



Docket Item #3

Text Amendment #2013-0007

Amendments to the regulations of the Parker-Gray Historic District

Issue: Consideration of a text amendment to revise the Parker-Gray historic district regulations in section 10-200 of the zoning ordinance, including to authorize exemptions from and administrative approval of certain types of new construction, alterations or demolition of buildings and structures, and including a change to section 6-403(B)(3) to allow staff to waive required rooftop mechanical screening in the Parker-Gray historic district. Consideration of change to the City Code section 5-2-29 to allow certain encroaching fences and walls in the Parker-Gray historic district.	Planning Commission Hearing:	July 2, 2013
	City Council Hearing:	September 21, 2013

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PLANNING COMMISSION ACTION, JULY 2, 2013: On a motion by Commissioner Lyman, seconded by Commissioner Hyra, the Planning Commission voted to initiate the text amendment. The motion passed on a vote of 5 to 0.

On a motion by Commissioner Lyman, seconded by Commissioner Macek, the Planning Commission voted to recommend approval of TA #2013-0007. The motion carried on a vote of 5 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speaker:

Paul Hertel of 1217 Michigan Court expressed concerns over the potential loss of the historic fabric.

This text amendment implements the work of the Parker-Gray Board of Architectural Review (BAR or board) and the Parker-Gray Ad Hoc Design Guidelines Work Group (Work Group) and includes significant procedural changes for applications in the Parker-Gray historic district, including allowing certain construction or demolition work now requiring board review to be approved by staff administratively or, in some cases, to be exempt from any review.

I. Background

Streamlining the regulatory process.

Over the last four years, the City has taken a series of steps to streamline the BAR process by which new construction, alterations and demolition can be achieved within both historic districts. Similar to the changes over the same period that established the administrative Special Use Permit system, the goal has been to establish clear policies, make consistent decisions, outline the scope of administrative authority and achieve a more efficient process for applicants in the historic district. By distinguishing those proposals involving significant historic resources from those for which full regulatory treatment including a BAR hearing creates an unnecessary burden, the following changes have already been incorporated into the process.

- In 2009, TA 2009-0005 provided zoning ordinance authority for the administrative approval of signs in both historic districts. Signs that meet specific standards and criteria approved by both BARs can be approved without the necessity of a BAR hearing. As a result, most signs for businesses, including those in the central business district along King and Washington Streets, are now approved administratively.
- In 2011, TA 2011-0008 expanded the scope of administrative approval authority to include minor architectural elements, including sheds, fences, storm doors, and like improvements, subject to detailed standards and guidelines established by a work group and approved by both BARs. At the same time, both BARs adopted new guidelines for window and roofing replacement, by far the most common type of work in the districts. The result of these actions means that routine repair and replacement projects can be reviewed by staff without a full BAR hearing.
- In 2012, the fee schedule for BAR applications was changed, reducing fees for a number of cases, and creating new categories to distinguish large and small projects for fee purposes. In addition, administrative applications already had a lower fee than cases requiring a hearing, so the expansion of administrative authority has also lowered fees for most homeowner applications.

The changes have been extremely successful. Over 75% of all applications in the historic districts over the last year were for projects for which only administrative staff approval was required. Those cases are typically approved within one or two days and at a fraction of the cost of cases requiring a full BAR review and hearing.

The proposed text amendment further streamlines the process and reduces the regulatory burden for property owners. It relates only to residential properties in the Parker-Gray Historic District.

Parker-Gray Ad Hoc Design Guidelines Work Group

The Parker-Gray Board of Architectural Review and the Parker-Gray Ad Hoc Design Guidelines Work Group recently completed a yearlong evaluation of the existing BAR guidelines, policies and review process. The Work Group was created by the BAR in November 2011 in response to concerns expressed to both the BAR and City Council by some residents of the historic district regarding the use of modern materials, the demolition of chain link fences, and what was perceived as excessive BAR fees and overreaching BAR regulation. The group met seven times over ten months for a total of 19 hours, often with complex and spirited debate.

The group was composed of nine members who live or work in the Parker-Gray Historic District, including:

- two members from the Parker-Gray BAR (Bill Conkey and Phil Moffat);
- two member representatives from the West Old Town Civic Association (Leslie Zupan and Heath Wells);
- two member representatives from the Braddock Station Civic Association (Bradley King and Matt Slowick- who is also a PG BAR member);
- one local builder/developer (Bill Cromley);
- one representative of the Black History Museum (Lovell Lee or Louis Hicks); and
- one sustainable design architect (Joe McCoy).

Most of the Work Group's meetings were devoted to evaluating the existing *Design Guidelines*, and the BAR's adopted policies on windows, roofing and minor architectural elements. In nearly every instance, the group voted to amend the existing Guidelines and policies, which resulted in 71 separate group actions.

Summary and examples of changes to Parker-Gray Design Guidelines

The Parker-Gray BAR reviewed and debated each of the Work Group's proposed changes in a series of meetings last fall, and approved the revised Design Guidelines for Parker-Gray, with very few modifications to the Work Group's recommendations, on December 12, 2012. The new guidelines and policies represent significant procedural changes and overall reduced regulations for owners of residential properties within the Parker-Gray Historic District. At the same time they preserve the historic architectural features valued by the community that provide cultural and economic value for the City. They are reflected on the attached Residential Reference Guide. While the changes may appear complex, the result is a "lighter regulatory touch" that has already been well received within the Parker-Gray neighborhood.

The Guidelines will ultimately be the subject of professionally revised, user-friendly amendments to the existing Design Guidelines document.

While it is difficult to summarize the changes because they are so wide ranging and so numerous, there are three important and overarching principals that provide a regulatory framework for the detailed changes.

1. Local period of architectural significance. First, in a significant departure from the way the BAR previously evaluated properties in the historic district, a local period of architectural significance has been adopted in order to prioritize the architectural and cultural importance of buildings. Preservation treatment for each residential property in Parker-Gray will now be initially evaluated based on its original construction date. For Early buildings, the term selected for those buildings constructed before 1932, the BAR expressed a preference for preservation or rehabilitation of those buildings, especially on their street facing elevations, because they frequently exhibit a greater degree of hand craftsmanship not easily replicated today. These Early buildings form the primary visual identity for the historic district. Buildings constructed after 1931 are considered Later buildings and these will have more limited BAR review. The BAR generally considered post 1931 buildings to be background buildings that were originally constructed with mass produced industrial materials still available today. The board, therefore, recommended much greater flexibility for alterations and the use of modern replacement materials for post-1931 buildings. The board's primary concern was that Later buildings remain compatible with, and not detract from, nearby Early buildings.
2. A hierarchy of building elevations. Second, in addition to prioritizing Early residential buildings over Later buildings, the Work Group and the board articulated a clear preference for preserving the street fronting elevations of buildings, with more limited BAR review of side and rear elevations. In an express departure from the current requirement, which involves an equal review of all sides of buildings when visible from the public right of way (including alleys and areas with limited visibility), the board has approved a hierarchy of building elevations to receive differing levels of review and treatment depending on which building elevation(s) is involved. For example, fiber cement siding is now appropriate on the side and rear elevations of Early buildings, but not on street facing facades which typically abut the sidewalk in Parker-Gray and may be viewed more closely by the public. In addition, rear elevations will have little or no review, depending on the proposed project, because the public and tourists are generally not invited to view structures from the alleys and these service elevations have frequently already been altered in the recent past, typically removing original historic materials.

One of the most debated issues within the Work Group and at the BAR was whether, both street facing elevations on corner buildings should be treated in a

similar way, with a higher degree of review, or whether one of the two elevations should be considered less important than the other. The Work Group ultimately voted to consider only the predominant façade on a corner building to be street facing, but the Parker-Gray BAR disagreed. Corner buildings will be considered to have two equally significant street fronts because they have equal visibility from the public sidewalk. The board agreed, however, to review the merits of each corner property application on a case-by-case basis.

3. A hierarchy of BAR review. A significant concern expressed by some members of the Work Group was that the BAR's regulatory purview was too over-reaching. Therefore, the Work Group recommended, and the BAR has adopted, a significant list of alterations that may be approved at a staff level. In addition, a number of alterations and minor construction projects that currently require BAR approval at a full public hearing may be approved with no BAR review of any kind. This final principle includes a hierarchy of BAR review, including:
 - A. Projects requiring a full BAR review and approval
 - B. Projects requiring only BAR staff review and approval
 - C. Projects exempt from BAR review

A full list of items within each review category can be found on the attached Residential Reference Guide. It is a complicated document because of the increased number of variables, e.g., different levels of review depending on the age of the building, the building elevation, and the type of work proposed. The following lists provide some examples of the work that will be allowed under the new Guidelines in each review category:

Administrative approval will be appropriate for the following types of projects:

- Demolition of non-historic fences in front of street facing elevations on Early buildings
- Construction of all fences, except hollow vinyl;
- Installation of ground mounted HVAC units, doors (including garage doors), shutters, awnings, stoops, steps and handrails on street-facing frontages on Early buildings;
- Roofing replacement, siding (including synthetic siding), rooftop HVAC units and screening, and replacement windows (of a variety of materials) on all elevations of all buildings;
- Installation of solar panels, chimneys, flues, security bars, vents or fans less than one square foot in size, drainage features, dish antennas and utility meters on street facing elevations of all buildings;
- Installation of skylights, new door hoods, porches, porticos, attached planters or accessory structures on non-street facing elevations of all buildings;

Exempt from either BAR or staff review will be the following types of projects:

- On a rear elevation or in the area behind the rear of a building:
 - Any alterations below the second floor window sill;
 - Construction of a new one story accessory structure no greater than 256 sf;
 - Construction of a new one story addition no greater than 250 sf;
 - Demolition of 250 square feet of wall area on the first floor; or
 - Demolition of 100 gross square feet of floor area.
- Installation of solar panels, ground mounted HVAC, chimneys and flues, security bars, shutters or awnings, light fixtures, vents, fans, antennas, drainage features, accessibility structures and utility meters on a non-street facing elevations of all buildings.
- Demolition of fences on non-street facing elevations;
- Construction of roof decks set back 15' on non-street facing elevations;

The more significant, and visible, alterations and additions within the historic district will continue to be reviewed and approved by the Parker-Gray BAR. For example, any two story construction, new construction over 250 gross square feet in the rear yard, all additions on the side or front elevation, such as porches and porticos, and the addition of rooftop features on the front roof slope, as well as full scale demolition and new construction, will continue to be the subject of BAR approval at a public hearing. Any project must, of course, comply with all other City requirements and obtain building permits, where necessary.

II. Proposed Zoning Text Changes

The action taken by the Parker-Gray BAR in December to approve the revised Design Guidelines allowed it to immediately implement some but not all of the changes. For example, changes regarding modern materials, replacement of windows, roofing and siding, as well as a number of other minor architectural elements, are already delegated to staff under section 10-209 and 10-213 of the zoning ordinance. However, there are other changes that revise the fundamental regulatory approach reflected in the zoning ordinance and require the changes to the zoning text proposed here.

Section 10-200 of the zoning ordinance relates to the Parker-Gray Historic District and the entire zoning section is attached here. It includes the following proposed zoning text changes:

Authority for administrative approval and exemptions by BAR. Section 10-203 now provides that a certificate of appropriateness is required for the construction or alteration of any exterior feature of a building or structure that is visible from the public way (A) or that a permit is required prior to the removal or demolition of a building or structure in whole or part (B), unless covered by an existing stated exemption. This proposed amendment would amend this section to include language that allows for an exemption if the Board determines that an alternative type of review is appropriate. In each case – for

certificates of appropriateness or for permits to demolish –the Board would have specific authority to either allow staff review or to exempt cases from any BAR review in the specific types of cases outlined in the recently approved BAR Design Guidelines revisions.

Two additional changes are included in this proposed zoning ordinance amendment. First, the BAR is currently specifically authorized to waive rooftop screening under section 6-403(B)(3) of the zoning ordinance, however many of the rooftop structures themselves can already be approved administratively. Therefore, language is proposed to be added to section 6-403(B)(3) to clarify that the BAR may authorize administrative review of rooftop waivers. Second, the administrative approval of replacement in kind which is detailed in zoning ordinance section 10-209 is similar to the other administrative approvals is proposed to be cross-referenced under the new section Administrative Approval and Exemptions, thus providing consistency and clarity for the reader. For demolition cases, the categories for which administrative review and no BAR review may be appropriate include: fences, accessibility structures, and accessory buildings and small areas of the rear building wall or on the rear elevation of a building.

In all cases, the new zoning ordinance language requires that for each type of project – alterations, new construction or demolition – that falls within the listed categories, in order for the BAR to delegate its authority to review and approve a project, the BAR must adopt specific direction in the form of criteria and guidelines and memorialize those details in the Design Guidelines for Parker-Gray.

BAR members should be Parker-Gray property owners. A new sentence has been added at section 10-204(C) regarding the composition of the BAR and stating that Council should when appointing new members to the BAR consider qualified applicants who are residents or property or business owners. The point was stressed by members of the Work Group and agreed to by the BAR. It is not a requirement; but an important consideration.

New standards for approval of permits. The work of the Work Group and the BAR in revising the Design Guidelines includes two new preservation principles: architectural classification based on the age of the building or structure and hierarchy of the building elevations. Section 10-205 is proposed for amendment to add both factors to the list of standards by which applications for Certificates of Appropriateness and Permits to Demolish are judged.

Procedures for administrative applications. A new subsection is proposed to be added at 10-206(C) because the regulations do not otherwise include any procedures for administrative review of applications in the historic district. Two new features of note are that the Director is to immediately post on line all administrative applications, so the public has access to that information. This operational step is similar to what occurs now with administrative SUP applications and is an efficient method of providing public notice. Also similar to the administrative SUP process, under 10-206(C)(3), staff may

determine that an administrative case, because of unusual circumstances or the complexity of the case, is appropriate for BAR review and approval instead of staff approval.

Appeals. The proposed changes also provide for an appeal of an administratively approved case to the BAR. The new text in Section 10-207 provides that the appeal should be filed within 14 days, applies only to those cases within the BAR's delegated authority, are to be heard de novo, and can be filed by any aggrieved party. The BAR decision is reviewable as with other BAR cases by appeal to City Council.

Subscription service eliminated. For many years, for the Planning Commission, BAR and Board of Zoning Appeals, the zoning ordinance has provided a means for citizens to be informed of pending cases. For a \$10 annual fee, a subscriber receives notice of the docket and its contents for each public hearing during the year. For the Parker-Gray BAR, this subscription service is found at section 10-212. Staff is recommending the removal of this section because the methodology is outdated. There have been no subscribers for this service to the BAR in several years. The public has much more effective, immediate and free access to dockets and other application information on the Department of Planning and Zoning's website.

Administrative approval section removed. Finally, staff proposes to remove the last provision of the section (10-213), which was added in recent years, to permit specific administrative approvals, such as signs and minor architectural elements. This text amendment proposes a broader delegation of power to the Parker-Gray BAR and that power appropriately belongs at the outset of the Parker-Gray regulations as an exception to the general rule that all work in the district requires BAR approval.

III. Proposed City Code Change

In addition to proposed amendments to the zoning text, there is one change to the City Code required by the Parker-Gray BAR changes. Section 5-2-29 of the City Code lists those encroachments into the public right of way that are so minor, expected and desirable that they are allowed without the formality of an encroachment approval by City Council on a case by case basis. Examples include such items as roof eaves, signs, canopies, planters, stoops and steps. The proposed code change would add to the list of permitted encroachments a small front yard retaining wall or a fence in the Parker-Gray historic district that is technically in the public right of way.

The change reflects the fact that in Parker-Gray neighborhood there are a number of existing fences in front of homes that, while appearing to be in the property owners' front yards, are technically within the City's right of way. Often, a series of fences along a block are located at the same point, and it would be inconsistent and unattractive to require one home to pull the fence line back, creating an irregular street edge. Further, as long as the size and type of fence is consistent with what is already permitted in front yards, the rules for permitted encroachments already required by the city code in section

5-2-29(h) are met (insurance and removal on notice), and the City has no present need for the land, there is no public harm from allowing the fences to remain and to be repaired or replaced.

IV. Recommendation

Staff recommends that the Planning Commission initiate and recommend approval of the proposed text amendment. No Planning Commission action is necessary on the proposed change to the City Code.

Attachments:

Attachment 1: Proposed zoning text changes

Attachment 2: Proposed city code text change

Attachment 3: Parker-Gray Historic District Residential Reference Guide

Sec. 10-200 - Parker-Gray District.

10-201 - Purpose. The City of Alexandria seeks, through the establishment of the Parker-Gray District, to protect community health and safety and to promote the education, prosperity and general welfare of the public through the identification, preservation, and enhancement of buildings, structures, settings, features and ways of life which characterize this nineteenth and early twentieth century residential neighborhood. To achieve these general purposes the City of Alexandria seeks to pursue the following specific purposes:

- (A) To enrich the quality of life for city residents by protecting the architectural character and scale of the district;
- (B) To maintain and improve property values by providing incentives for the upkeep and rehabilitation of older structures in a safe and healthful manner; by protecting against deterioration, destruction of, or encroachment upon such areas, structures and premises; and by encouraging desirable uses which will lead to their conservation and improvement;
- (C) To educate residents and visitors about the Parker-Gray District's cultural and historic heritage;
- (D) To promote local historic preservation efforts through the identification and protection of historic resources within the District;
- (E) To encourage the nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register;
- (F) To assure that new structures, additions, landscaping, and related elements be in harmony with their historical and architectural setting and environs; and
- (G) To safeguard the district's approaches and significant routes of tourist access by assuring that development in and along those transportation arteries be in keeping with the district's historical, cultural, and traditional setting.

10-202 - District established. There is hereby created in the city a district to be known as the "Parker-Gray District," the boundaries of which shall be those shown on the zoning maps adopted herewith.

10-203 - Certificates and permits ~~required~~.

(A) *Certificate of appropriateness required.*

(1) Board approval required. No building or structure shall be erected, reconstructed, altered or restored within the Parker-Gray District unless and until an application for a certificate of appropriateness shall have been approved by the Parker-Gray District board of architectural review or the city council on appeal as to exterior architectural features, including signs (see Article IX), which are subject to public view from a public street, way or place, unless the Board determines that an alternative type of review is appropriate pursuant to section 10-203(A)(2). ~~Evidence of such required approval shall be a certificate of appropriateness issued by the Parker-Gray District board of architectural review or the city council on appeal.~~

(2) Administrative Approval and Exemptions. The Board may determine that certain elements otherwise requiring board approval of a certificate of appropriateness are appropriate for administrative review and approval by the director, or are appropriate for no board review of any type, if, after a public hearing specifically noticed for the purpose, the board adopts specific criteria and guidelines articulating the circumstances and particulars that apply for each type of review and for each building element and documents its determinations in its approved Design Guidelines. In making such determination, the Board shall consider the standards listed in Section 10-205. The authority provided in this section 10-203(A)(2) is limited to the following types of building elements:

- (a) Signs;
- (b) Minor architectural elements, such as but not limited to rooftop features; stoops and stairs; porches; yard features and fences; storm doors and windows; shutters; siding and trim; gutters and downspouts, utility meters, vents and HVAC equipment condensers; sheds, exterior lighting; railings; and, antennas. and residential accessibility structures.
- (c) Minor alterations or new construction on a rear building elevation or in the area behind the rear of a building;
- (d) Rooftop screening waiver provided in section 6-403; and

(e) Replacement in kind, subject to section 10-209.

(B) *Permit to ~~move, remove, capsule or demolish~~ required.*

(1) Board approval required. No building or structure within the Parker-Gray District shall be moved, removed, capsulated or demolished in whole or in part without first obtaining a permit approved by the Parker-Gray District board of architectural review or the city council on appeal, except as provided in section 10-211, except for demolitions of portions of buildings resulting in the removal of less than twenty-five square feet total of exterior wall, roof or surface which shall be deemed an alteration and subject to section 10-203(A), or unless the board determines that an alternative type of review is appropriate pursuant to section 10-203(B)(2).

(2) Administrative Approval and Exemptions. The board may determine that certain elements otherwise requiring board approval of a permit for removal, capsulation or demolition are appropriate for administrative review and approval by the director, or are appropriate for no board review of any type, if, after a public hearing specifically noticed for the purpose, the board adopts specific criteria and guidelines articulating the circumstances and particulars that apply for each type of review and for each building element and documents its determinations in its approved design guidelines. In making such determination, the board shall consider the standards listed in Section 10-205. The authority provided in this section 10-203(B)(2) is limited to the demolition of the following building elements:

- (a) Fences;
- (b) Accessibility structures;
- (c) 250 square feet of wall area on a rear building elevation; and
- (d) 100 gross square feet of floor area on a rear building elevation or in the area behind the rear of a building.

(3) Denial of permits. The board of architectural review, the director in an administrative case, or the city council on appeal may refuse such permit for any building or structure of such architectural or historic interest, the moving, removing, capsulating or demolition in whole or in part of which, in the opinion of the board, the director, or the city

council on appeal, would be detrimental to the public interest of the city.

- (C) *Applications for certificates of appropriateness and permits.* Applications for certificates of appropriateness required by section 10-203(A) or permits required by section 10-203(B) shall be made to the director by the owner or authorized agent of the owner of the subject property.

10-204 - Board of architectural review.

- (A) *Board of architectural review established.* There is hereby established the Parker-Gray District board of architectural review to be composed of seven members.
- (B) *Powers and duties.* The board of architectural review shall:
 - (1) Develop and recommend to city council the adoption of rules, regulations and procedures pursuant to section 9.09(j) of the city charter.
 - (2) Develop, adopt and publish criteria and guidelines, within the standards developed by city council under section 10-205, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capsule or demolish in whole or in part, provided that such criteria and guidelines shall be consistent with the provisions of this Article X and with such standards, rules, regulations, and procedures as city council may establish pursuant to section 9.09(j) of the city charter.
 - (3) Develop, adopt and publish administrative procedures which shall be as uniform as practicable and shall not be in conflict with the procedures established in this Article X.
 - (4) Be responsible for making effective the provisions of section 10-200 with respect to the Parker-Gray District.
- (C) *Composition.* The Parker-Gray District board of architectural review shall be composed of seven members who are residents of the city and have resided in the city for at least one year immediately preceding their appointment. Two members shall be architects. Members shall have a

demonstrated interest, experience, or education in history, architecture or historic preservation. Consideration should be given to qualified applicants who are property owners, residents or business owners in the Parker-Gray historic district. The members shall be appointed by city council for terms of three years. The term of each member shall run from July 1 of the year of appointment. Any vacancy shall be filled for the balance of the unexpired term. Any member of the Parker-Gray District board of architectural review may be removed by city council for cause after having been given a written statement of the cause and an opportunity to be heard thereon.

- (D) *Conflicts of interest.* Each member of the board of architectural review shall be under a continuous duty to remain conscious of and sensitive to any possible conflict of interest which may arise by virtue of his membership on the board. A member, promptly upon his determining he has a conflict of interest relative to any matter brought, shall disqualify himself from participating in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter. The State and Local Government Conflicts of Interest Act, section 2.1-639.1 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.
- (E) *Chairman and secretary.* The Parker-Gray District board of architectural review shall elect its chairman from its membership and the director or his designee or designees, shall be the board's secretary.
- (F) *Procedure for meetings.*
 - (1) The chairman of the board of architectural review shall conduct its meetings and the secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations. All members of the board shall be entitled to vote, and the decisions of the board shall be determined by a majority vote. A quorum of four members present is required before the board may take any official action. The board shall meet within 40 days after a complete application for a certificate of appropriateness or permit requiring action by the board has been received by the director. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. No proxy shall be allowed at any

time. The board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting, not to exceed 60 days, after the conclusion of the public hearing on the matter unless the time is extended by mutual agreement between the board and the applicant; the failure of the board to vote and announce its decision within the required time, or within such longer period of time extended by mutual agreement between the board and the applicant, shall constitute approval of the application. Notwithstanding the provisions stated above, an application for a certificate of appropriateness or antecedent permit for a project which requires a site plan under section 11-400 of this ordinance shall be heard and determined by the board within a reasonable time.

- (2) No application for a certificate of appropriateness required by section 10-203(A) which has been denied by the board of architectural review shall be heard again by it within one year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 10-205, for rehearing the application at the time of its denial of same.
 - (3) In case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Parker-Gray District, the board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-203(B) that has been denied shall be heard again within one year from the date of the denial of the application.
 - (4) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part, the board of architectural review shall forward its reasons in writing to the council.
 - (5) The board of architectural review may establish its own rules of procedure for the conduct of its meetings provided that such rules are not in conflict with procedures established in section 9.09(j) of the city charter or this Article X.
- (G) *Notice of hearing on permits.* No application for a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part in the Parker-Gray District shall be considered unless and

until the secretary to the board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300

10-205 Matters to be considered in approving certificates and permits.

(A) *Certificate of appropriateness.*

(1) *Scope of review.* The Parker-Gray District board of architectural review or the city council on appeal shall limit its review to exterior features subject to public view and shall determine the compatibility of proposed construction, reconstruction, alteration, restoration of buildings or structures within the Parker-Gray District based upon compatibility with other buildings or structures on the same block face, the block face across the public street, or the immediate surrounding area within the district.

(2) *Standards.* The board of architectural review, or the city council on appeal, shall consider the following in passing upon the appropriateness of proposals within the Parker-Gray District:

(a) For new buildings and additions to existing buildings:

- (1) Height of the roofline along the street or public way;
- (2) Scale and mass of the building on the site;
- (3) Placement of the building on the site;
- (4) Material, texture and color;
- (5) Architectural style where there is a predominant style on the block face; ~~and~~
- (6) Architectural details, including signs, subject to public view from the public street or public way-;
- (7) Architectural classification based on age of building or structure; and

- (8) Hierarchy of building elevation based on the location of the new construction on the front (street facing), side (non-street facing) or rear elevation.

(b) For modifications to existing buildings:

- (1) The degree to which the distinguishing original qualities or character of a building, structure or site including historic materials are retained;
- (2) The historic appropriateness of any new features; ~~and~~
- (3) The compatibility of proposed alterations with other buildings on the block face or block face across the street, giving consideration to building size, shape, roofline, color, materials, texture, nature of openings, and architectural details;
- (4) Architectural classification based on age of building or structure; and
- (5) Hierarchy of building elevation based on the location of the alteration on the front (street facing), side (non-street facing) or rear elevation.

- (c) The extent to which the buildings or structures in sections 10-205(A)(2)(a) and (b) above will promote the general welfare of the city and all citizens by the preservation and protection of the neighborhood.

- (B) Permit to move, remove, capsule or demolish in whole or in part buildings or structures. The Parker-Gray District board of architectural review or the city council on appeal shall consider any or all of the following criteria in determining whether or not to grant a permit to move, remove, capsule or demolish in whole or in part a building or structure within the Parker-Gray District.

- (1) Is the building or structure of such architectural or historic interest that its removal would be to the detriment of the public interest?

- (2) Is the building or structure of such interest that it could be made into an historic shrine?
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (5) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place to live?
- (6) Would retention of the building or structure help maintain the scale and character of the neighborhood?

10-206 - Issuance, ~~and~~ expiration and procedures for certificates of appropriateness or permits.

(A) Issuance.

- (1) Upon approval by the Parker-Gray District board of architectural review of any erection, reconstruction, alteration or restoration, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.
- (2) Upon approval by the Parker-Gray District board of architectural review of any application to move, remove, capsule or demolish in whole or in part, a permit for same, signed by the secretary of the board of architectural review and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.

- (3) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing, capsulating or demolition in whole or in part, a certificate of appropriateness or a permit to move, remove, capulate or demolish in whole or in part bearing the date of issuance but subject, however, to the provisions of section 10-207(B), shall forthwith be signed by the mayor and made available to the applicant.
- (B) *Expiration.* Any certificate of appropriateness issued pursuant to section 10-206(A) and any permit to move, remove, capulate or demolish in whole or in part issued pursuant to section 10-206(A) shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced and diligently and substantially pursued by the end of such 12-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced and diligently and substantially pursued. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article X shall be excluded from the computation of the 12 months. In the case of a certificate or permit for a project that requires a development special use permit or site plan under section 11-400 of this ordinance, the period of validity shall be coincident with the validity of the development special use permit or site plan as determined pursuant to section 11-418 of this ordinance.
- (C) *Procedures for administrative certificates of appropriateness or administrative permits to demolish.* An applicant for an administrative certificate of appropriateness or administrative permit to demolish shall file an application with the director on such forms and subject to such procedures as the director may establish
- (1) As an alternative to administrative approval, the applicant may choose to seek board of architectural review approval.
 - (2) The director may determine that administrative approval, although permitted under section 10-203, is not appropriate and that the board of architectural review approval shall be required.
 - (3) The director shall post all administrative decisions made under the authority of section 10-203 on the Internet promptly in order that the public is made aware of administrative decisions.

- (4) Administrative certificates of appropriateness or administrative permits to demolish shall be signed by the director but shall otherwise follow the same procedures for issuance and expiration as a provided for in Section 10-206.

10-207 Appeals from ~~Parker-Gray District board of architectural review.~~

(A) Appeal of administrative decision to board of architectural review.

- (1) A person aggrieved by an administrative decision made pursuant to the authority of section 10-203 may file an appeal with the Director within 14 days of the day of the administrative decision.
- (2) An appeal shall be docketed within a reasonable time for a public hearing before the board and the board shall review the matter de novo.
- (3) The appeal provided in this section 10-207(A), together with the appeals provided under this section 10-207 (B) and (C), shall be the exclusive remedy and procedure for challenging an administrative decision made pursuant to section 10-203.

(B) Appeal to city council.

- (1) Whenever the Parker-Gray District board of architectural review shall disapprove an application for a certificate of appropriateness or an application for a permit to move, remove, capsule or demolish in whole or in part, the applicant for such certificate or for such permit shall have the right to appeal to and be heard before the city council; provided, that the applicant files with the clerk of the city council, on or before 14 days after the decision of the board of architectural review, a notice in writing of the applicant's intention to appeal. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council to be held within 75 days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until notice pursuant to section 11-302(A) has been given. Each such notice of appeal shall be accompanied by the fee prescribed pursuant to section 11-104

- (2) Whenever the Parker-Gray District board of architectural review shall approve an application for a certificate of appropriateness or an application for a permit to move, remove, capsule or demolish in whole or in part, opponents to the granting of such certificate or of such permit shall have the right to appeal to and be heard before the city council; provided, that there is filed with the clerk of the city council, on or before 14 days after the decision of the board of architectural review, a petition in writing signed by the city manager or at least 25 persons owning real estate within the Parker-Gray Historic District indicating their intention to appeal and the basis of that appeal. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council at a time not less than 30 days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until notice pursuant to section 11-302(A) has been given. Each such notice of appeal shall be accompanied by the fee prescribed pursuant to section 11-104
- (3) On any such appeal, the decision of the Parker-Gray District board of architectural review appealed from shall be stayed pending the outcome of the appeal before the council. The council shall conduct a full and impartial public hearing on the matter before rendering any decision. The council as are established for the Parker-Gray District board of architectural review shall apply the same standards. The council may affirm, reverse or modify the decision of the board, in whole or in part. The decision of the council, subject to the provisions of section 10-207(B), shall be final.
- (C) *Appeal from city council to court.* Any applicant or any of the petitioners aforesaid aggrieved by a final decision of the city council shall have the right to appeal such decision to the circuit court for a review; provided, such appeal is filed within a period of 30 days after the rendering of the final decision by the city council. Such appeal shall be taken by filing a petition, at law, to review the decision of council, and the filing of such petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council.

10-208 Additional or concurrent right to move, remove, capsule or demolish in whole or in part buildings or structures.

(A) *Right to move, remove, capsule or demolish in whole or in part buildings or structures if conditions are met.* In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removing, capsulating, or demolition in whole or in part of which is subject to the provisions of this Article X, shall, as matter of right, be entitled to move, remove, capsule, raze or demolish in whole or in part such building or structure provided, that:

(1) The owner has applied to the Parker-Gray District board of architectural review for such right and has also been a party to an appeal from the board's decision to the council.

(2) The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.

(3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows:

(a) 3 months when the offering price is less than \$25,000.00;

(b) 4 months when the offering price is \$25,000.00 or more but less than \$40,000.00;

- (c) 5 months when the offering price is \$40,000.00 or more but less than \$55,000.00;
- (d) 6 months when the offering price is \$55,000.00 or more but less than \$75,000.00;
- (e) 7 months when the offering price is \$75,000.00 or more but less than \$90,000.00;
- (f) 12 months when the offering price is \$90,000.00 or more.

(B) *Bona fide offer to sell.*

- (1) *Notice.* Before making a bona fide offer to sell as provided for in section 10-208(A), an owner shall first file a statement with the director. The statement shall identify the property, state the offering price, the date the offer of sale is to begin and name the real estate agent, if any. No time period set forth in the schedule contained in section 10-208(A) shall begin to run until the statement has been filed. Within five days after receipt of a statement the director shall mail a copy of the statement to the mayor, the city council, the city manager and subscribers to the notice provided for in section 10-212. Such offer to sell shall be advertised in a newspaper of general circulation in the city.
- (2) *Question as to price.* The fact that an offer to sell a building or structure is at a price reasonably related to fair market value may be questioned, provided there is filed with the city manager, on or before 15 days after the offer for sale has begun, a petition in writing signed by at least 25 persons owning real estate located within the Parker-Gray District. Upon the receipt of such petition, the city manager shall, at city expense, forthwith appoint three disinterested real estate appraisers, familiar with property values in the Parker-Gray District, who shall forthwith make an appraisal of the building or structure in question and forthwith file a written report with the city manager whether or not in their opinion the offer to sell the building or structure is at a price reasonably related to its fair market value. The opinion of any two of the three appraisers shall be binding and final. In the event the opinion is to the effect that the offer to sell the building or structure is at a price reasonably related to its fair market value, the owner may

continue pursuant to section 10-208(A) as if no question has been raised. In the event the opinion is to the effect that the offer to sell the building or structure is not at a price reasonably related to its fair market value, the offer to sell shall be void and of no force and effect, and the owner, if he wishes to take advantage of the additional or concurrent right provided for in section 10-208(A), must file the notice provided for in section 10-208(B) and proceed in accord with section 10-208(A). Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided for in section 10-208(A) prior to the date the appraisers have filed their report with the city manager, the price shall be deemed reasonably related to fair market value.

10-209 - Permitted maintenance of exterior architectural features.

- (A) Notwithstanding any other provisions of this Article X, exterior architectural features may be the subject of ordinary maintenance, including repair and replacement with the same design, color and material without the necessity of a certificate of appropriateness if, upon review by the director or his designee, it is found that such maintenance:
 - (1) Does not result in the substantial removal of an exterior feature that is considered to have historic and/or architectural significance; and
 - (2) Does not perpetuate a condition or treatment that is considered to be, by board of architectural review policy, inappropriate or incompatible with the historic surroundings of the Parker-Gray District, but this provision shall not be construed to prevent the replacement of material in kind in cases when the cost of the work would be materially increased by the use of another material.
- (B) The following guidelines shall be used in the determination of historic and architectural significance pursuant to section 10-209(A):
 - (1) The feature is composed of materials or utilizes construction techniques which appear to be original to the building or structure.
 - (2) The feature is not original to the building or structure, but is of such old and unusual design that it cannot be easily duplicated or replaced,

and the feature contributes to the overall historic character of the building or structure.

- (3) The feature is of such high artistic value or is composed of materials of such quality or detail that the feature cannot be easily duplicated or replaced.
- (4) The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.

10-210 - Required maintenance.

- (A) *General provisions.* All buildings and structures within the Parker-Gray District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II — Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of the city code. The code or building official shall enforce the requirements of this section 10-210, in conjunction with the director.
- (B) *Specific application to vacant buildings and structures.* The boarding of a vacant building or structure shall constitute the alteration of the exterior architectural features of such building or structure. In the event such boarding is accomplished pursuant to an order from the code official to secure a hazardous building or structure against entry the owner shall, after complying with such order, forthwith make application for the necessary certificate of appropriateness. In considering any application under this section 10-210(B) the board may impose such conditions as may be appropriate to secure or preserve the historic elements of the building or structure against further loss, damage, or deterioration. In addition to any other penalty or sanction, such building or structure may be subject to acquisition pursuant to section 10-210(C).
- (C) *Potential acquisition.* The director may institute appropriate procedures pursuant to section 7-2-4(b) of the city code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any

notice of violation of this section 10-210 and the owner's failure to cease the violation and bring the building or structure into compliance with this section 10-210

10-211- Order of demolition for unsafe buildings. Nothing in this Article X shall apply to or in any way prevent the moving, removing, capsulating or demolition in whole or in part of any building or structure in the city which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the code or building official, provided that before a moving, removing, capsulating or demolition in whole or in part can be ordered by the code or building official when the code or building official determines that such dangerous, hazardous or unsafe condition could reasonably be expected to cause death or serious physical harm before review under the provisions of this Article X could be accomplished, the code or building official shall have first delivered a copy of the proposed order to the city manager, to the chairman and vice chairman of the Parker-Gray District board of architectural review and mailed to the subscribers provided for in section 10-212 a copy of the proposed order.

~~*10-212 Annual subscription for notices of public hearings.* If any person shall pay to the city the sum of \$10.00 to cover costs, the director shall cause to be mailed to each such person for a period of one year notice of the respective public hearings on all matters concerning the Parker-Gray District, which notice shall be mailed at least seven working days before a hearing and shall state the time, date, place and nature of the proposed hearing and location of the property involved.~~

~~*10-213 Administrative approval of certain permits.* The director may review and approve applications for the following exterior changes, provided they comply with the specific criteria and standards outlined and formally approved by the board.~~

~~(a) Signs;~~

~~(b) Minor architectural elements, such as residential accessibility structures; sheds; storm doors; gutters and downspouts; utility meters, vents and HVAC condensers; fences and gates; exterior lighting and shutters; siding and trim; railings; and, antennas.~~

(Ord. No. 3648, § 2, 7-21-93; Ord. No. 4357, §§ 3, 4, 6-12-04; Ord. No. 4588, § 2, 4-28-09; Ord. No. 4641, § 3, 12-12-09; Ord. No. 4723, § 2, 6-25-11)

Sec. 6-400 - Height Districts

Sec. 6-403 - General regulations and exceptions.

B) *Mechanical appurtenances.* Chimney, towers, tanks, machinery, equipment, penthouses or other necessary mechanical appurtenances to a main building may be erected as a part of the main building to their required heights, regardless of any other height provisions or restrictions of this ordinance, provided that the following requirements are met.

(1) All necessary rooftop mechanical appurtenances and penthouses shall be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.

(2) The following limitations apply to rooftop mechanical penthouses:

- (a) Only one penthouse is permitted unless the number is increased by a special use permit;
- (b) The penthouse shall not exceed 15 feet unless the height is increased by a special use permit;
- (c) The penthouse must be limited in size to the minimum space required to house necessary mechanical equipment; and
- (d) No equipment may be placed above the roof of the penthouse to increase its height if such equipment could be located on the roof of the building itself.

(3) For buildings located within the Old and Historic Alexandria District or the Parker Gray District, or for buildings outside such districts designated pursuant to section 10-300, the board of architectural review having jurisdiction of the matter may, after public hearing, waive or modify the screening requirement of section 6-403(B)(1), if the board finds such requirement to be architecturally inappropriate. The board of architectural review for the Parker Gray District may delegate the waiver authority under this section 6-403(B)(3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.

Sec. 5-2-29 - Street encroachments.

Any encroachment into a public street, alley, sidewalk or other right-of-way may be authorized only by a special ordinance adopted by city council, unless the encroachment is authorized pursuant to one of the following exceptions or is otherwise authorized by this code or the City of Alexandria Zoning Ordinance:

- (a) *Steps.* Steps not more than 12 feet in length, including the required landings, may project beyond the street lot line up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets with a right-of-way width between 50 and 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street between the Potomac River and the R.F.&P. railroad right-of-way. The term "steps" in this subsection includes ramps and similar structures necessary to provide access to the handicapped.
- (b) *Architectural decorations.* Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project up to four inches beyond the street lot line when less than 10 feet above the curb level, and up to 10 inches beyond the street lot line when 10 feet or more above the curb level.
- (c) *Signs.* A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.
- (d) *Canopies, awnings and marquees.* Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected.
- (e) *Nonpermanent planters.* Planters which are nonpermanent may be located in a right-of-way subject to the following:
 - (1) A permanent planter is one which is attached in any permanent manner to a public right-of-way or to a building, building appurtenance or any other structure, or which rests on a foundation or substructure other than a sidewalk. A permanent planter requires a building permit and an encroachment ordinance. Above-grade permanent planters located in an historic district also require approval by the board of architectural review.
 - (2) A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.
 - (3) A nonpermanent planter may not project into a public right-of-way more than steps would be allowed to project under subsection (a) above and may not exceed 30 inches in height. There is no limit to the number of planters permitted

as long as the conditions of this subsection (e) are complied with and the planters are maintained in good condition.

- (4) A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.
- (5) A permit for a nonpermanent planter must be obtained from the department of transportation and environmental services. The permit application shall include the address of the planter, adequate location drawings, and a sketch, photo or dimensions of the planter. Visual inspection by the director of transportation and environmental services or his designee may be substituted for drawings if the location and description of the planter are recorded on the permit application. After a permit has been granted, it may be revoked and the planter removed from the right-of-way by the director or his designee whenever the applicant fails to comply with any permit conditions. A permit application will be reviewed to determine compliance with the following:
 - a. The location of the planter shall not unduly obstruct the public right-of-way.
 - b. The planter shall be of such design and construction, and the contents shall be of such nature, so as not to constitute a nuisance or public hazard.
 - c. The planter shall be of a design, material and color which are generally recognized as intended for and suitable for the display of plant materials on the public right-of-way in an urban environment and, if located in an historic district, are compatible with the streetscape in the district and are consistent with the applicable design guidelines adopted by the board of architectural review.
 - d. The owner of the planter shall agree to move the planter whenever the city requires access to the planter location.
- (f) *Benches.* Benches and similar street furniture may be placed in a public right-of-way, subject to the following:
 - (1) The bench or street furniture shall be located immediately adjacent to the closest building wall, shall touch the wall along the length of the bench or street furniture, and shall not project from the wall more than 30 inches.
 - (2) The bench or street furniture shall not be used as part of a business for advertising, or for making sales or providing services to customers, and shall be available for use by the general public.

- (3) The director of transportation and environmental services or his designee shall review any bench or street furniture proposed for a right-of-way and its location, and approve it if he finds that it will not interfere with pedestrian access and safety, will not be an attractive nuisance and will promote the health, safety and welfare of the city.
- (4) The director of planning and zoning or his designee shall review any bench or street furniture proposed for a right-of-way and shall approve it if he finds that its design is compatible with the character of the surrounding area.
- (g) *Rental bicycles.* Bicycles offered for rent may be displayed and rented from areas of right of way pursuant to section 7-2400 of the zoning ordinance and this [section 5-2-29](#)
- ~~(h)~~ *Parker Gray Historic District front fences.* Within the Parker-Gray historic district, retaining walls less than two feet in height above the lower adjacent grade or fences at the height and location otherwise permitted in a front yard may be constructed in the public right of way.
- ~~(i)~~ ~~(h)~~ *Encroachment requirements.* In addition to any other restrictions or requirements imposed by this code or the City of Alexandria Zoning Ordinance, the owner of any sign, canopy, awning or marquee, nonpermanent planter, bench, bicycle display or similar street furniture that encroaches into a public right-of-way pursuant to this section shall also comply with the following:
 - (1) *Liability insurance.* The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest), and the city as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment.
 - (2) *Removal of encroachment.* The owner or any successor in interest shall remove the encroachment if the city determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the city shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found, or fails to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal. (Ord. No. 3864, 5/18/96, Sec. 1; Ord. No. 3995, 5/16/98, Sec. 1; Ord. No. 4608, 6/23/09, Sec. 1)

Early Residential Buildings

Pre-1932

FRONT (street facing)	SIDE (non-street facing)	REAR (non-street facing)
<p><u>Demolition/Capsulation</u> Demolition of 19th century fences/walls (B) Demolition of chain link and non-historic fences (S) Accessibility features when no longer needed (N)</p> <p><u>Site elements</u> Fences, except hollow vinyl fences, and those located in the right-of-way (S) Ground mounted HVAC (S) Decks/patios less than 2 ft. above grade (N) Freestanding (permanent) planters and retaining walls less than 2 ft. high. (N) Non-permanent yard features and art (N) Paving (N) Bollards (N)</p> <p><u>Exterior finishes</u> Painting of, or stucco applied to, unpainted masonry (B) Wood siding, including synthetic trim in limited locations (S) Paint color (N)</p> <p><u>Roofs</u> Dormers (B) Skylights (B) Rooftop decks (B) Replacement roofing (S) Solar panels (S) Chimneys/flues (S) Visible rooftop HVAC screening (or waiver) if located at least 15’ behind the front façade on flat or sloped roofs (S)</p> <p><u>Replacement windows/doors</u> Replacement SDL wood windows (if no historic windows exist or cannot be preserved), without tinted or reflective glass (S) Doors and garage doors (S) Security bars (S) Storm doors (N)</p> <p><u>Building features</u> Vents/fans greater than 1 sq. ft. (B) Dish antennas over 2 feet in diameter (B) Vents/fans less than 1 sq. ft. (S) Shutters (S) Drainage features (S) Dish antennas under 2 feet in diameter (S) Utility meters (S) Awnings (S) Stoops/steps/guard & handrails (S) Light fixtures (N) Window boxes (N)</p> <p><u>New construction</u> Permanent planters attached to the building (B) Door hoods, porches or porticos (B) Decks and balconies (B) Accessibility features (B) Accessory structures under 50 sq. ft. for corner lots (S)</p>	<p><u>Demolition/Capsulation</u> Demolition of 19th century fences/walls (B) Demolition of chain link and non-historic fences (N) Accessibility features when no longer needed (N)</p> <p><u>Site elements</u> Fences, except hollow vinyl (S) Ground mounted HVAC (N) Decks/patios less than 2 ft. above grade (N) Freestanding (permanent) planters and retaining walls less than 2 ft high (N) Non-permanent yard features and art (N) Paving (N) Bollards (N)</p> <p><u>Exterior finishes</u> Painting of, or stucco applied to, unpainted masonry (B) Siding, including fiber cement siding and synthetic trim (S) Paint color (N)</p> <p><u>Roofs</u> Dormers (B) Skylights (S) Replacement roofing (S) Visible rooftop HVAC screening (or waiver) (S) Solar panels (N) Chimneys/flues (N) Rooftop decks, provided they are located at least 15’ behind the front façade on flat or sloped roofs (N)</p> <p><u>Replacement windows/doors</u> Replacement windows of any material but vinyl, without tinted or reflective glass (S) All doors (N) Security Bars (N)</p> <p><u>Building features</u> Light fixtures (N) Vents/fans (N) Dish antennas and all mast TV antennas (N) Shutters (N) Drainage features (N) Utility meters (N) Window boxes (N) Awnings (N) Stoops/steps/guard & handrails (N)</p> <p><u>New construction</u> Permanent planters attached to the building (S) Door hoods, porches or porticos (S) Accessory structures under 50 sq. ft. for corner lots (S) Accessibility features (N)</p> <div><p>B = BAR review required at public hearing S= Staff administrative review only N=No BAR or Staff review</p></div>	<p><u>Demolition/Capsulation</u> Demolition of 19th century fences/walls (B) Demolition of chain link and non-historic fences (N) Demolition and capsulation of 250 or less square feet of rear wall area, below second floor window sills (N) Demolition and capsulation of 100 gross square feet of building area (e.g. existing one story additions) below second floor window sills and accessory structures (N) Accessibility features when no longer needed (N)</p> <p><u>Site elements</u> Fences, except hollow vinyl (S) Ground mounted HVAC (N) Decks/patios less than 2 ft. above grade (N) Freestanding (permanent) planters and retaining walls less than 2 ft. in high (N) Non-permanent yard features and art (N) Paving (N) Bollards (N)</p> <p><u>Exterior finishes</u> Painting of, or stucco applied to, unpainted masonry (B) Siding, including fiber cement siding and synthetic trim (S) Paint color (N)</p> <p><u>Roofs</u> Dormers (B) Skylights (S) Replacement roofing (S) Visible rooftop HVAC screening (or waiver) (S) Solar panels (N) Chimneys/flues (N) Rooftop decks, provided they are located at least 15’ behind the front façade on flat or sloped roofs (N)</p> <p><u>Replacement windows/doors</u> Replacement windows of any material but vinyl, without tinted or reflective glass (S) All doors (N) Security bars (N)</p> <p><u>Building features</u> Light fixtures (N) Vents/fans (N) Dish antennas and all mast TV antennas (N) Shutters (N) Drainage features (N) Utility meters (N) Window boxes (N) Awnings (N) Stoops/steps/guard & handrails (N) Alterations below the second floor window sills (N)</p> <p><u>New construction</u> Permanent planters attached to the building (N) Accessory structures no greater than one story, 256 gross sq. ft. and 11.5 feet high (N) One-story additions no more than 250 gross sq. ft. of floor area and no taller than 2nd floor window sills (N) Decks/patios below the second floor window sills (N) Door hoods, porches or porticos below second floor window sill (N) Accessibility features (N)</p>

1. Unless specifically exempted here, the BAR must approve any alterations, additions, demolition and/or capsulation.
2. All projects must comply with zoning ordinance and building code requirements, and a building permit may be required.
3. All work approved by Staff through the administrative approval process must still be consistent with all BAR Design Guidelines, as amended, and policies.
4. Corner buildings have two street facing elevations (fronts) and two non-street facing elevations (sides).

B= BAR review at hearing.
S= Staff administrative review only
N=No BAR or Staff review required

Later Residential Buildings

Post-1931

FRONT	SIDE	REAR
<div><div>Demolition/Capsulation</div><div>Demolition of all fences (N)</div><div>Accessibility features, when no longer needed (N)</div></div> <div><div>Site elements</div><div>Fences, except hollow vinyl fences, <u>and those located in the right-of-way</u> (S)</div><div>Ground mounted HVAC (S)</div><div>Decks/patios less than 2 ft. above grade (N)</div><div>Freestanding (permanent) planters and retaining walls less than 2 ft. high (N)</div><div>Non-permanent yard features and art (N)</div><div>Paving (N)</div><div>Bollards (N)</div></div> <div><div>Exterior finishes</div><div>Painting of, or stucco applied to, unpainted masonry (B)</div><div>Wood siding, including fiber cement siding and synthetic trim (S)</div><div>Paint color (N)</div></div> <div><div>Roofs</div><div>Dormers (B)</div><div>Rooftop decks (B)</div><div>Skylights (B)</div><div>Replacement roofing (S)</div><div>Visible rooftop HVAC screening (or waiver) if located at least 15’ behind the front façade on flat or sloped roofs (S)</div><div>Solar panels (S)</div><div>Chimneys/flues (S)</div></div> <div><div>Replacement windows/doors</div><div>Security bars (S)</div><div>Replacement windows (S):</div><div>If located 15’ or more from the front property line they may be any material, operation or configuration, without tinted or reflective glass; and,</div><div>If located less than 15’ from the property line, the windows may be wood, aluminum clad wood, or any high quality, paintable material with permanently affixed simulated divided light muntins. They may not be hollow vinyl, have sandwich muntins, or have tinted or reflective glass.</div><div>Doors (N)</div></div> <div><div>Building features</div><div>Dish antennas over 2 feet in diameter (B)</div><div>Vents/fans greater than 1 sq. ft. (B)</div><div>Drainage features (S)</div><div>Vents/fans less than 1 sq. ft. (S)</div><div>Utility meters (S)</div><div>Dish antennas under 2 feet in diameter (S)</div><div>Light fixtures (N)</div><div>Shutters (N)</div><div>Window boxes (N)</div><div>Awnings (N)</div><div>Stoops/steps/guard & handrails (N)</div></div> <div><div>New construction</div><div>Permanent planters attached to the building (B)</div><div>Decks and balconies (B)</div><div>Door hoods, porches or porticos (B)</div><div>Accessibility features (B)</div><div>Accessory structures under 50 sq. ft. for corner lots (S)</div></div>	<div><div>Demolition/Capsulation</div><div>Demolition of all fences (N)</div><div>Accessibility features when no longer needed (N)</div></div> <div><div>Site elements</div><div>Fences, except hollow vinyl fences (S)</div><div>Ground mounted HVAC (N)</div><div>Decks/patios less than 2 ft. above grade (N)</div><div>Freestanding (permanent) planters and retaining walls less than 2 ft. high (N)</div><div>Non-permanent yard features and art (N)</div><div>Paving (N)</div><div>Bollards (N)</div></div> <div><div>Exterior finishes</div><div>Painting of, or stucco applied to, unpainted masonry (B)</div><div>Siding, including fiber cement siding and synthetic trim (S)</div><div>Paint color (N)</div></div> <div><div>Roofs</div><div>Dormers (B)</div><div>Replacement roofing (S)</div><div>Skylights (S)</div><div>Visible rooftop HVAC screening (or waiver) (S)</div><div>Solar panels (N)</div><div>Chimneys/flues (N)</div><div>Rooftop decks, provided they are located at least 15’ behind the front façade on flat or sloped roofs (N)</div></div> <div><div>Replacement windows/doors</div><div>Replacement windows of any material, without tinted or reflective glass (S)</div><div>Doors (N)</div><div>Security bars (N)</div></div> <div><div>Building features</div><div>Light fixtures (N)</div><div>Vents/fans (N)</div><div>Dish antennas and all mast TV antennas (N)</div><div>Shutters (N)</div><div>Drainage features (N)</div><div>Utility meters (N)</div><div>Window boxes (N)</div><div>Awnings (N)</div><div>Stoops/steps/guard & handrails (N)</div></div> <div><div>New construction</div><div>Door hoods, porches or porticos (S)</div><div>Permanent planters attached to the building (S)</div><div>Accessory structures under 50 sq. ft. for corner lots (S)</div><div>Accessibility features (N)</div></div>	<div><div>Demolition/Capsulation</div><div>Demolition and capsulation of 250 or less of square feet of rear wall area, below the second floor window sills (N)</div><div>Demolition and capsulation of 100 gross square feet of building area (e.g. existing one story additions) below the second floor window sills and accessory structures (N)</div><div>Demolition of all fences (N)</div><div>Accessibility features when no longer needed (N)</div></div> <div><div>Site elements</div><div>Fences, except hollow vinyl fences (S)</div><div>Ground mounted HVAC (N)</div><div>Decks/patios less than 2 ft. above grade (N)</div><div>Freestanding (permanent) planters and retaining walls less than 2 ft. high (N)</div><div>Non-permanent yard features and art (N)</div><div>Paving (N)</div><div>Bollards (N)</div></div> <div><div>Exterior finishes</div><div>Painting of, or stucco applied to, unpainted masonry (B)</div><div>Siding, including fiber cement siding and synthetic trim (S)</div><div>Paint color (N)</div></div> <div><div>Roofs</div><div>Dormers (B)</div><div>Replacement roofing (S)</div><div>Skylights (S)</div><div>Visible rooftop HVAC screening (or waiver) (S)</div><div>Solar panels (N)</div><div>Chimneys/flues (N)</div><div>Rooftop decks, provided they are located at least 15’ behind the front façade on flat or sloped roofs (N)</div></div> <div><div>Replacement windows/doors</div><div>Replacement windows of any material, without tinted or reflective glass (S)</div><div>Doors (N)</div><div>Security bars (N)</div></div> <div><div>Building features</div><div>Light fixtures (N)</div><div>Vents/fans (N)</div><div>Dish antennas and all mast TV antennas (N)</div><div>Shutters (N)</div><div>Drainage features (N)</div><div>Utility meters (N)</div><div>Window boxes (N)</div><div>Awnings (N)</div><div>Stoops/steps/guard & handrails (N)</div><div>Alterations below the second floor window sills (N)</div></div> <div><div>New construction</div><div>Permanent planters attached to the building (N)</div><div>Accessory structures no greater than one story, 256 gross sq ft .and 11.5 feet high (N)</div><div>One-story additions no more than 250 gross sq. ft. of floor area and no taller than 2nd floor window sills (N)</div><div>Decks/patios below the second floor window sills (N)</div><div>Door hoods, porches or porticos below second floor window sill (N)</div><div>Accessibility features (N)</div></div>

1. Unless specifically exempted here, the BAR must approve any alterations, additions, demolition and/or capsulation.
2. All projects must comply with zoning ordinance and building code requirements, and a building permit may be required.
3. All work approved by Staff through the administrative approval process must still be consistent with all BAR Design Guidelines, as amended, and policies.
4. Corner buildings have two street facing elevations (fronts) and two non-street facing elevations (sides).