

Docket Item #7
Text Amendment #2018-0010
Amendments to the Regulations of Section 10
Historic Districts and Buildings

| | | |
|---|------------------------------|-------------------|
| Issue: (A) Initiation of a Text Amendment; and (B) Public Hearing and Consideration of a Text Amendment to the Zoning Ordinance to amend Article X and add Section 10-400 to create the Alexandria board of architectural review and dissolve the Old and Historic Alexandria District and Parker-Gray District boards of architectural review and to amend Sections 6-403, 7-802, 8-200, 8-602, 9-301, and 11-513 to change the references to the Alexandria board of architectural review. | Planning Commission Hearing: | November 1, 2018 |
| | City Council Hearing: | November 17, 2018 |

Staff: Karl Moritz, Director, Department of Planning and Zoning
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Staff recommendation: Initiation and APPROVAL of the Text Amendment subject to compliance with all applicable codes and ordinances.

I. Issue

This proposed Zoning Ordinance Text Amendment, which amends Article X and adds Section 10-400, is in response to City Council's April 24, 2018 vote to initiate a text amendment for the consolidation of the City's two locally-regulated boards of architectural review (BAR) – the Old and Historic Alexandria District (OHAD) BAR and the Parker-Gray District (PG) BAR – into a single Alexandria board of architectural review. A list of the changes in the proposed text amendment is included under Section III titled Discussion of Proposed Changes in this staff report.

II. Background

On April 10, 2018 Vice Mayor Wilson and Council Member Smedberg submitted a memorandum to their City Council colleagues to consider the potential consolidation of both BARs into a single BAR to oversee the two locally-designated historic districts. The memorandum summarized the 2012 reforms in the Parker-Gray District and the subsequent reduction in workload for the Parker-Gray BAR, and said that a new BAR would:

- 1) Apply the separate and distinct guidelines of each district and preserve the character and unique architectural and historic essence of each district.
- 2) More efficiently use City staff time required to staff two BARs, and reduce the number of evening meetings for staff, volunteer members and the community.
- 3) Reduce the time required for review of PG applications by providing additional opportunities to have a case heard by the BAR.

A. History

In 1946, the locally-regulated Old and Historic Alexandria District (Figure 1, dark blue) and its associated BAR was created by City Council. The district has approximately 4,000 properties that fall under the purview of the OHAD BAR. The smaller Parker-Gray District (Figure 1, light blue), with approximately 800 properties, was established in 1984 and is primarily residential. A committee of OHAD BAR members briefly reviewed applications in the Parker-Gray District until the PG BAR was created in 1986, which required General Assembly action to amend the City Charter to permit the City to have more than one BAR. The two local historic districts are also listed on the Virginia Landmarks Register and the National Register of Historic Places, though with slightly different boundaries.



Figure 1: OHAD and PG Boundaries

B. Recent BAR Updates

Since 2009, both BARs and the City Council have taken a series of actions to streamline and clarify the BAR process, including delegating approval of certain routine Certificates of Appropriateness to BAR staff. The following policies and guidelines have been approved since that time, though each has been updated as new material technologies become available and to make the process more efficient and easier for applicants:

- 2009: Sign policy and administrative approval criteria (Council approved an associated ordinance change to delegate certain approvals to staff). Amended in 2010, 2012, 2016 and 2018.
- 2010: Modern and Sustainable Materials Work Group initiated by City Council.
- 2010: Window policy and administrative approval criteria. Amended 2013 and 2018.

2010: Roof policy and administrative approval criteria.

2011: BAR policies related to administrative approval (additional ordinance amendments approved by City Council). Amended two times in 2018.

From 1993, when both BARs adopted common Design Guidelines, until 2012, both BARs used the same design guidelines to inform their decision making. In 2011, the Parker-Gray BAR created the Parker-Gray Ad Hoc Design Guidelines Work Group and after a lengthy public process, the BAR adopted three important and overarching principles that provided a new regulatory framework in the Parker-Gray District and created the Residential Reference Guide (RRG). The three principles are:

A local period of architectural significance

The PG BAR considers buildings constructed before 1932 to be *Early* buildings because they have hand crafted historic materials and form the primary historic character of the district. By contrast, *Later* buildings are constructed of modern, mass-produced materials and are considered background buildings that support the overall residential neighborhood character of Parker-Gray. They need only be compatible with, and not detract from, nearby *Early* buildings.

A hierarchy of building elevation

The PG BAR determined that street-facing elevations, where historic craftsmanship and materials can be easily seen by the public, are of greater importance for the retention of historic materials. These elevations should retain existing historic materials or have historically appropriate replacements. Rear and side elevations, which historically have been altered the most over time, are less visual important from a preservation perspective and are often only visible over a six-foot privacy fence from an alley. In these secondary locations, the BAR is more flexible with respect to design and materials on both Early and Later buildings.

A hierarchy of BAR review

The PG BAR adopted a hierarchy of review and approval requirements based on the age of the building as well as the location of the proposed work. The three categories are: BAR approval at a public hearing; BAR administrative staff approval; and, no BAR approval required.

The 2012 changes recommended by the PG BAR required Council adoption of amendments to both the Zoning Ordinance and the City Code. The Parker-Gray RRG has become the framework for new design guidelines in Parker-Gray, which are being adopted on a chapter-by-chapter basis rather than as a single project. To date, the PG BAR has adopted the following chapters: How To Interpret the Design Guidelines, Siding, and Windows. More chapters are currently being drafted and reviewed. Based on the positive response from the community, the OHAD BAR has also recently adopted a period of architectural significance and hierarchy of review but has retained review over all building elevations. Staff fully expects that an Alexandria BAR will apply these guidelines independently for each district, as staff routinely does today.

C. Community Outreach

Since the City Council initiated the text amendment in April, BAR staff has held two community meetings, one at City Hall on July 30, 2018 and another on September 17, 2018 at the Charles Houston Recreation Center. Staff also utilized several other outreach approaches, including:

- City-wide E-news releases.
- Historic Preservation Website: <https://www.alexandriava.gov/Preservation>.
- Outreach to leaders of the civic and citizen associations located in the two districts
- Interviews with the Director of the Alexandria Black History Museum and community elders.
- Presentations to local preservation groups: Historic Alexandria Foundation, Historic Alexandria Resources Commission, Alexandria Archaeology Commission.
- Discussions at the regular televised BAR meetings with each of the BARs on two occasions. Both BARs support consolidation.
- Public comment was welcomed during all meetings and through email.

Most of the community feedback received can be summarized in four major points:

1. Protection and preservation of the culture and history of each district, especially African-American history in Parker-Gray
2. Workload of a consolidated BAR
3. Application of separate standards and guidelines for each district
4. New BAR member composition and qualifications

D. Analysis

Staff's analysis and recommendations with respect to each of the four major points is discussed below.

1. Protection and preservation of the culture and history of each district, especially African-American history in Parker-Gray

At the time of the creation of the Parker-Gray District in 1984, the area known as Uptown had been home to many African-American institutions and businesses throughout much of the 20th century and many long-time residents were concerned about the loss of the neighborhood's character, culture and heritage with the arrival of the Metro and associated redevelopment. However, African-Americans have lived throughout all Old Town since the 18th century, as Figure 2 below shows, and therefore the recognition, preservation and celebration of African-American history is important throughout Old Town and all of Alexandria, from Fort Ward to the waterfront.

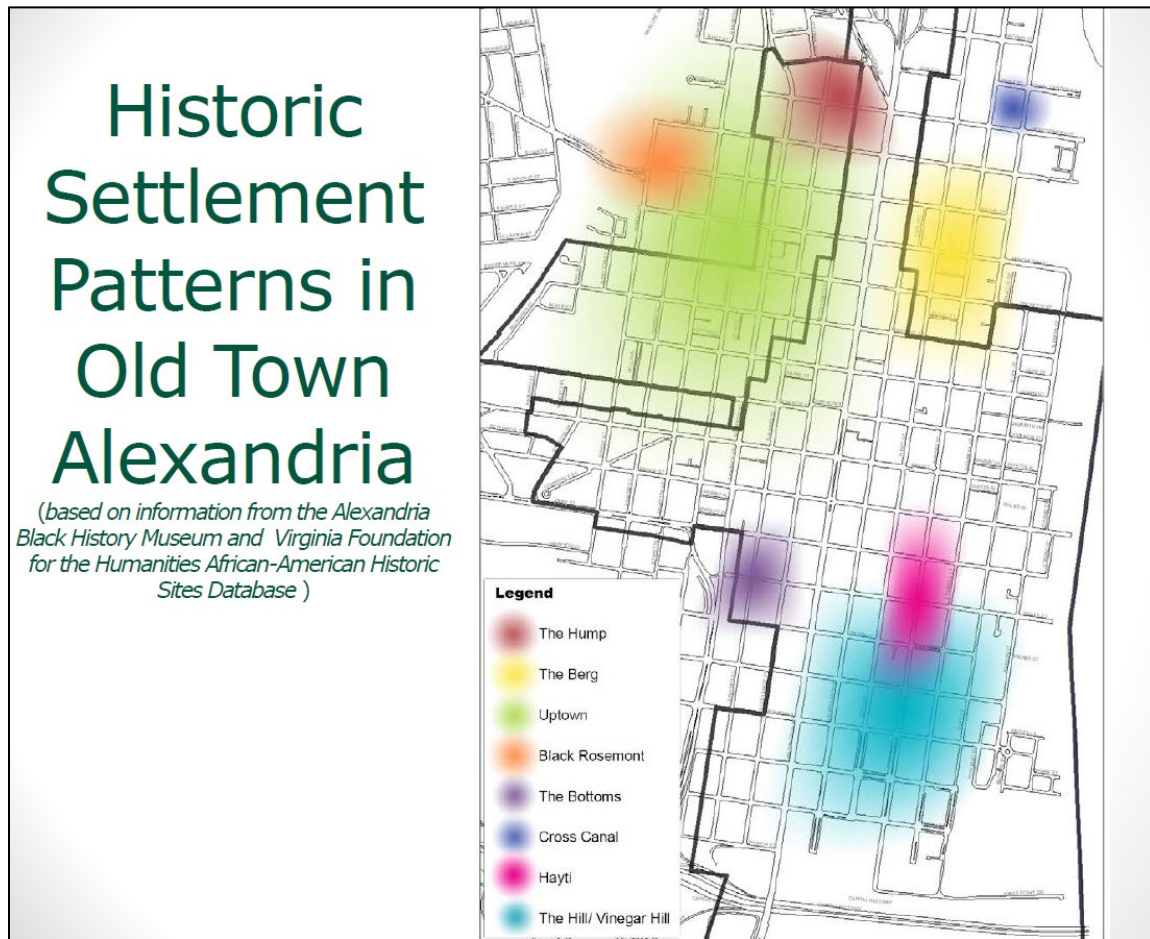


Figure 2: Historic African American settlement patterns.

While both BARs recognize the cultural history of the African-American community in Alexandria, the BARs' primary purview under the Zoning Ordinance is limited to the built environment. Accordingly, the BARs review and approve demolition and capsulation, regardless of visibility, and they review and approve new construction, alterations and additions. However, projects reviewed by both BARs may also be culturally-significant buildings related to African-American history, such as the Contraband Cemetery, Freedom House Museum, Bruin's Slave Jail site, the Departmental Progressive Club and other fraternal organizations, the Ramsey Homes, the Carver Nursery School and the Alexandria Black History Museum and Watson Reading Room. Additionally, both BARs regulate several historically-significant churches including: Alfred Street Baptist, Shiloh Baptist, Alleyne AME Zion, Zion Baptist, St. Joseph Catholic, Beulah Baptist and Roberts Memorial United Methodist Church in the Old and Historic Alexandria District; and, Meade Memorial Episcopal, Ebenezer Baptist, Mt. Jezreel Baptist, New Pentecostal, Third Baptist, Russell Temple CME, the United House of Prayer, and Antioch Church of Christ in the Parker-Gray District. Both BARs have a long history of reviewing demolition, alterations, additions and new construction at properties with a strong connection to the city's African-American heritage.

While many people may assume that the BARs are the primary City agency supporting the city's cultural resources, it is the City's Office of Historic Alexandria (OHA) that manages many of the city's historic sites and supports the conservation, interpretation and promotion of the city's diverse history.

Below are examples of the places and programs administered and supported by OHA throughout Alexandria:

- Alexandria Black History Museum
- African-American Heritage Park
- Contrabands and Freedmen Cemetery Memorial
- Watson Reading Room
- Oral Histories and Walking Tours
- Ongoing programming (lectures, exhibitions, concerts, films, genealogy workshops, plays, children's)
- Annual Events
- Churches
- Freedom House Museum
- Interpretive markers, Wayfinding signs and sculptures
- Interpretive Plan at Fort Ward
- Support for the naming of sites, parks and buildings

Additionally, there are several individuals and private organizations not affiliated with City government which also support and protect the city's rich African-American heritage. A consolidated BAR, just like the existing OHAD and PG BARs, will continue to protect and preserve the built environment within the regulatory framework established by the Zoning Ordinance.

2. Workload of a consolidated BAR

Some in the community expressed concern that combining the dockets of the two boards would be an overwhelming workload. However, with adoption of the procedures and policies noted previously under Section B, and with the introduction of administrative BAR approvals beginning in 2009, nearly two-thirds of BAR applications are administered by staff. Over the past three years, 64% of BAR applications have been reviewed and approved by staff, with only 36% going to the BAR for review and approval at a public hearing. Based on the separate adopted policies of both boards, staff routinely approves historically appropriate window, roof and siding replacements, new fences and stoops, as well as most sign approvals for commercial buildings. This practice allows for more time during public hearings for larger or more controversial cases and policy reviews without overtaxing the volunteer BAR members, while also streamlining routine BAR approvals for property owners. Additionally, as the Parker-Gray BAR usually must cancel at least a few meetings each year, or hear only one short item, it is a better use of volunteer efforts to consolidate the workload.

The current OHAD BAR reviews approximately 12 cases each month (approximately six cases at each hearing) while the PG BAR reviews approximately two cases at their monthly

hearing; therefore, a single BAR would likely review an average of about seven cases at each twice-monthly hearing. This increase would not substantively affect the overall workload of the new BAR. Prior to the changes in 2009, it was common for the BARs to regularly review more than 20 cases per meeting. Although there are architectural and physical similarities in the two historic districts, the different design guidelines will be referenced in the staff reports so that the BAR members will be able to easily understand and review projects in both districts.

Applicants in the Old and Historic Alexandria District will continue to have the ability to be heard at two hearings a month while Parker-Gray District applicants will have the ability to be heard twice as often. This is especially important for Parker-Gray applicants who must wait at least a month before returning to the BAR after a deferral. While a consolidated BAR will not change the overall number of cases requiring BAR review, and BAR staff will continue to complete the same number of administrative approvals as well as write the same number of staff reports, staff will have to prepare for and attend one less meeting per month. The consolidation will bring efficiency to the Department's Board and Commissions Unit which must prepare all hearing materials including publishing legal advertisements, placarding properties, reviewing adjacent property notices with applicants, producing dockets and ensuring proper set-up for public hearings.

3. Application of Standards and Guidelines for each District

There will be no change to the boundaries or policies and standards for each separate historic district. During a typical workday BAR staff works with applicants and architects on projects in both districts, and a new BAR will do the same. Understanding the physical characteristics of each district should be straightforward, as the development patterns in both districts are nearly identical and the same range of architectural styles exist in both districts. Staff reports will identify the location and districts of the proposed project and will reference the district-specific policies and guidelines in their recommendations.

Once the new BAR is formed, the Alexandria BAR will receive training in the history, guidelines and policies of the both Old and Historic District and the Parker-Gray District. Staff notes this will be easily achieved through normal BAR member training and education. Both of the existing BARs already have an understanding and knowledge of the architecture and physical development of Old Town as a whole.

Staff researched the make-up of other similar architectural and historic preservation review boards, including other Virginia historic districts and some of the more well-known historic districts throughout the country. Very few jurisdictions with multiple historic districts have more than one BAR. In Virginia, Alexandria is the only jurisdiction with more than one BAR overseeing a historic district.

4. New BAR Composition and Qualifications

The proposed text amendment dissolves the two existing BARs and creates the Alexandria BAR. The existing ordinance language for the composition of the existing OHAD BAR is referenced below.

Composition. The Old and Historic Alexandria 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. 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 Old and Historic Alexandria 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.

While the makeup of the new BAR will be similar to the existing BARs, staff suggests several small modifications in response to community input.

Property Owner Consideration

In 2012, the Parker-Gray BAR amended ordinance Section 10-204 to add “*Consideration should be given to qualified applicants who are property owners, residents or business owners in the Parker-Gray historic district.*” This has worked well in the Parker-Gray district and many have suggested that the new BAR include anywhere from two – to all seven – members who are property owners in the districts. During the community meetings some property owners felt that 100% of BAR members should own property within the districts, others strongly believed this could make it difficult to recruit qualified members. While BARs of the past, and present, have typically had a majority of members who live in the historic districts, as Figure 2 below shows, staff supports strengthening this requirement but does not recommend that all members be property owners or live within one of the two districts.

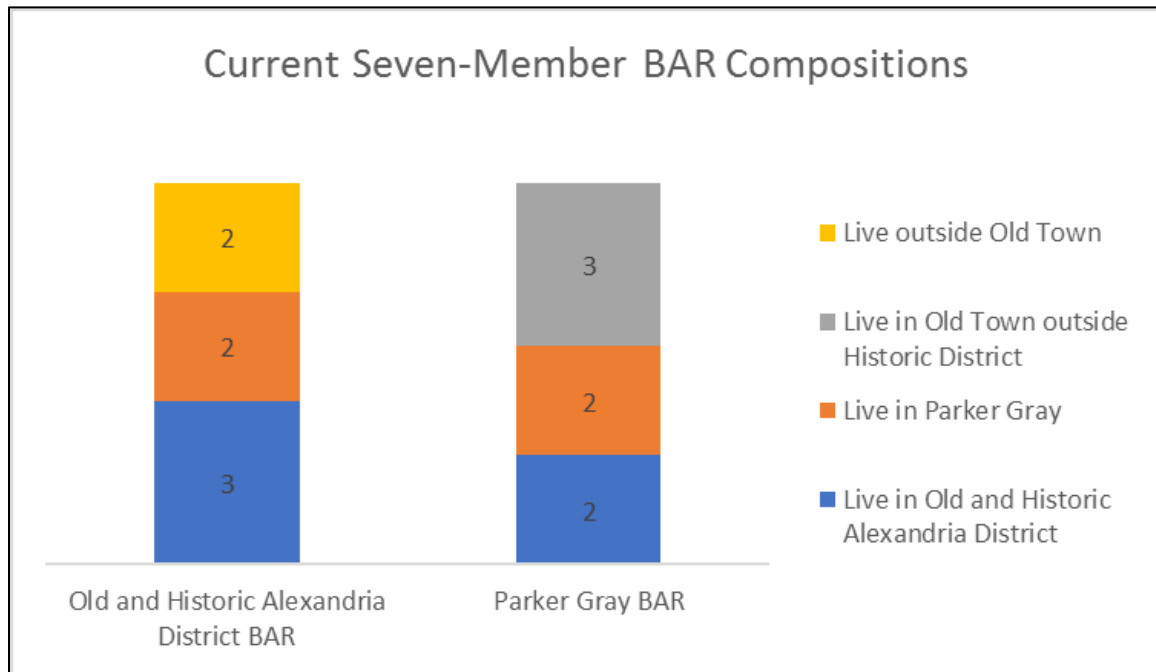


Figure 3: Current BAR composition

The benefit of having property owners as BAR members ensures that members are intimately familiar with and invested in the districts they are reviewing. However, there are challenges to fully composing a qualified BAR that only included owners who reside in the two historic districts. Staff recommends that there be a requirement for one member from each historic district, while specifying a strong preference for property owners from the two historic districts or owners of a 100 year old building for the remaining members. In the last decade the majority of BAR members have been residents of the districts (but not necessarily on the BAR for the district they reside in) or residents of the larger Old Town neighborhood.

Limiting BAR membership to only property owners within the districts may unnecessarily exclude highly-qualified applicants. The BARs have historically benefitted by having members who live outside of the district but who work in historic preservation, or who may have professional architecture experience. There have also been BAR members who live in historic properties in other parts of the City, and even those who own historic properties in other parts of the country, that may bring new insights and a broader preservation perspective.

Architect Members

The architect members play a crucial role in the review of applications involving design complexities and are a resource for the other BAR members in suggesting appropriate schemes or new materials that meet applicants' programmatic requirements while finding a compatible and appropriate design. During the community outreach process, it was suggested that the BAR should have more than two architect members; however, staff believes that the current requirement for two architect positions is sufficient,

acknowledging that it is possible to have more at any given time. For example, each BAR currently has three architect members, though only two fill required architect positions while the other is considered a citizen member. In the past ten years, nine of the 12 architect members on both BARs have also been residents of the historic district, providing an even more focused professional expertise on the BAR.

Expanded Qualifications

The current ordinance states that “...*members shall have a demonstrated interest, experience, or education in history, architecture of historic preservation.*” Some community members recommended revising this requirement to ensure that BAR members have stronger historic preservation qualifications. Having qualified members is imperative to having a fair and experienced BAR that can successfully review a range of projects in different settings for appropriateness and compatibility. Staff recommends that this requirement be strengthened in two ways. First, members should have a demonstrated *knowledge*, in addition to experience and education, which is consistent with the Virginia Department of Historic Resources Certified Local Government (Alexandria is a designated CLG) requirements for local review boards. In addition, by specifying that experience should be professional and by expanding the related fields to include urban planning, real estate and building construction the BAR make up will better reflect the different and broad range of professional fields which focus on preservation and architecture.

Proposed Alexandria BAR Composition

Composition. The Alexandria 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. Strong preference shall be given to property owners in the two historic districts or owners of a 100 year old building. One member shall be a property owner in the Old and Historic Alexandria District and one member shall be a property owner in the Parker-Gray District. Two members shall be architects. All members shall have a demonstrated knowledge, professional experience, or education in history, architecture, architectural history, or historic preservation, planning, real estate, or building construction. 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 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.

The success of the new BAR will be further strengthened by having at least some members from the dissolved BARs in order to benefit from their institutional memory and training. While all of the 14 current BAR members cannot be accommodated on a new seven-member BAR, there are a number of other related City boards and commissions which would benefit from the expertise of the City’s current BAR members, including, but not limited to: the Archaeological Commission, Beautification Commission, Board of Zoning

Appeals, Commission of the Arts, Environmental Policy Commission, Historic Alexandria Resources Commission, Historical Restoration and Preservation Commission, Waterfront Commission or any of the City's design review committees.

III. Discussion of Proposed Text Changes

Article X of the Zoning Ordinance is further broken down into three sections:

| | |
|--------|---|
| 10-100 | Old and Historic Alexandria District |
| 10-200 | Parker-Gray District |
| 10-300 | 100 year old buildings outside of the local districts |

Section 10-104 and Section 10-204 outline the creation and duties of each BAR, while Section 10-308 describes the OHAD BAR's purview over listed 100 year old buildings. The proposed text amendment will modify Section 10-100, 10-200 and 10-300 of Article X, and add Section 10-400 to create a new Alexandria BAR with purview over the Old and Historic Alexandria District, the Parker-Gray District and listed 100 year old buildings.

In order to maintain continuity and functioning BARs until such time as a new BAR is appointed, the effective date of the new BAR will immediately follow City Council appointment of seven members to the new Alexandria BAR.

The changes to each section are summarized below, starting with the Section 10-400, the new Alexandria BAR.

A. Section 10-400 Alexandria board of architectural review – *NEW SECTION*

This new section largely mirrors the language that creates the current OHAD and PG BARs, with minor changes intended to clarify BAR member qualifications and BAR composition as previously discussed.

10-400 – Alexandria board of architectural review.

10-401 – Board of architectural review.

(A) *Alexandria Board of architectural review established.* There is hereby established the Alexandria board of architectural review to be composed of seven members.

(B) *Powers and duties.* The Alexandria 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 sections 10-105 and 10-205, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capulate 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 sections 10-100, 10-200 and 10-300 with respect to the Old and Historic Alexandria District, the Parker-Gray District and the building and structures on the 100 year old buildings list.

(C) Composition. The Alexandria 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. Strong preference shall be given to property owners in the two historic districts or owners of a 100 year old building. One member shall be a property owner in the Old and Historic Alexandria District and one member shall be a property owner in the Parker-Gray District. Two members shall be architects. All members shall have a demonstrated knowledge, professional experience, or education in history, architecture, architectural history, or historic preservation, planning, real estate, or building construction. 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 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 Alexandria 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 2.2-3100 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.

(E) Chairman and secretary. The Alexandria 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 Alexandria 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 sections 10-103(A), 10-203(A) or 10-304(A) which has been denied by the Alexandria 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 sections 10-105 and 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 Old and Historic Alexandria District, the Parker-Gray District, or on the 100 year old buildings list, the Alexandria board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-103(B), 10-203(B) or 10-305 which 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, capsule or demolish in whole or in part, the Alexandria board of architectural review shall forward its reasons in writing to the council.
 - (5) The Alexandria 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, capsule or demolish in whole or in part in the Old and Historic Alexandria District, the Parker-Gray District or on the 100 year old buildings list shall be considered unless and until the secretary to the Alexandria board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300.

B. Changes to Section 10-100 (Old and Historic Alexandria District)

All references to the Old and Historic Alexandria District board of architectural review have been struck and replaced with the Alexandria board of architectural review. Section 10-104 has been struck and the new Alexandria BAR, Section 10-400, is referenced.

C. Changes to Section 10-200 (Parker-Gray District)

All references to the Parker-Gray District board of architectural review have been struck and replaced with the Alexandria board of architectural review. Section 10-104 has been struck and the new Alexandria BAR, Section 10-400, is referenced.

D. Changes to Section 10-300 (100 year old buildings)

All references to the Old and Historic Alexandria District board of architectural review have been struck and replaced with the Alexandria board of architectural review. Section 10-308 has been struck and the new Alexandria BAR, Section 10-400, is referenced.

E. Other ordinance changes

Changes to six other sections of the ordinance are required to strike references the Parker-Gray BAR or the Old and Historic BAR and to replace them with the Alexandria board of architectural review. These sections include:

Section 6-403
Section 7-802
Section 8-200
Section 8-602
Section 9-301
Section 11-513

IV. Recommendation

Staff recommends that the Planning Commission initiate and recommend approval of the proposed text amendment.

Staff:

Karl Moritz, Director, Department of Planning and Zoning
Al Cox, Historic Preservation Manager
Catherine Miliaras, Principal Planner
Stephanie Sample, Urban Planner

Attachments:

Attachment 1: April 10, 2018 memo to City Council from Councilmen Wilson and Smedberg
Attachment 2: Power Point from September 17, 2018 public meeting on BAR consolidation
Attachment 3: Proposed zoning text changes

City of Alexandria, Virginia

MEMORANDUM

DATE: April 10, 2018

TO: THE HONORABLE MAYOR & MEMBERS OF THE CITY COUNCIL

FROM: VICE MAYOR JUSTIN WILSON & COUNCILMAN PAUL SMEDBERG

SUBJECT: BOARD OF ARCHITECTURAL REVIEW CONSOLIDATION

After an effort to expand the City's Old and Historic District to include what is now Parker-Gray was rejected in 1984, City Council moved to create a separate Parker-Gray District. Due to limitations under the City Charter, a separate panel within the existing Board of Architectural Review was created to review applications within the district. Following General Assembly action to amend the Charter, City Council appointed the first Parker-Gray Board of Architectural Review (BAR) in 1986¹.

With distinctly different guidelines the two Boards of Architectural Review are empowered to review applications and weigh approval of Certificates of Appropriateness and Permits to Demolish.²

The two Boards of Architectural Review are comprised of 7 members appointed by City Council, with two seats reserved for architects³.

In 2013, the City Council adopted a package of reforms to the guidelines applied within the Parker-Gray Historic District⁴. The reforms were the result of significant community input and were designed to reduce the regulatory footprint for property owners in the district. One of the impacts of these changes has been to shift many requests to the administrative approval process, significantly reducing the workload of the Parker-Gray BAR.

Today, the Old and Historic District BAR meets twice a month, and the Parker-Gray BAR meets once a month. With the reduced caseload, the Parker-Gray BAR has seen its meetings shrink accordingly, dropping to a 45 minute average among the past 12 months,

¹ "The Parker-Gray District: Examining a Local Historic District a Generation Later." Catherine K. Miliaras. *The Alexandria Chronicle*. Spring 2015

(https://alexandriahistorical.org/Resources/Documents/The_Chronicle/2015_Sp1_Chronicle.pdf)

² Section 10-205/Section 10-105. "City of Alexandria Zoning Code"

³ Section 10-204/Section 10-204. "City of Alexandria Zoning Code"

⁴ Text Amendment 2013-0007/Ordinance 4832

(<https://alexandria.legistar.com/LegislationDetail.aspx?ID=1478942&GUID=C5E8CD04-9BEC-42DF-AE3B-8B2D6D004F85>)

with 4 meetings shorter than 1 hour⁵ and 2 meetings cancelled due to a lack of agenda items.

While the meetings have become shorter, staffing the separate boards is an impact on City resources and the reduced frequency of meetings delays the disposition of requests for property owners who do have business before the Board. Many communities across the country have a single review board that administers multiple districts.

We believe that the City should consider consolidation of the Old and Historic and Parker-Gray Boards of Architectural Review.

A consolidated Board of Architectural Review would:

- 1) Apply the distinct guidelines of each district⁶, and preserve the character and unique architectural and historic essence of each district.
- 2) More efficiently use City staff time required to staff two boards, and reduce the number of evening meetings
- 3) Reduce time of review for property owners by providing a committee which meets more frequently

We believe that City Council should exercise its authority⁷ to initiate a Text Amendment to provide for a new Alexandria Historic Districts Board of Architectural Review consisting of a total of 7 members, including:

- 1) One member residing in each of the two existing districts
- 2) Two architects
- 3) Three citizens at large

The City Manager shall consider and recommend a transition plan for the consolidation considering different scenarios that may reduce displacement of existing members and take advantage of current or planned attrition on either body.

Cc: Mark Jinks, City Manager; Karl Moritz, Director of Planning and Zoning; Mary Lyman, Chair of the Alexandria Planning Commission; Purvi Irwin, Chair of the Parker-Gray Board of Architectural Review; Christina Kelley, Chair of the Old and Historic District Board of Architectural Review; Gloria Sitton, Clerk of Council

⁵ 3/2017: 0 minutes; 4/2017: 4 minutes; 5/2017: 68 minutes; 6/2017: 31 minutes; 7/2017: 79 minutes; 9/2017: 74 minutes; 10/2017: 106 minutes; 11/2017: 35 minutes; 12/2017: 39 minutes; 1/2018: 42 minutes; 2/2018: 71 minutes; 3/2018: 0 minutes

⁶ E-Mail Correspondence; Deputy City Attorney. April 4, 2018.

⁷ Section 11-802. "City of Alexandria Zoning Code"



Consideration of Consolidation of the Boards of Architectural Review

Community Meeting
September 17, 2018

Agenda

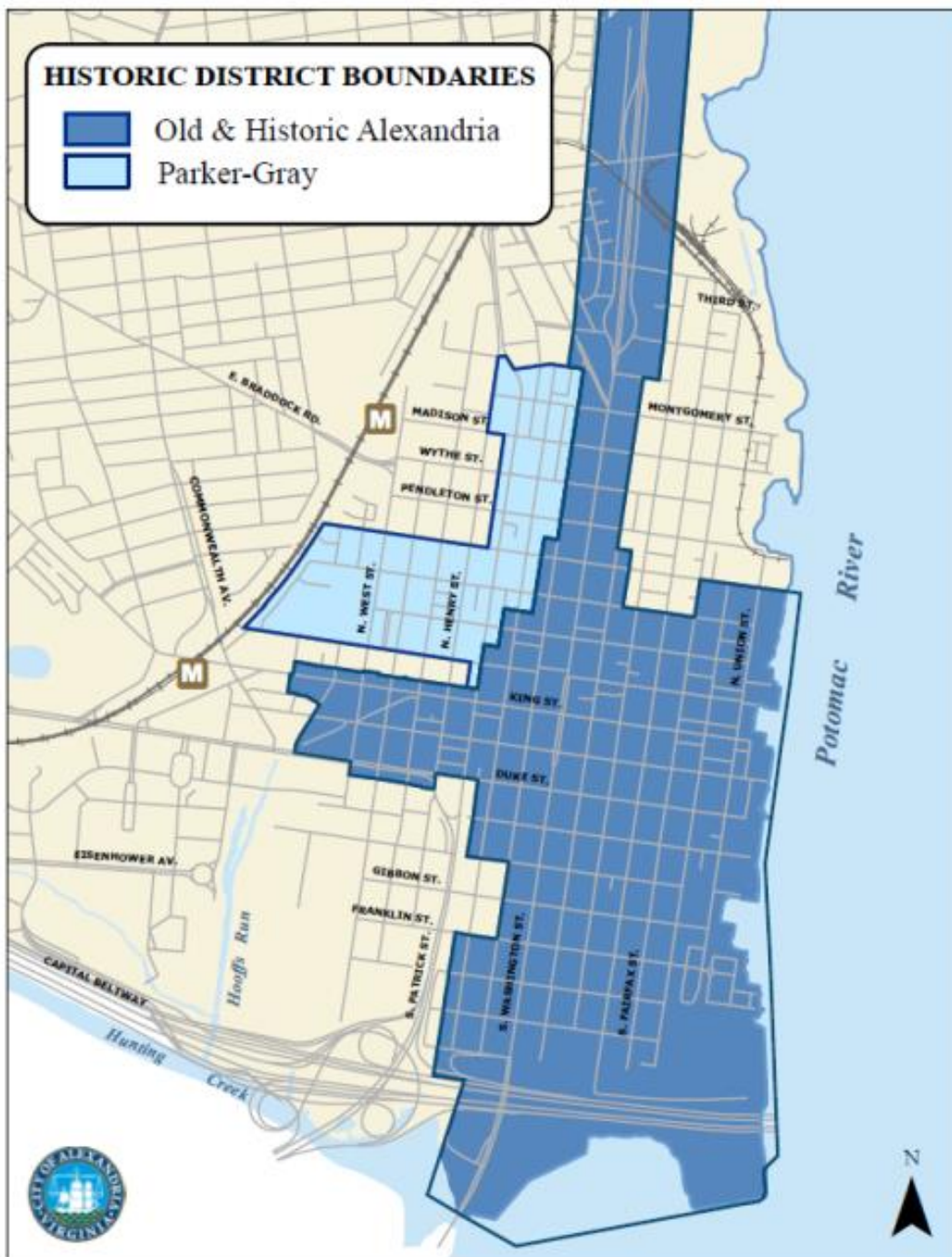
1. Overview of Proposal
2. Background on BARs and Parker-Gray and Old and Historic Alexandria Districts
3. BAR Approvals
4. Consolidation Considerations
5. What We've Heard
6. Discussion

Timeline

- April 10, 2018—memorandum from Vice Mayor Wilson and Councilmember Smedberg
- April 24, 2018—Council voted to initiate a text amendment for the consolidation of the two BARs
- July 30, 2018—First community meeting
- September 17, 2018—Second community meeting
- November 2018—Proposed Text Amendment Public Hearings at Planning Commission and City Council

Local Historic District Boundaries

NO CHANGE
PROPOSED



Powers and Duties of the Boards of Architectural Review

- Develop and recommend to CC regulations related to City Charter (creation of BARs and preservation districts)
- Develop and adopt guidelines and policies related to Article 10 of Zoning Ordinance
- Develop and adopt administrative procedures for Article 10
- Provisions for 100 Year Old Buildings

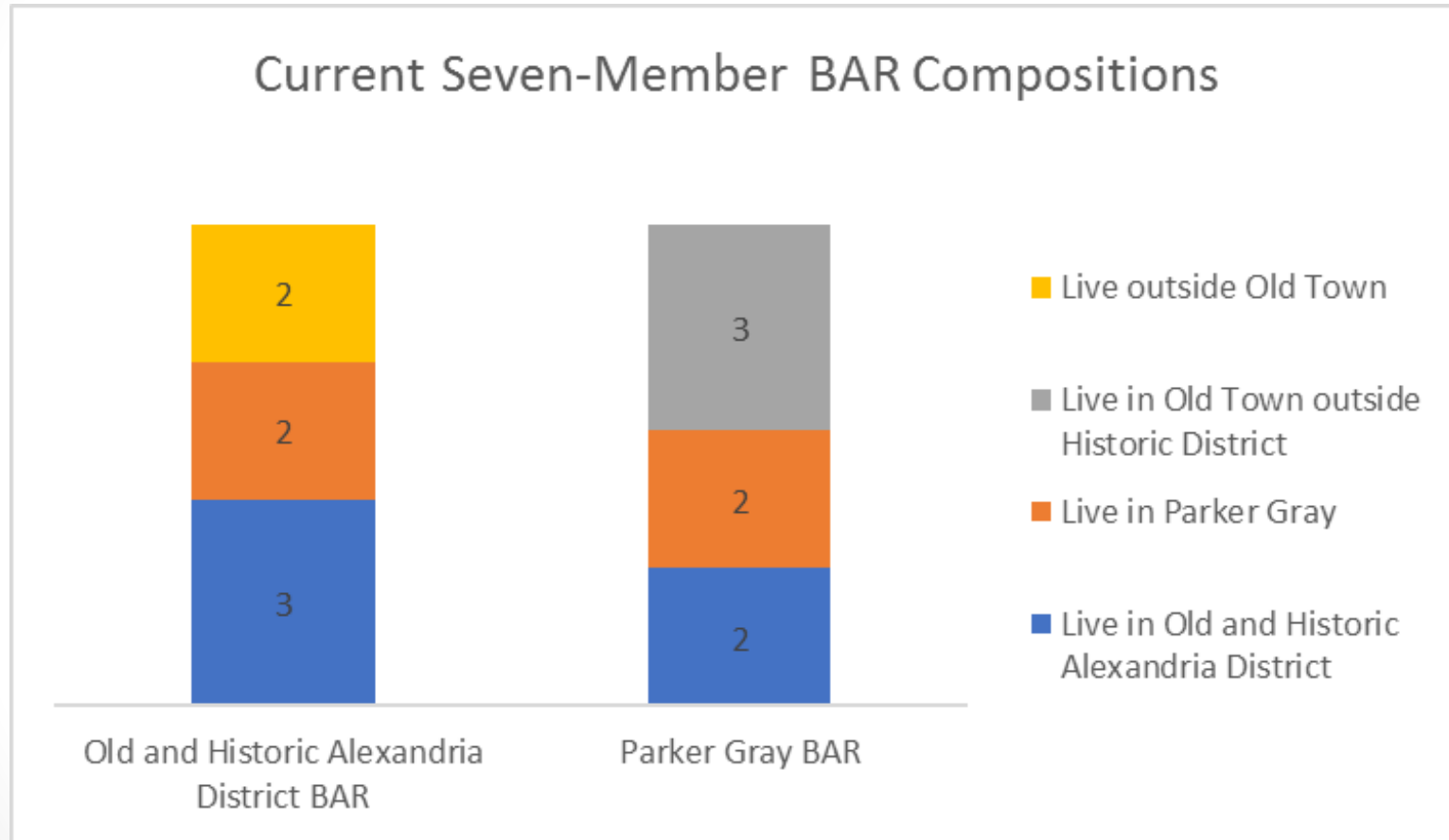
What the BAR Can Do

1. Review proposed demolition and capsulation, regardless of visibility
2. Review new construction, alterations and additions, exterior only and as visible from a public way

BAR Composition Requirements

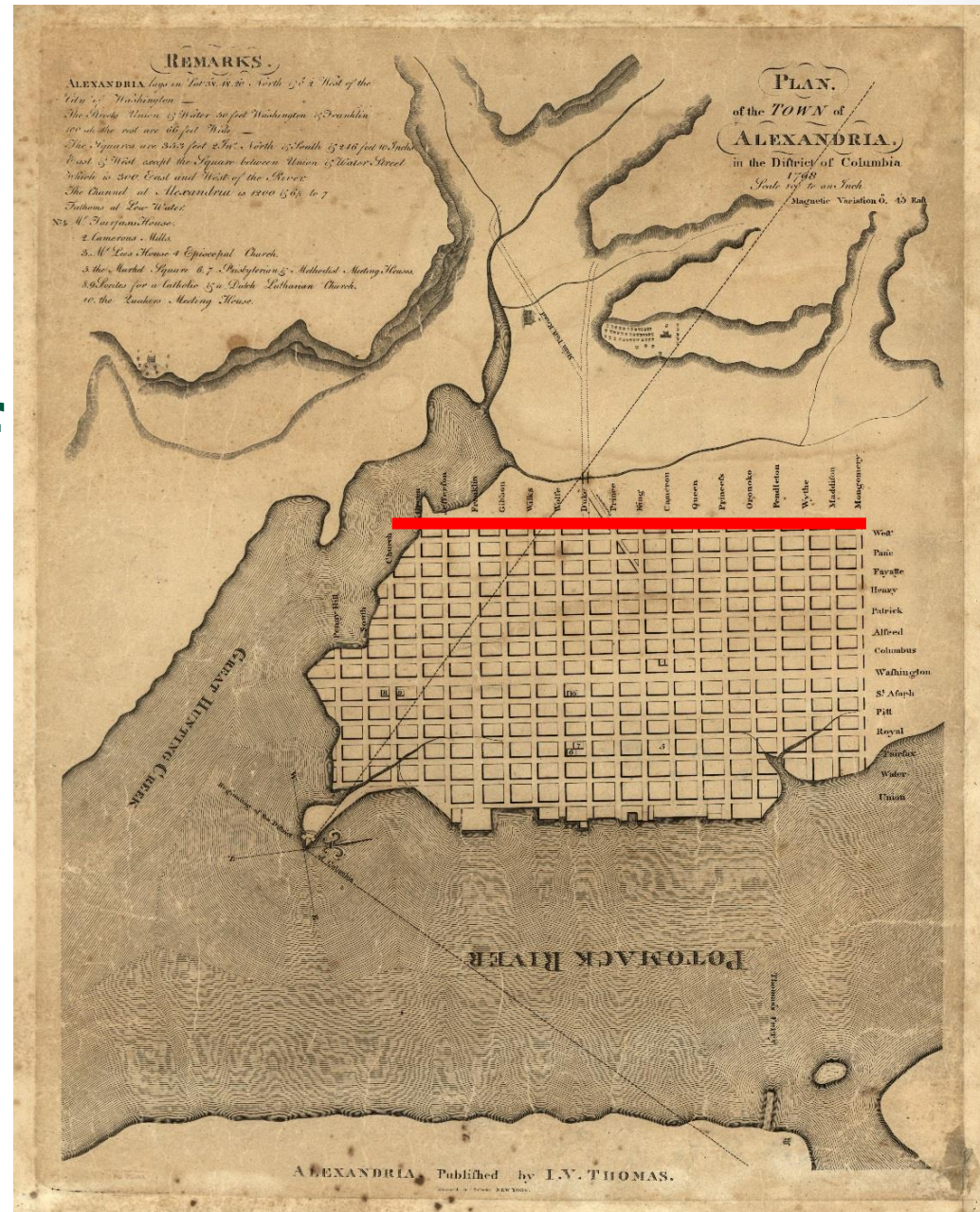
| Old and Historic (Sec. 10-104) | Parker-Gray (Sec. 10-204) |
|---|---|
| 7 members, residents of City | 7 members, residents of City |
| 2 architect members | 2 architect members |
| Interest, experience or education in history, architecture or historic preservation | Interest, experience or education in history, architecture or historic preservation |
| 3 year terms | 3 year terms |
| | <i>Consideration to property owners, residents or business owners in P-G</i> |

Current 7-Member BAR Compositions



* There are currently three architects on each BAR

1798 Plan of the Town of Alexandria





Old & Historic Alexandria District



Parker-Gray District



OHAD & Parker-Gray Districts and BARs

- 1946 – OHAD and OHAD BAR est.
- 1984 – Parker-Gray District est.
- 1986 – Parker-Gray BAR est.
- 1993 – Adoption of common BAR Design Guidelines
- 2010 – Modern and Sustainable Materials Work Group updates BAR policies
- 2011 – Administrative Cert. of Appropriateness
- 2012 – Parker-Gray Work Group updates policies and guidelines

Increased number of administrative approvals and decreased number of public hearing requests for both Boards

Creation of the Parker-Gray District

Parker-Gray Residents Fear Gentrification

By Leah Y. Lahimer Washington Post Staff Writer
The Washington Post (1974-Current file); Jul 23, 1984; ProQuest Historical Newspapers The Washington Post (1877 - 19;
pg. D1

Parker-Gray Residents Fear Gentrification

By
Wash



Growing Alexandria Old Town Could Uproot Black Community

By Michael Martinez
Washington Post Staff Writer



New town houses alongside old row houses on Princess Street illustrate how the neighborhood northwest of Old Town is changing.



Eudora Lyles, who has lived in this modest town house in the heart of Alexandria's black community for 42 years, feels threatened.

Eudora Lyles is familiar with the threats of development and expansion of Alexandria's Old and Historic District into her neighborhood. Lyles' modest, two-story town house at 312 N. Fayette St., where she has lived for 42 of her 65 years, rests in the heart of a black community deeply rooted in a section northwest of fashionable Old Town. The once-segregated community is populated partly by families in public housing and youths who talk with police weekly nights under corner street lights. City fathers have asked the Planning and Community Development Commission to look at the question of expanding the Old and Historic District of Alexandria into the fringes of the black community.

METROPOLITAN LIFE GENTRIFICATION

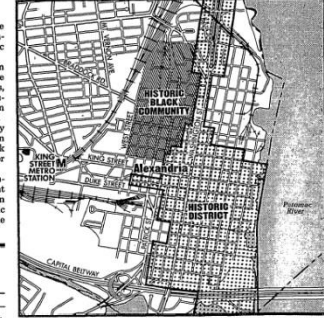
The present Old and Historic District was established by city ordinance in 1946, and by law all building repairs, alterations, construction and demolition of houses built before 1946 must be approved by the city's Board of Architectural Review. Lyles fears that extending the historic district toward her community would push property values and taxes up and force out some low-income black families whose roots date to the beginnings of the port city in the 1700s. "Most of the oldest citizens are in this area," said Lyles, who was born and raised in the community. "I know old families by names and addresses who don't want the extension of Old Town. They don't want higher taxes. They don't want anything that makes it harder for them to live."

"The ones who do want it want the prestige of Old Town and the money in property values that goes with it," she said.

The Old and Historic District, which makes up the core of Old Town, generally runs south of Princess Street between the waterfront and the northbound lane of Rte. 1. It also includes the Washington Street corridor through town.

The planning study first what district along King into the black areas contain 100+ that trace patterns commercial and res

On Feb. 21, the hold a public has plans to recomm



By Richard Feltner - The Washington Post

Fayette St., who works for the State Department security division.

"You have a lot of retired people and people on fixed incomes. Where are they going to go? The fears of the Old and Historic District expansion are probably unwarranted," he said.

Beatley said that restrictions placed on new development in an area designated old and historic could help keep property values down because it would limit tall and dense construction, which "could in-

flate prices more than without the Old and Historic District."

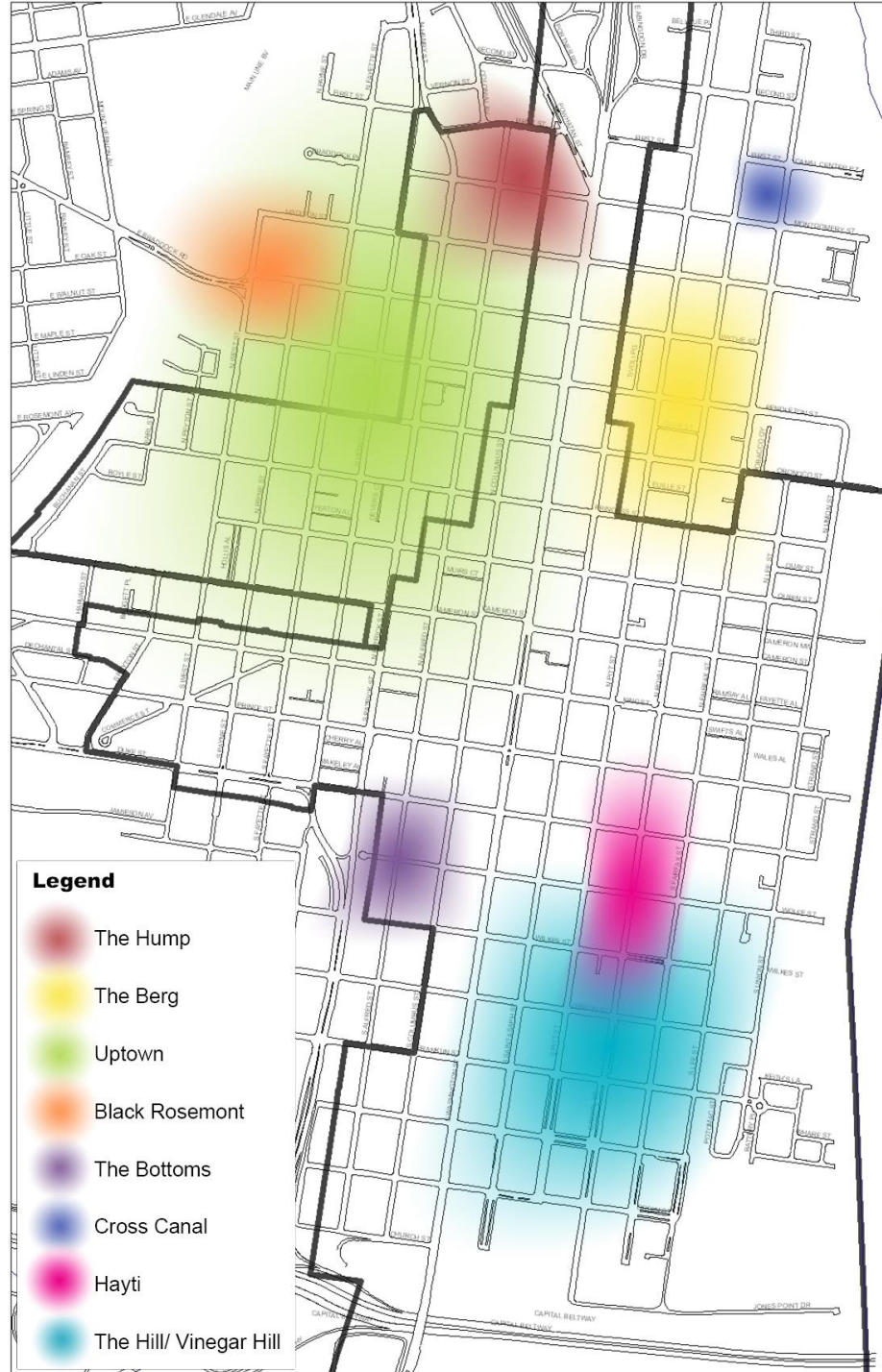
Eight Arterial, director of the city's planning commission, said an area designated historic "may be a way to preserve both the buildings and the people." Beatley said the Metro station development along the fringes of the black community has set the stage for consideration of extending the district.

"If nothing comes up this time, I foresee it coming back up in two years," Beatley said.

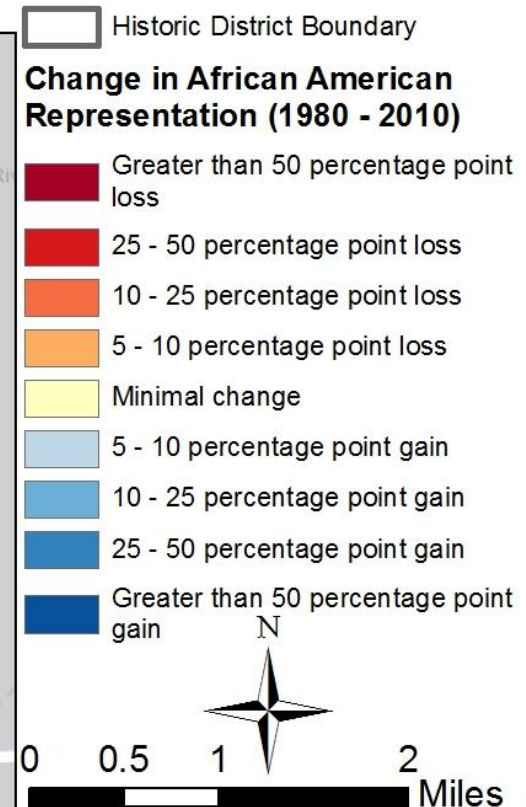
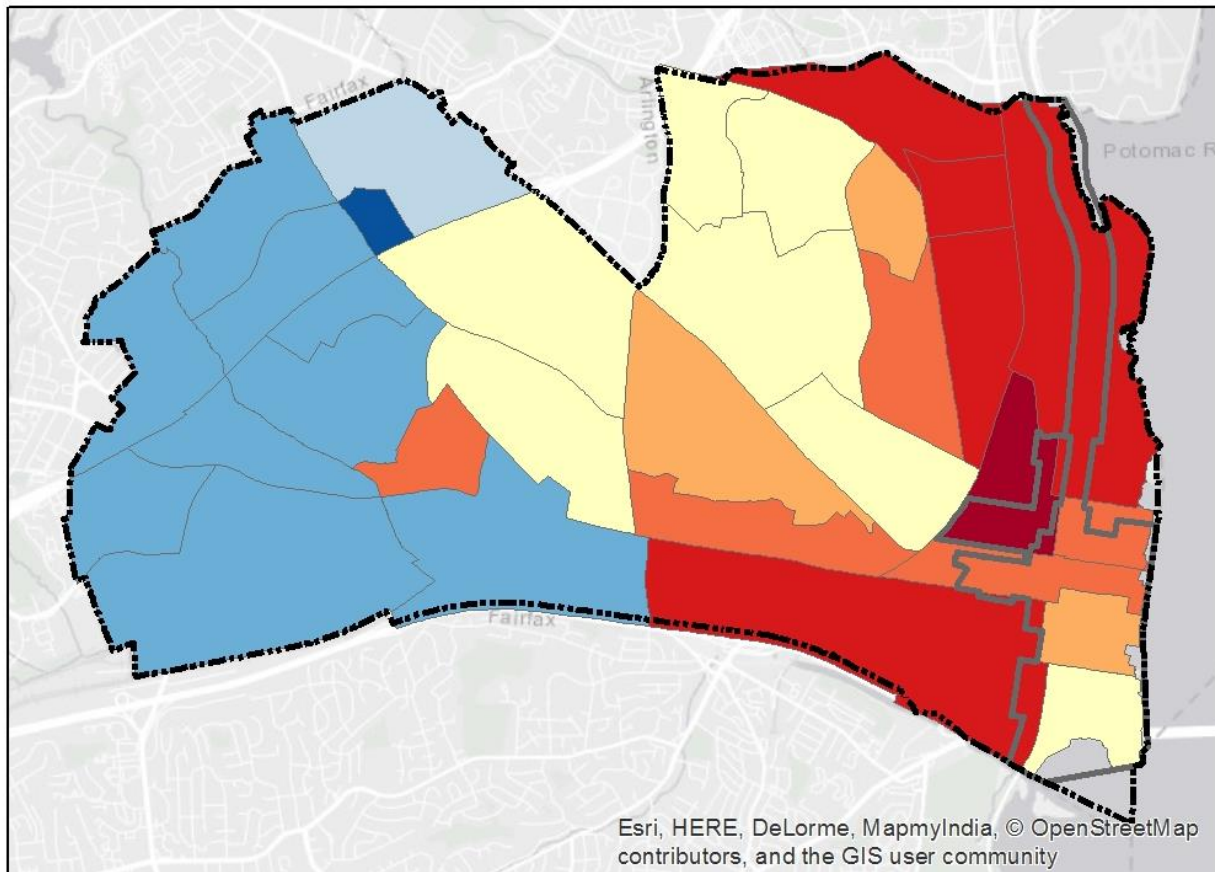


Historic Settlement Patterns in Old Town Alexandria

(based on information from the Alexandria Black History Museum and Virginia Foundation for the Humanities African-American Historic Sites Database)



Changes in African-American Representation, 1980-2010





African-American Population and % of Total Population, 1980-2016

| | 1980 | 1990 | 2000 | 2010 | 2012-2016* |
|------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| City of Alexandria | 22,764 (22%) | 23,957 (22%) | 28,463 (22%) | 29,778 (21%) | 31,900 (21%) |
| Area around the Historic Districts | 8,047 (45%) | 6,012 (33%) | 4,883 (23%) | 3,755 (18%) | 3,200 (14%) |
| Area around Parker Gray | 3,435 (90%) | 2,253 (65%) | 1,841 (45%) | 1,538 (31%) | 850 (18%) |

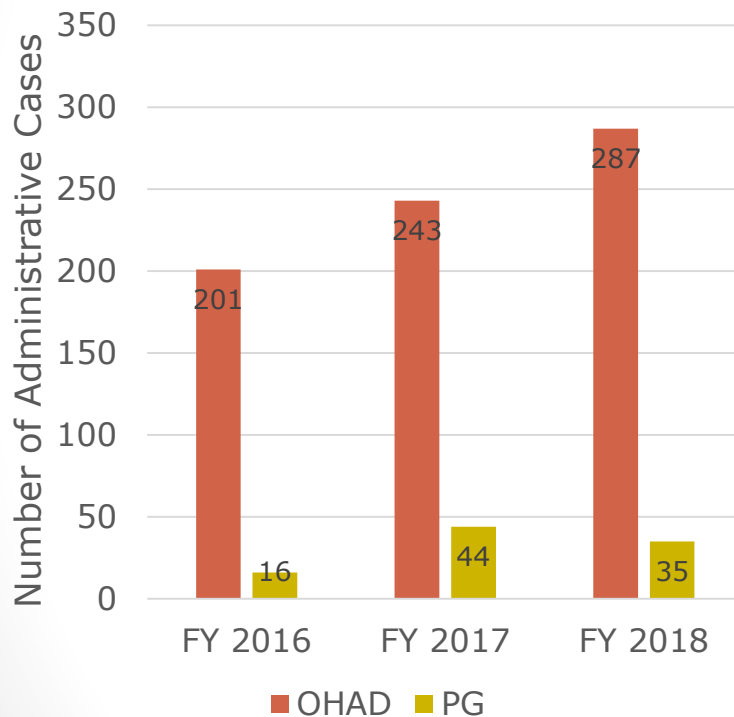


Preservation of African-American Resources in Alexandria

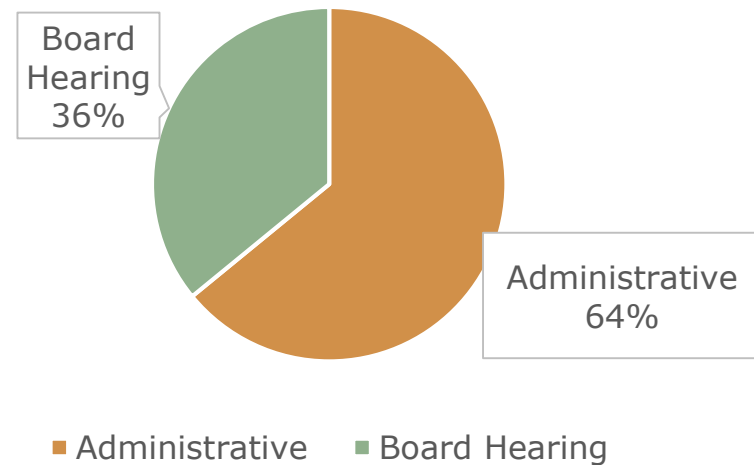
- Alexandria Black History Museum
- African-American Heritage Park
- Contrabands & Freedmen Cemetery Memorial
- Watson Reading Room
- Oral Histories and Walking Tours
- Ongoing programming (lectures, exhibitions, concerts, films, genealogy workshops, plays, children's)
- Annual Events
- Churches
- Freedom House Museum
- Interpretive markers, signs and sculptures
- Interpretive Plan at Fort Ward
- Naming

BAR Administrative Approvals

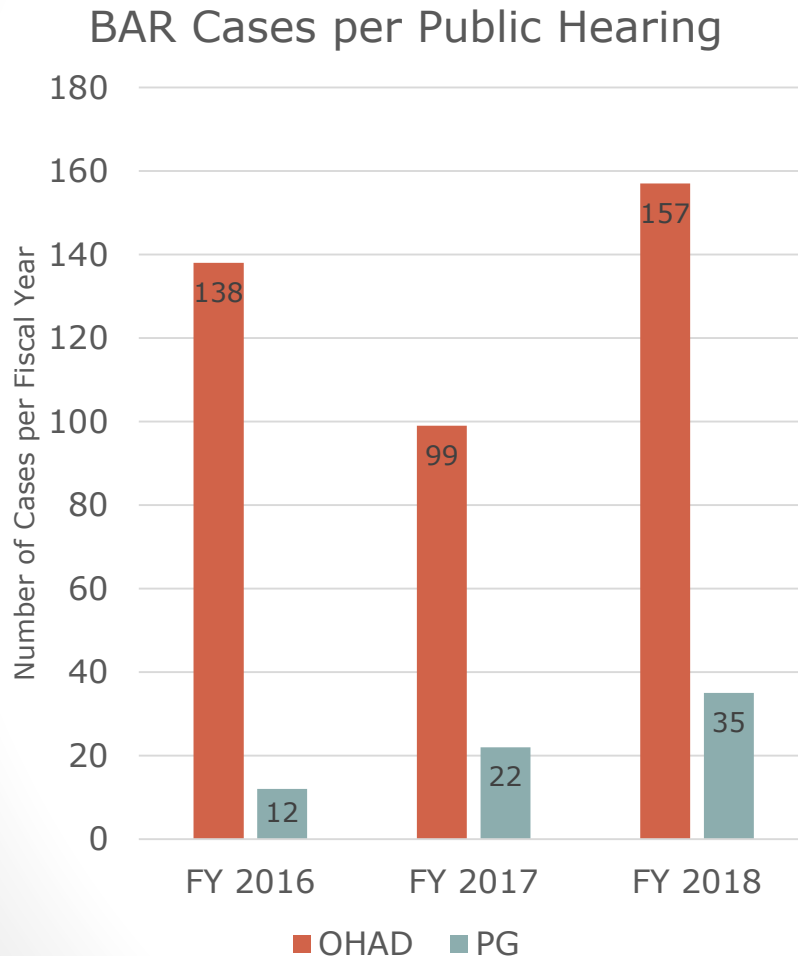
Approved Administrative Cases



Administrative Cases vs. Board Hearing Cases in Past Three Years



BAR Cases per Public Hearing



Average Number of Hearing Cases

Old & Historic Alexandria

- 131 cases per year
- 5.9 cases per hearing

Parker-Gray

- 23 cases per year
- 2 cases per hearing

Predicted (Average) Number of Case for Consolidated Board in Upcoming Years

- 154 cases per year
- ~7 cases per hearing

Consolidation Considerations

- Reduction in number of hearings by 1/3 while doubling access to hearings for Parker-Gray applicants
- Efficient use of volunteer members time and City resources
- Simplification of the process for property owners and community
- Ability of one BAR to oversee two districts, each with distinct policies and guidelines

Background Research

How do other jurisdictions manage their historic resources?

17 jurisdictions surveyed

- 11 Virginia jurisdictions
- 6 other well-known preservation communities (Charleston, New Orleans, Philadelphia, Savannah, Washington, DC and Annapolis).

Questions asked:

- How many review boards?
- How many meetings per month?
- How many properties under Board review?
- How many board members?
- Who makes up the Board and what are their qualifications?
- Are there separate design guidelines/standards for different historic districts?

Summary Findings

- In Virginia jurisdictions, Alexandria is the only locality with two BARs
- Average Board size is 7-9 members
- Most Boards meet once a month
- All jurisdictions delegate approvals to staff
- Some Boards have a high level of review in one district and more limited in another
- Some jurisdictions have separate guidelines for their districts
- Some Board members must meet specific qualifications, others appoint more broadly

What We've Heard So Far

- Would the two BARs be combined or would a new BAR be created?
- Require representation on BAR from both historic districts
- BAR members should live in historic districts
- Will it be difficult for BAR members to apply different regulations?
- Will the workload be too great for one BAR?
- Have you reached out to all residents and interested parties who might be impacted by this consolidation?

What We've Heard So Far

- How can the City improve on its outreach to effected parties in the historic districts?
- How can one BAR protect/honor the culture and history of each district?
- How will you ensure that the two districts' standards and policies are not compromised?
- Do not change the regulations or policies for each district
- Will combining the Boards weaken the importance of the separate historic districts?
- Will new development projects be treated the same way they are now?

Summary

District boundaries – no change

Policies and guidelines for each district – no change

Powers, duties and administration of the board – no change

Next Steps

- Informational presentations to, and feedback from, both BARs in September
- Drafting of text amendment and action plan for consolidation
- Consideration of text amendment by Planning Commission and City Council in November

Discussion

Comments?

Questions?

Proposed Zoning Ordinance Changes – The following text will modify or replace text in sections 10-100, 10-200, 10-300 while adding Section 10-400. The following sections are also modified to reflect the new Alexandria board of architectural review: Section 6-403; Section 7-802; Section 8-200; Section 8-602; Section 9-301; and, Section 11-513.

Note: New text is underlined

~~Deleted text is shown with a strikethrough~~

ARTICLE X. - HISTORIC DISTRICTS AND BUILDINGS

Sec. 10-100 - Old and Historic Alexandria District.

10-101 - Purpose.

The City of Alexandria seeks, through the establishment of the Old and Historic Alexandria District, to protect community health and safety, to promote the education, prosperity and general welfare of the public through the identification, preservation, and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural, artistic, and architectural significance. 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 unique resource that is the historic district, including familiar landmarks and other treasured elements of the area;
- (B) To protect historical and cultural resources thus promoting tourism and enhancing business and industry as well as the quality of life of the residents of the city;
- (C) To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner; and by encouraging desirable uses and forms of economic development that will lead to the continuance, conservation and improvement of the city's historic resources in their setting;
- (D) To educate residents and visitors about the city's cultural and historic heritage;
- (E) To promote local historic preservation efforts through the identification and protection of historic resources throughout the city;
- (F) To encourage the nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register.
- (G) To assure that new structures, additions, landscaping, and related elements be in harmony with their historical and architectural setting and environs; and
- (H) To safeguard the city's portion of the George Washington Memorial Parkway and other significant routes of tourist access to the city's historic resources by assuring that development in and along those transportation arteries be in keeping with their historical, cultural and traditional setting.

10-102 - District established.

There is hereby created in the city a district to be known as the "Old and Historic Alexandria District," the boundaries of which shall be those shown on the zoning maps adopted herewith.

10-103 - Certificates and permits required.

- (A) *Certificate of appropriateness required.* No building or structure shall be erected, reconstructed, altered or restored within the Old and Historic Alexandria District unless and

until an application for a certificate of appropriateness shall have been approved by the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria 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. Evidence of such required approval shall be a certificate of appropriateness issued by the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review or the city council on appeal.

- (B) *Permit to move, remove, capsule or demolish required.* No building or structure within the Old and Historic Alexandria District shall be moved, removed, capsulated or demolished in whole or in part without first obtaining a permit approved by the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review or the city council on appeal, except as provided in section 10-111 and except for demolitions of portions of buildings resulting in the removal of less than 25 square feet total of exterior wall, roof or surface which shall be deemed an alteration and subject to section 10-103(A). The board of architectural review 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 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 10-103(A) or permits required by section 10-103(B) shall be made to the director by the owner or authorized agent of the owner of the subject property.

10-104 - ~~Board of architectural review.~~ Board of architectural review.

~~—The Alexandria board of architectural review, section 10-400, administers the Old and Historic Alexandria District.~~

~~(A) —Board of architectural review established. There is hereby established the Old and Historic Alexandria 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 10-105, 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 not be in conflict with the procedures established in this Article X.~~
- ~~(4) Be responsible for making effective the provisions of this Article X with respect to the Old and Historic Alexandria District and with respect to the provisions of section 10-300 relating to the preservation of certain buildings and structures over 100 years old outside the Old and Historic Alexandria District and the Parker Gray District.~~

~~(C) —Composition. The Old and Historic Alexandria 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. 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 Old and Historic Alexandria 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 Old and Historic Alexandria 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 10-103(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 10-105, for rehearing the application at the time of its denial of same.
 - (3) In the case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Old and Historic Alexandria District, the board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-103(B) which 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, capsule 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, capsule or demolish in whole or in part in the Old and Historic Alexandria

~~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.~~

10-105 - Matters to be considered in approving certificates and permits.

(A) *Certificate of appropriateness.*

- (1) *Scope of review.* ~~The Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review or the city council on appeal shall limit its review of the proposed construction, reconstruction, alteration or restoration of a building or structure to the building's or structure's exterior architectural features specified in sections 10-105(A)(2)(a) through (2)(d) below which are subject to view from a public street, way, place, pathway, easement or waterway and to the factors specified in sections 10-105(A)(2)(e) through (2)(j) below; shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings and, when appropriate, with the memorial character of the George Washington Memorial Parkway, including the Washington Street portion thereof, if the building or structure faces such highway; and may make such requirements for, and conditions of, approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration incongruous to such existing building or structure, area surroundings or memorial character, as the case may be.
- (2) *Standards.* Subject to the provisions of section 10-105(A)(1) above, ~~the Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review or the city council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:
 - (a) Overall architectural design, form, style and structure, including, but not limited to, the height, mass and scale of buildings or structures;
 - (b) Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;
 - (c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;
 - (d) Texture, material and color, and the extent to which any new architectural features are historically appropriate to the existing structure and adjacent existing structures;
 - (e) The relation of the features in sections 10-105(A)(2)(a) through (d) to similar features of the preexisting building or structure, if any, and to buildings and structures in the immediate surroundings;
 - (f) The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspect of the George Washington Memorial Parkway;
 - (g) The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;
 - (h) The extent to which the building or structure will preserve the memorial character of the George Washington Memorial Parkway;
 - (i) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic interest in the city and the memorial character of the George Washington Memorial Parkway; and

- (j) The extent to which such preservation and protection will 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 in which to live.
- (3) *Additional standards—Washington Street.*
- (a) In addition to the standards set forth in section 10-105(A)(2), the following standards shall apply to the construction of new buildings and structures and to the construction of additions to buildings or structures on lots fronting on both sides of Washington Street from the southern city limit line north to the northern city limit line:
 - (1) Construction shall be compatible with and similar to the traditional building character, particularly including mass, scale, design and style, found on Washington Street on commercial or residential buildings of historic architectural merit.
 - (i) Elements of design consistent with historic buildings which are found on the street shall be emphasized.
 - (ii) New buildings and additions to existing buildings shall not, by their style, size, location or other characteristics, detract from, overwhelm, or otherwise intrude upon historic buildings which are found on the street.
 - (iii) The design of new buildings and additions to existing buildings shall be complementary to historic buildings which are found on the street.
 - (iv) The massing of new buildings or additions to existing buildings adjacent to historic buildings which are found on the street shall closely reflect and be proportional to the massing of the adjacent historic buildings.
 - (v) New buildings and additions to existing buildings which are larger than historic buildings which are found on the street shall be designed to look separate and shall not give the impression of collectively being more massive than such historic buildings. This design shall be accomplished through differing historic architectural designs, facades, setbacks, roof lines and styles. Buildings should appear from the public right-of-way to have a footprint no larger than 100 feet by 80 feet. For larger projects, it is desirable that the historic pattern of mid-block alleys be preserved or replicated.
 - (vi) Applications for projects over 3,000 square feet, or for projects located within 66 feet of land used or zoned for residential uses, shall include a building massing study. Such study shall include all existing and proposed buildings and building additions in the six block area as follows: the block face containing the project, the block face opposite, the two adjacent block faces to the north and the two adjacent block faces to the south.
 - (vii) The massing and proportions of new buildings or additions to existing buildings designed in an historic style found elsewhere in along Washington Street shall be consistent with the massing and proportions of that style.
 - (viii) New or untried approaches to design which result in new buildings or additions to existing buildings that have no historical basis in Alexandria

or that are not consistent with an historic style in scale, massing and detailing, are not appropriate.

- (2) Facades of a building generally shall express the 20- to 40-foot bay width typically found on early 19th century commercial buildings characteristic of the Old and Historic Alexandria District, or the 15- to 20-foot bay width typically found on townhouses characteristic of the Old and Historic Alexandria District. Techniques to express such typical bay width shall include changes in material, articulation of the wall surfaces, changes in fenestration patterns, varying roof heights, and physical breaks, vertical as well as horizontal, within the massing.
 - (3) Building materials characteristic of buildings having historic architectural merit within the district shall be utilized. The texture, tone and color of such materials shall display a level of variety, quality and richness at least equal to that found abundantly in the historic setting.
 - (4) Construction shall reflect the traditional fenestration patterns found within the Old and Historic Alexandria District. Traditional solid-void relationships exhibited within the district's streetscapes (i.e., ratio of window and door openings to solid wall) shall be used in building facades, including first floor facades.
 - (5) Construction shall display a level of ornamentation, detail and use of quality materials consistent with buildings having historic architectural merit found within the district. In replicative building construction (i.e., masonry bearing wall by a veneer system), the proper thicknesses of materials shall be expressed particularly through the use of sufficient reveals around wall openings.
- (b) No fewer than 45 days prior to filing an application for a certificate of appropriateness, an applicant who proposes construction which is subject to this section 10-105(A)(3), shall meet with the director to discuss the application of these standards to the proposed development; provided, that this requirement for a preapplication conference shall apply only to the construction of 10,000 or more square feet of gross building area, including but not limited to the area in any above-ground parking structure.
 - (c) No application for a certificate of appropriateness which is subject to this section 10-105(A)(3) shall be approved by the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review, unless it makes a written finding that the proposed construction complies with the standards in section 10-105(A)(3)(a).
 - (d) The director may appeal to city council a decision of the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review granting or denying an application for a certificate of appropriateness subject to this section 10-105(A)(3), which right of appeal shall be in addition to any other appeal provided by law.
 - (e) The standards set out in section 10-105(A)(3)(a) shall also apply in any proceedings before any other governmental or advisory board, commission or agency of the city relating to the use, development or redevelopment of land, buildings or structures within the area subject to this section 10-105(A)(3).
 - (f) To the extent that any other provisions of this ordinance are inconsistent with the provisions of this section 10-105(A)(3), the provisions of this section shall be controlling.

- (g) The director shall adopt regulations and guidelines pertaining to the submission, review and approval or disapproval of applications subject to this section 10-105(A)(3).
 - (h) Any building or addition to an existing building which fails to comply with the provisions of this paragraph shall be presumed to be incompatible with the historic district and Washington Street standards, and the applicant shall have the burden of overcoming such presumption by clear and convincing evidence.
 - (i) The applicant for a special use permit for an increase in density above that permitted by right shall have the burden of proving that the proposed building or addition to an existing building provides clearly demonstrable benefits to the historic character of Washington Street, and, by virtue of the project's uses, architecture and site layout and design, materially advances the pedestrian-friendly environment along Washington Street.
- (4) *Additional standards—Potomac River Vicinity.* Within the Potomac River Vicinity Height District, in addition to the provisions of section 10-105(A)(2), the following standards and guidelines, to the extent relevant in each individual case, shall apply in considering an application for a certificate of appropriateness by the ~~Old and Historic District Board of Architectural Review~~ Alexandria board of architectural review, or by the city council on appeal, for any building in excess of 30 feet in height when such height has been authorized by a special use permit.
- (a) The degree to which facades of a proposed building or buildings are generally in alignment with the existing street edges and express the 20- to 30-foot bay width typically found within the historic district. Techniques to express such typical bay width should include changes in materials; articulation of the wall surfaces; changes in fenestration patterns; varying roof heights; and physical breaks within the massing. Large expanses of unbroken or repetitive facades are disfavored.
 - (b) The degree to which building materials characteristic of buildings having architectural merit within the historic district are utilized. The texture, tone and color of such materials should display a level of variety, quality and richness at least equal to that found abundantly in the historic setting. The use of synthetic or imitative materials is disfavored.
 - (c) The degree to which new construction reflects the traditional fenestration patterns found within the historic district. Traditional solid-void relationships (i.e., masonry bearing wall by a veneer system) should be used in building facades which are directly related to historic streetscapes.
 - (d) The degree to which new construction on the waterfront reflects the existing or traditional building character suitable to the waterfront. "High style" or highly ornamented buildings are disfavored. Also disfavored are metal warehouses and nondescript warehouse-type structures.
 - (e) To the extent that any provisions of section 10-105(A)(2) are inconsistent with the provisions of this section 10-105(A)(4), the provisions of this section shall be controlling.
- (B) *Permit to move, remove, capsule or demolish in whole or in part buildings or structures.* The ~~Old and Historic Alexandria District board of architectural review~~ Alexandria 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 Old and Historic Alexandria District.
- (1) Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing 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 the memorial character of the George Washington Memorial Parkway?
- (5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (6) 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 in which to live?
- (7) In the instance of a building or structure owned by the city or the redevelopment and housing authority, such building or structure having been acquired pursuant to a duly approved urban renewal (redevelopment) plan, would retention of the building or structure promote the general welfare in view of needs of the city for an urban renewal (redevelopment) project?

10-106 - Issuance and expiration of certificates of appropriateness or permits.

(A) *Issuance.*

- (1) Upon approval by the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria 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 10-107, shall be made available to the applicant.
- (2) Upon approval by the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria 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 10-107 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 of, a certificate of appropriateness or a permit to move, remove, capsule, or demolish in whole or in part, bearing the date of issuance but subject, however, to the provisions of section 10-107(B), shall forthwith be signed by the mayor and made available to the applicant.

- (B) *Expiration.* Any certificate of appropriateness issued pursuant to section 10-106(A) and any permit to move, remove, capsule or demolish in whole or in part in the Old and Historic Alexandria District issued pursuant to section 10-106(B) 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.

10-107 - Appeals from ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review.

(A) *Appeal to city council.*

- (1) Whenever the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria 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 ~~Old and Historic Alexandria District board of architectural review~~ Alexandria 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 Old and Historic Alexandria District indicating their intention to appeal and the basis for the 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 ~~Old and Historic Alexandria District board of architectural review~~ Alexandria 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 same standards shall be applied by the council as are established for the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review. 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 10-107(B), shall be final.

- (B) *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.

10-108 - 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, or demolish in whole or in part such building or structure provided, that:

- (1) The owner has applied to the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria 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 10-108(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 10-108(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 10-112. 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 Old and Historic Alexandria 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 Old and Historic Alexandria 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 10-108(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 10-108(A), must file the notice provided for in section 10-108(B) and proceed in accord with section 10-108(A). Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided for in section 10-108(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.

10-109 - 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 Old and Historic Alexandria District.
- (B) The following guidelines shall be used in the determination of historic or architectural significance pursuant to section 10-109(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.

10-110 - Required maintenance.

- (A) *General provisions.* All buildings and structures within the Old and Historic Alexandria 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 10-110, in coordination 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 applications for the necessary certificate of appropriateness. In considering any application under this section 10-110(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 10-110(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 10-110 and the owner's failure to cease the violation and bring the building or structure into compliance with this section 10-110.

10-111 - 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 ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review, and mailed to the subscribers provided for in section 10-112 a copy of the proposed order.

10-112 - Annual subscription for notice 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 Old and Historic Alexandria District, which notice shall be mailed at least seven days before a hearing and shall state the time, date, place and nature of the proposed hearing and location of the property involved.

10-113 - 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, § 1, 7-21-93; Ord. No. 4175, § 1, 11-28-00; Ord. No. 4357, §§ 1, 2, 6-12-04; Ord. No. 4588, § 1, 4-28-09; Ord. No. 4641, § 2, 12-12-09; Ord. No. 4723, § 1, 6-25-11)~~

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.

(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 or architectural review~~ Alexandria 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).
- (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 (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; doors and windows; shutters; siding and trim; vents and HVAC equipment; lighting; 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 demolish.*

- (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 or architectural review~~ Alexandria 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 25 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 subsection (2) of this subsection (B).
 - (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 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.~~ Board of architectural review.

~~—The Alexandria board of architectural review, section 10-400, administers the Parker-Gray District.~~

~~(A) —Board of architectural review established. There is hereby established the Parker-Gray District board or 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 or 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 or 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 or 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) which 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, capsule 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, capsule 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 or architectural review~~ Alexandria 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;
- (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;
- (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 or architectural review~~ Alexandria 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, expiration and procedures for certificates of appropriateness or permits.

(A) *Issuance.*

- (1) Upon approval by the ~~Parker-Gray District board or architectural review~~ Alexandria 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 or architectural review~~ Alexandria 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, capsule 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, capsule 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 provided for in this section 10-206.

10-207 - Appeals.

(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 or architectural review~~ Alexandria board of architectural review shall disapprove an application for a certificate of appropriateness or an application for a permit to move, remove, capsulate 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 or architectural review~~ Alexandria board of architectural review shall approve an application for a certificate of appropriateness or an application for a permit to move, remove, capsulate 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 or architectural review~~ Alexandria 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 same standards shall be applied by the council as are established for the ~~Parker-Gray District board or architectural review~~ Alexandria board of architectural review. 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 or architectural review~~ Alexandria 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~~

~~or architectural review~~ Alexandria board of architectural review and mailed to the subscribers provided for in section 10-212 a copy of the proposed order.

~~(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; Ord. No. 4832, § 1, 10-19-13)~~

Sec. 10-300 - Preservation of certain buildings and structures over 100 years old outside the Old and Historic Alexandria District and the Parker-Gray District.

10-301 - Purpose.

The City of Alexandria seeks, through the creation of 100 year old building lists, to protect community health and safety and to promote the education, prosperity, and general welfare of the public through the identification, preservation, protection and enhancement of buildings, structures, places, or features, together with their landscapes and settings, which are over 100 years old, which are situated outside of the protections afforded buildings or structures in the Old and Historic Alexandria District or the Parker-Gray District, and which have special historical, cultural, artistic, or architectural significance. 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 familiar landmarks and other treasured elements of the city;
- (B) To protect historical and cultural resources thus promoting tourism and enhancing business and industry, as well as the quality of life of the residents of the city;
- (C) To maintain and improve property values by providing incentives for the upkeep, rehabilitation, and restoration of structures over 100 years old, in a safe and healthful manner, and by encouraging desirable uses which will lead to their conservation and improvement;
- (D) To educate residents and visitors about the city's cultural and historic heritage;
- (E) To promote local historic preservation efforts through the identification and protection of historic resources throughout the city;
- (F) To encourage the nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register; and
- (G) To assure that additions, landscaping, and related elements be in harmony with the 100 year old building and its setting.

10-302 - Procedure for listing of buildings and structures.

- (A) The city manager or the city council may from time to time submit to the planning commission a list of buildings and structures to be considered for designation as buildings or structures over 100 years old and of historical or architectural interest. Said list shall include the name of the owner, location of the building or structure, the assessment map, block and lot number of the building or structure, a statement of how the building or structure complies with the applicable qualification criteria set forth in section 10-303 and a set of guidelines to be used in addition to the standards set forth in sections 10-105(A) and (B) in the determination of whether a certificate of appropriateness should be issued in accordance with section 10-304 or a permit should be issued in accordance with section 10-305.
- (B) *Planning commission hearing.* The planning commission shall hold a public hearing to consider said list. Notice of such hearing shall be given according to the provisions of section 11-300.
- (C) *Planning commission recommendation.* After the public hearing the planning commission shall forward the list of buildings and structures it has considered along with its recommendations to city council.

- (D) *Passage of ordinance by city council.* The city council shall receive the recommendations and list of buildings and structures considered by the planning commission and may cause an ordinance to be prepared for the preservation of any or all of said buildings and structures.
- (1) Said ordinance shall contain for each building or structure the name of the owner, location, assessment map, block and lot number, a statement of how the building or structure complies with the applicable qualification criteria set forth in section 10-303 and a set of guidelines to be used in addition to the standards set forth in sections 10-105(A) and (B) in the determination of whether a certificate of appropriateness should be issued in accordance with section 10-304 or a permit should be issued in accordance with section 10-305.
 - (2) The city council shall hold a public hearing to consider the ordinance. In addition to the advertising requirement in section 11-300 any advertisement required for said ordinance shall contain the name of the owner of record and the address of any building or structure to be considered at the public hearing. Further, notice of the time and place of such hearing along with the description of the building or structure to be considered shall be given by mail to the owner of record.
 - (3) After such hearing city council may adopt an ordinance listing those buildings and structures which meet the criteria specified in section 10-303. Any such building or structure listed in such an ordinance shall be subject to the provisions of this section 10-300.
 - (4) After adoption of any such ordinance the city clerk shall transmit a certified copy of said ordinance to the Clerk of the Circuit Court of the City of Alexandria for recording among the land records.
- (E) *Zoning ordinance procedures applicable.* In addition to the procedure for the listing of buildings and structures for preservation and protection as set forth above in sections 10-302(A) through (D), any such listing shall be subject to the rules of procedure for adoption of any amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones.

10-303 - Criteria for listing buildings.

In considering whether or not to include a building or structure over 100 years old on the list for preservation, at least two of the following criteria shall be met:

- (A) Is it entered upon the National Register of Historic Places as called for by the United States Congress in the Historic Sites Act of 1935 and the Historic Preservation Act of 1966?
- (B) Is it entered upon the Virginia Landmarks Register?
- (C) Does it exemplify or reflect the architectural, cultural, political, economic, social or military history of the nation, state or community?
- (D) Is it associated with persons of national, state or local prominence or with events of national, state or local historical significance?
- (E) Is it a good example of local or regional architectural design or does it exemplify local craftsmanship, making it valuable for a study of a period, style or method of construction?
- (F) Is it the work of a nationally recognized architect or can it be attributed to a local architect or builder of local prominence?
- (G) Does it foster civic pride in the city's past or enhance the city's attractiveness to visitors?

10-304 - Certificate of appropriateness required.

- (A) No building or structure subject to the provisions of section 10-300 shall be reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review or the city council on appeal as to exterior architectural features

which are subject to public view from a public street, way or place. Evidence of such required approval shall be by a certificate of appropriateness issued by the board or the city council on appeal.

(B) Applications for certificates of appropriateness shall be made to the director.

(C) The matters that the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review or the city council on appeal shall consider in determining whether a certificate of appropriateness should be issued shall be those guidelines established in the ordinance listing the building or structure for preservation and the criteria set forth in section 10-105(A).

10-305 - Permit for moving, removing, capsulating or demolition in whole or in part required.

(A) No building or structure subject to the provisions of this section 10-300 shall be moved, removed, capsulated or demolished in whole or in part without first obtaining a permit approved by the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review or the city council on appeal, and the board or the city council may refuse such permit for any building or structure of such architectural or historic interest, the removal of which, in the opinion of the board or the city council on appeal, would be detrimental to the public interest of the city.

(B) Applications for permits to move, remove, capsulate or demolish in whole or in part shall be made to the director.

(C) The matters that the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review or the city council on appeal shall consider in determining whether a permit to move, remove, capsulate or demolish in whole or in part should be issued shall be those guidelines established in the ordinance listing the building or structure for preservation and the criteria set forth in section 10-105(B).

10-306 - Issuance of certificate of appropriateness or permit to move, remove, capsulate or demolish in whole or in part.

The provisions of section 10-106(A) shall apply with respect to the issuance of any certificate or permit pursuant to this Article X.

10-307 - Expiration of certificate of appropriateness and permits to move, remove, capsulate or demolish in whole or in part.

The provisions of section 10-106(B) shall apply with respect to the expiration of any certificate or permit issued pursuant to section 10-306.

10-308 - ~~Old and Historic Alexandria District board of architectural review.~~ Board of architectural review.

The Alexandria board of architectural review, section 10-400, administers the 100 Year Old Building List.

~~(A) For purposes of this section 10-300, "Old and Historic Alexandria District board of architectural review" shall refer to the Old and Historic Alexandria District board of architectural review constituted by section 10-104.~~

~~(B) For the purposes of this section 10-300, the procedure for meetings of the Old and Historic Alexandria District board of architectural review shall be the same as specified in section 10-104.~~

10-309 - Appeals.

(A) *Appeal to city council.*

- (1) Whenever the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review shall disapprove an application for a certificate of appropriateness as prescribed by section 10-304, or whenever the board shall disapprove an application for a permit to move, remove, capsule or demolish in whole or in part a building or structure listed for preservation as prescribed by section 10-305, the applicant for such certificate or for such permit shall have the right to appeal as specified in section 10-107(A)(1).
- (2) Whenever the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review shall approve an application for a certificate of appropriateness as prescribed by section 10-304, or whenever the board shall approve an application for a permit to move, remove, capsule or demolish in whole or in part a building or structure as prescribed by section 10-305, opponents to the granting of such certificate or of such permit shall have the right to appeal 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 a petition in writing signed by the city manager or at least 25 persons owning real estate within the City of Alexandria indicating their intention to appeal. Except as provided in this section 10-309, the appeal procedures set forth in section 10-107(A)(2) shall be applicable to any appeal from the decision of the board granting a certificate of appropriateness in conjunction with, or a permit to move, remove, capsule or demolish in whole or in part, a building or structure over 100 years old listed for preservation as prescribed by section 10-304(D).

- (B) *Appeal from city council to court.* Any applicant or any of the parties to an appeal as specified in section 10-309(A) aggrieved by a final decision of the city council shall have the right of appeal to the circuit court for review as provided for in section 10-107(B).

10-310 - Additional or concurrent right to move, remove, capsule or raze buildings or structures over 100 years old.

In addition to the rights 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 section 10-300 shall, as a matter or right, be entitled to move, remove, capsule, or demolish in whole or in part such building or structure provided that the owner follows the procedures and complies with the provisions set forth in section 10-108.

10-311 - 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 character or surroundings of the building or structure.
- (B) The following guidelines shall be used in the determination of historic and architectural significance pursuant to section 10-311(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 can not 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.

10-312 - Required maintenance.

- (A) *General provisions.* All buildings and structures designated pursuant to this section 10-300 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 10-312, in coordination 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 10-312(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 10-312(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 pursuant to this section 10-312, and the owner's failure to cease this violation and bring the building or structure into compliance with this section 10-312.

10-313 - Order of demolition for unsafe buildings.

Nothing in this Article X shall apply to or in any way prevent the razing 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 razing 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 and the chairman and vice chairman of the ~~Old and Historic Alexandria District board of architectural review~~ Alexandria board of architectural review and mailed to the subscribers provided for in section 10-314 a copy of the proposed order.

10-314 - Annual subscription for notice 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 person for a period of one year notice of the respective public hearings on all matters concerning the preservation of buildings and structures over 100 years old located outside of the Old and Historic Alexandria District and the Parker-Gray District, which notice shall be mailed at least seven working days before hearing and shall state the time, date, place and nature of the proposed hearing and location of the property involved.

10-315 - Listing of ordinances.

Ordinances adopted by city council which list the buildings and structures subject to the provisions of this section 10-300 are as follows:

- (A) Ordinance No. 2239, enacted March 18, 1978.
- (B) Ordinance No. 2270, enacted June 17, 1978.
- (C) Ordinance No. 2358, enacted April 24, 1979.
- (D) Ordinance No. 2607, enacted June 24, 1981.
- (E) Ordinance No. 2727, enacted November 13, 1982.
- (F) Ordinance No. 2781, enacted February 22, 1983.
- (G) Ordinance No. 2957, enacted June 27, 1984.
- (H) Ordinance No. 3507, enacted April 13, 1991.
- (I) Ordinance No. 3991, enacted April 18, 1998.

10-316 - Administrative approval of certain permits.

The director may review and approve applications for 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, provided they comply with the specific criteria and standards outlined and formally approved by the board.

~~(Ord. No. 3991, 4-18-98; Ord. No. 4723, § 3, 6-25-11)~~

10-400 – Alexandria board of architectural review.

10-401 – Board of architectural review.

(A) *Alexandria Board of architectural review established.* There is hereby established the Alexandria board of architectural review to be composed of seven members.

(B) *Powers and duties.* The Alexandria 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 sections 10-105 and 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 sections 10-100, 10-200 and 10-300 with respect to the Old and Historic Alexandria District, the Parker-Gray District and the building and structures on the 100 year old buildings list.

(C) *Composition.* The Alexandria 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. Strong preference shall be given to property owners in the two historic districts or owners of a 100 year old building. One member shall be a property owner in the Old and Historic Alexandria District and one member shall be a property owner in the Parker-

Gray District. Two members shall be architects. All members shall have a demonstrated knowledge, professional experience, or education in history, architecture, architectural history, or historic preservation, planning, real estate, or building construction. 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 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 Alexandria 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 2.2-3100 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.

(E) *Chairman and secretary.* The Alexandria board or 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 Alexandria 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 sections 10-103(A), 10-203(A) or 10-304(A) which has been denied by the Alexandria 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 sections 10-105 and 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 Old and Historic Alexandria District, the Parker-Gray District, or on the 100 year old buildings list, the Alexandria board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-103(B), 10-203(B) or 10-305 which 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, capsule or demolish in whole or in part, the Alexandria board of architectural review shall forward its reasons in writing to the council.

(5) The Alexandria 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, capsule or demolish in whole or in part in the Old and Historic Alexandria District, the Parker-Gray District or on the 100 year old buildings list shall be considered unless and until the secretary to the Alexandria board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300.

Section 6-403 (B) (3) Mechanical appurtenances

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 subsection (B)(1) of this section, 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 in the Parker-Gray District under this subsection (3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.

Section 7-802 Board of Architectural Review Waiver

The requirements of this section 7-800 may be waived by the ~~Old and Historic Alexandria or Parker-Gray District~~ board of architectural review where to do so would be consistent with the historic character of the district. In the case of such a waiver and where necessitated thereby the ~~Old and Historic Alexandria or Parker-Gray District~~ board of architectural review may also waive any applicable yard or setback requirement.

Section 8-602 (T) Requirements and Standards

All structures on such uses located within the Old and Historic Alexandria District or the Parker-Gray District shall be subject to the approval of the board of architectural review ~~of the applicable district.~~

Section 8-200 (C) (5) (a, b & c)

- (a) Within the Old and Historic Alexandria District, access to all parking shall be provided from an alley or interior court. Upon a finding by the planning commission or director that it is clearly not feasible to provide such access, a waiver as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review or, if no site plan is required, by the director.
- (b) Within the Parker-Gray District, access to all parking shall be from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services who shall, after review by the director and the director of transportation and environmental services, and provided the application meets the criteria of section 5-2-14(c) of the city code, docket the matter

for hearing before the ~~Parker-Gray District~~ board of architectural review. The board of architectural review shall approve or deny the application based on whether the location and nature of the proposed curb cut and associated parking facility is compatible with the character and architectural style of the developed blockface. The decision of the board of architectural review may be appealed to city council pursuant to section 10-207. If approval of a curb cut as specified in this subparagraph is not granted, then a waiver as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review, or, if no site plan is required, by the director.

- (c) For buildings or structures over 100 years old designated for preservation pursuant to section 10-300, access to all parking shall be provided from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services who shall, after review by the director and the director of transportation and environmental services, and provided the application meets the criteria of section 5-2-14(c) of the city code, docket the matter for hearing before the ~~Old and Historic Alexandria District~~ board of architectural review. The board of architectural shall approve or deny the application based on whether the location and nature of the proposed curb cut and associated parking facility is compatible with the character and architectural style of the designated building or structure. The decision of the board of architectural review may be appealed to city council pursuant to section 10-309. If approval of a curb cut as specified in this subparagraph is not granted, then a wavier as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review or, if no site plan is required, by the director. The requirements of this subparagraph shall apply to all the land appurtenant to such designated building or structure, whether comprised of a single lot or multiple lots of record, on the date of designation.

Section 9-301 (A) Review required

Certificate of appropriateness. A certificate of appropriateness from the ~~appropriate~~ board of architectural review or the director pursuant to sections 10-113 and 10-203 is required for any sign, marquee or awning permanently affixed or displayed when subject to view from a public street or place and affixed to a building or structure located in or otherwise displayed within the Old and Historic Alexandria District or the Parker-Gray District or when affixed to or displayed on a 100-year-old building designated by city council under section 10-300.

Section 11-513 (N) (3) Administrative SUPs

No structures are permitted in conjunction with a valet parking program, unless associated with a shared parking program among several businesses, and only after the design is reviewed for comment by the ~~Old and Historic Alexandria district~~ board of architectural review.