes below are reflected in the draft text.]

1. That the tablecloths and seat cushions revision remove "cloth is preferred" and "compatible with other elements of the café". [Note: Reference to *Tablecloths and seat cushions* removed from guidelines.]
2. Under the *Planters* section we will keep them as a maximum of 30" wide and 36" in height, and that oversized planters are not grandfathered.

Seconded by Mr. Birle. Motion is Approved 8-0.

* Note: The BAR referred to *non-conforming* and *grandfathered* elements, which in the formal recommendations are referred to as existing but inconsistent elements that are or are not allowed under the revised guidelines.

Alternatives

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance (formally adopting the revisions to the ADC District Design Guidelines, Chapter 5, Section E. *Outdoor Cafés*);
- (2) by motion, request changes to the attached Resolution, and then approve the ADC District Guidelines revisions in accordance with the amended Resolution;
- (3) by motion, deny the requested ADC District Guidelines revisions, by which the current guidelines [adopted in 2012] would remain in effect.

Attachments

1. Attachment 00 Guide_CC Nov. 18 2024
2. Attachment 1 - Draft CC Resolution and proposed changes re Outdoor Cafes (10-31)
3. Attachment 2 - City outdoor cafes map
4. Attachment 3 - Letter to Cafe Space Operators 10-7-2024
5. Attachment 4 - Table of Design Elements (10-31)
6. Attachment 5 - Cville Zoning Code_2024 - ADC Districts 2.9.2
7. Attachment 6 - Cville Zoning Code_2024 - BAR
8. Attachment 7 - Comp Plan excerpts
9. Attachment 8 - Mall NRHP listing excerpts
10. Attachment 9 - U.S. Dept. of Interior - Secretary's Standards