

From: [Tim Foley](#)
To: [Lia Niebauer](#)
Subject: [EXTERNAL]BAR Comment
Date: Tuesday, September 28, 2021 9:16:37 PM

Ms. Niebauer,
Looking at BAR #2021-00495, the style of the proposed homes seems to hard and modern. I feel like the builder could use some molding/cornice and maybe take out some of the windows in favor of brick, something that's a little more aligned to some of the historic homes. I'm not an architect, but the style of the proposed homes seems a bit out of place.

Thank you,
Tim

[Sent from Yahoo Mail on Android](#)

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From: [Terence Flanagan](#)
To: [Lia Niebauer](#)
Subject: [EXTERNAL]101 Duke Street plan
Date: Wednesday, October 6, 2021 6:42:45 PM

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In review of the plan please follow the established requirements for height and look of the project (no waivers). It is unfortunate that the look of the project doesn't also have the style and look of the neighborhood -- it would be preferred for the architect to do what has been done in the past such as the Waterford Place next store as opposed to the new developments recently constructed!!

Terry and Julie Flanagan
124 Waterford Pl

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My name is Ana Gomez-Acebo and I am a resident of 100 Duke Street.

Firstly, not only do we have 150 signatures from local residents who oppose the plan, yet repeatedly, BAR members have also previously voiced opposition to the excessive height of the building, as well as the massive characterless wall unit facing Duke Street. Comments particularly focused on the end unit facing Duke and its intrusion on the height, scale and style of the existing Duke Street homes.

No compelling reasons were given for the excessive height of the building, especially the unit facing Duke Street. Instead, when local residents voiced their concerns regarding excessive height, Staff fixated on how the building fits in with Union Street (instead of Duke Street) and even claimed that the project will be consistent in height with my home ("also 4 stories") or even 5 ft lower. Please note: my home is 3 floors and 1/2 or 3/4 not fully 4 floors. The City Staff's comments (and applicant's comments) make no sense since the proposed project will be closer in height to Hotel Indigo, which is massive in height and lower in elevation compared to Duke Street homes. I will now read an excerpt from a City Council member from 9/18 Public Hearing.

- "In terms of the height, they are exactly the same height. Her house and the house that is being proposed. Or within 5 ft of each other. Technically, the height of 100 Duke Street is 55 ft and proposed house is 50 ft"

I respectfully request that the Board, Applicant or City Staff provide the following answers to three questions in written form.

1. Can the project (or at the very least the Duke Street corner unit) be higher than the existing Duke Street homes, where many are historic like 109 Duke Street or from the 80's (yet have historic character) like 100 Duke?
2. Given Duke Street slopes upwards in elevation, what is the exact height of the project when you measure from the ground at S. Union to the top vs. when you measure from the back of the building on Duke Street's Alleyway? And how does this compare to the exact height of 100 Duke Street from both of these same vantage points? Please include all 4 measurements.
3. Finally, can you please specify which part of the building you are measuring as the top of the building vs. 100 Duke Street given drastic inconsistencies? For example, the image shown by Ken Wire (first time I am seeing these diagrams) erroneously compares the height of the chimney on 100 Duke Street to the "top of the proposed building," using different vantage points of comparison. Moreover, please note the differences in elevation in question #2 are not taken into account in the drawings' height measurements. It's evident that the drawings shown tonight are not accurately scaled, making the proposed building look less prominent than in reality.

If the City truly has guidelines & regulations, it should follow them and provide the necessary specificity noted in my three questions. It is simply not enough to say the proposed building is "similar in height to nearby buildings" as noted in Docket.

Similarly, it's incomprehensible that the developer sent me the notice for today's BAR meeting before the project was even approved by City Council. We received this paper on September 14th, which was SEVERAL days prior to the City Council even reaching a decision on September 18th. Unsurprisingly, the City Staff claims it was an honest mistake despite clearly going against guidelines. This makes me ask myself, are the decisions already predetermined?

On behalf of over 150 neighbors, I urge you to preserve our historic Duke Street by ensuring that the redevelopment of this site is at least equal in height to the existing Duke Street homes (vs. comparing the project to Union Street buildings), as well as compatible with their historic style and mass.

From: [K2's Hotmail](#)
To: [Lia Niebauer](#)
Subject: [EXTERNAL]Townhouses, Duke & Union
Date: Monday, October 18, 2021 5:55:20 PM

[You don't often get email from kalchthaler@hotmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Hi Ms. Niebauer,

I am writing to state my opposition with the design of the townhomes proposed at Duke & Union.

Specifically, the height - it rivals the Hotel Indigo and dwarfs the adjacent residences (which is shocking and lacks cohesiveness).

Additionally the front of the townhomes on Union Street are displeasing - no historic value, and jarring to the neighboring residences.

Please lower the height by a story, and change the frontage to something complementary to the neighborhood.

Kathleen Oehler
108 Duke St

Sent from my iPhone

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From: [Ana Gomez-Acebo](#)
To: [Lia Niebauer](#); [William Conkey](#)
Subject: [EXTERNAL][10.20 BAR Meeting]: Docket 9 & 10 | Ana Gomez-Acebo Written Statement
Date: Wednesday, October 20, 2021 5:03:11 PM
Attachments: [image.png](#)
[Relative building heights \(2\).pdf](#)

Hi Lia and Bill,

Including my written statements below in hopes that you can circulate them with BAR members ahead of tonight's 7pm meeting.

As you can see there is a great deal of detail and I thought it would be helpful to share with you ahead of time. Please let me know if you have any questions.

Best,
Ana Gomez-Acebo

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My name is Ana Gomez-Acebo and I am a resident of 100 Duke Street. I am representing +150 of my neighbors in opposing the current plan.

Last meeting, I was disappointed to hear comments about how "height was not an issue," especially considering the drawings only provided partial information, thereby inaccurately comparing the height of Duke Street homes vs. 101 Duke Street's building.

The drawings currently remain unnecessarily confusing and inconsistent, failing to show the full truth (See attached pdf). For the BAR to accurately evaluate and compare the height of the proposed building vs. the surrounding buildings, the proposal should i) show true measurements and ii) be compatible in height, masse and style to the existing Duke Street residential homes, which many are historical.

My detailed feedback and requests are included below:

1. The height of a gable roof, such as 100 & 109 Duke Street, is actually measured at the midpoint of the roof, yet the applicant is erroneously measuring the height to the highest peak per the drawing. In addition to explicitly highlighting the height of the roof **peak** as 58.5 ft for 100 Duke and 56 ft for 109 Duke, the applicant should have **ALSO** included the height of the **bottom** of our roofs, and the **mid-point** measured in between. This level of specificity will help fix the blatant and misleading inaccuracies that exist today.

2.

The 58.5 ft for 100 Duke's roof peak, 56.0 for the 109 Duke's peak, and the 61.18 for the proposed 101 Duke building all seem to be **height above sea level**, so they should be labeled as such. On the other hand, the 47.50 ft building height in parentheses seems to be the **height of the building above average finish grade**. Not only should this be labeled, but also the applicant should include Duke Street homes' heights above average finished grade, especially since City zoning regulations require building height to be measured above average finished grade, and to the midpoint for the gable roofs at 100 and 109 Duke. Because the drawing only has partial information, the project's 47.5 ft as height above average finish grade makes it seem like it has a **SHORTER** height compared to Duke Street homes, when it actually is **LOOMING** over my house, 100 Duke Street, and over 109 Duke Street.

3.

Zoning regulations for 100 Duke Street allowed my house to be constructed to a maximum height of 45 feet tall and was/is not permitted to have a flat roof at even the 45 foot height, as proposed at 101 Duke. Combined with the increased elevation of the 101 Duke Street property, zoning allows 101 Duke to rise approximately 10 feet higher than my house and to be constructed with a **FLAT roof that adds to the mass and scale incompatibility**. Although the height of the proposed building is within the height allowed by the zoning ordinance for the Waterfront zone, those are absolute maximums of the zoning envelope. **The BAR has a responsibility to follow design guidelines that further direct that new buildings be constructed at a height, mass and scale and architectural character that are compatible with surrounding buildings, particularly those of historic architectural merit - specifically 109 Duke Street**, which is likely ~35 ft with an even lower approximately 25 ft tall addition that should also be labeled on the height comparison drawings. Let's take a step back and reflect on this comparison of 47.5 ft for 101 Duke vs. estimates of 35 ft and 25 ft. for the historic 109 Duke Street...

How can we be close to approving the proposed building's 47.5 ft (more than **TWO** full stories higher than 109 Duke Street) and with a stylistically incompatible flat roof at the very gateway of the historic district?

Duke Street is one of the most important streets of Old Town and the historic district and it should be treated like one. Just like Hotel Indigo respected Duke Street's residential corner by setting back the top **TWO floors on both Union Street and Duke Street at the same proportion** (See below image), this project is only setting back **ONE** floor on Union Street and **very slightly on Duke Street**.

How is it possible that the BAR will act differently now at the very gateway of the historic (and residential) district?

I urge you to preserve our historic and residential Duke Street by ensuring that the

redevelopment of this site is at least equal in height to the existing Duke Street homes (vs. comparing the project to Union Street buildings), as well as compatible with their historic mass and style.

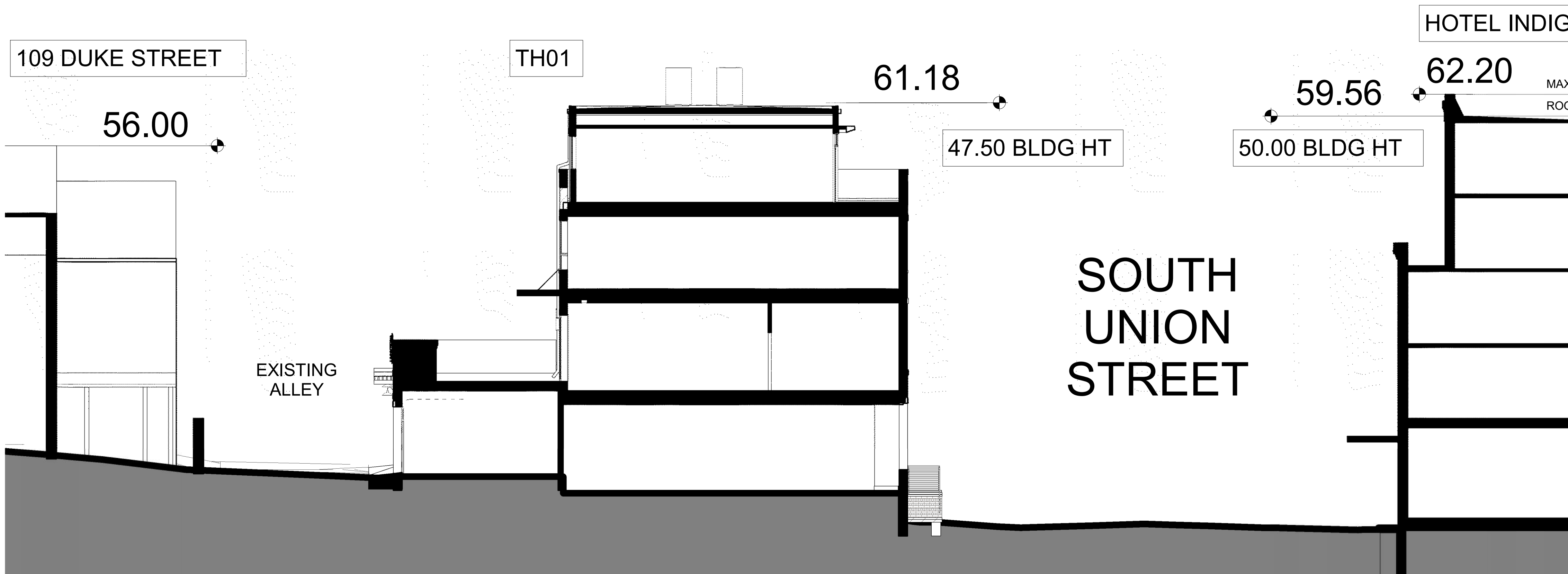


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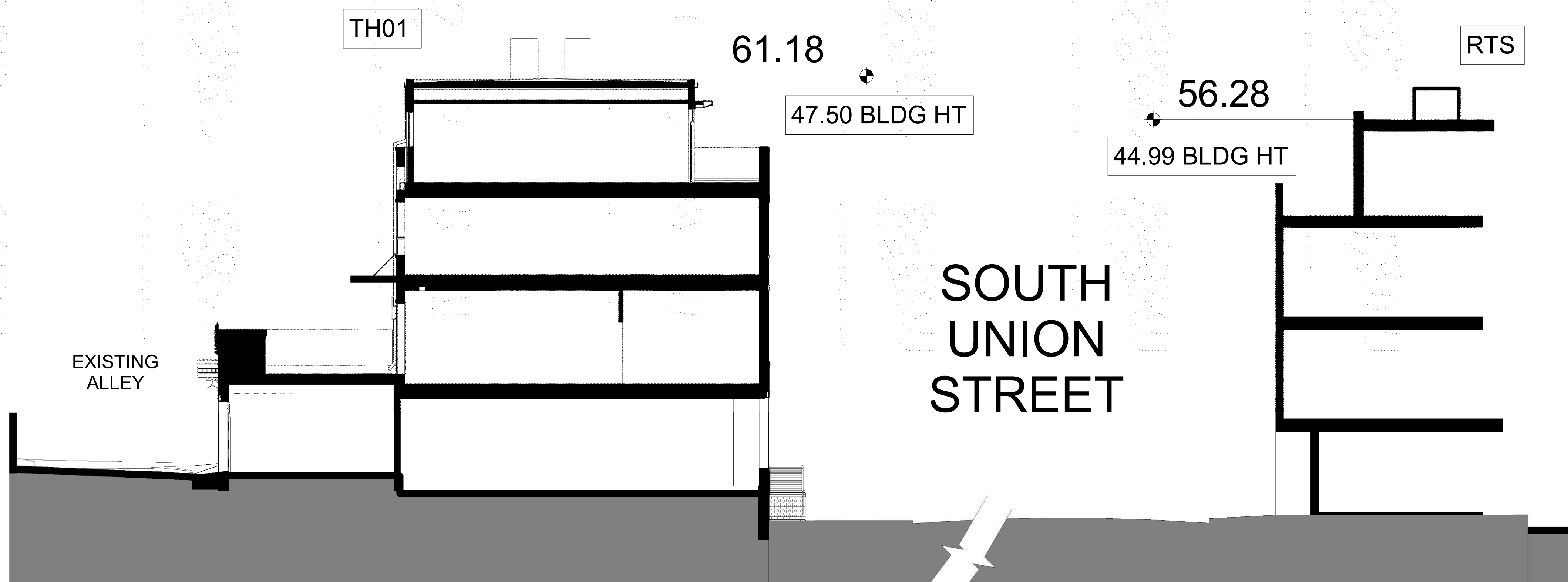


- **Ana Gomez-Acebo**
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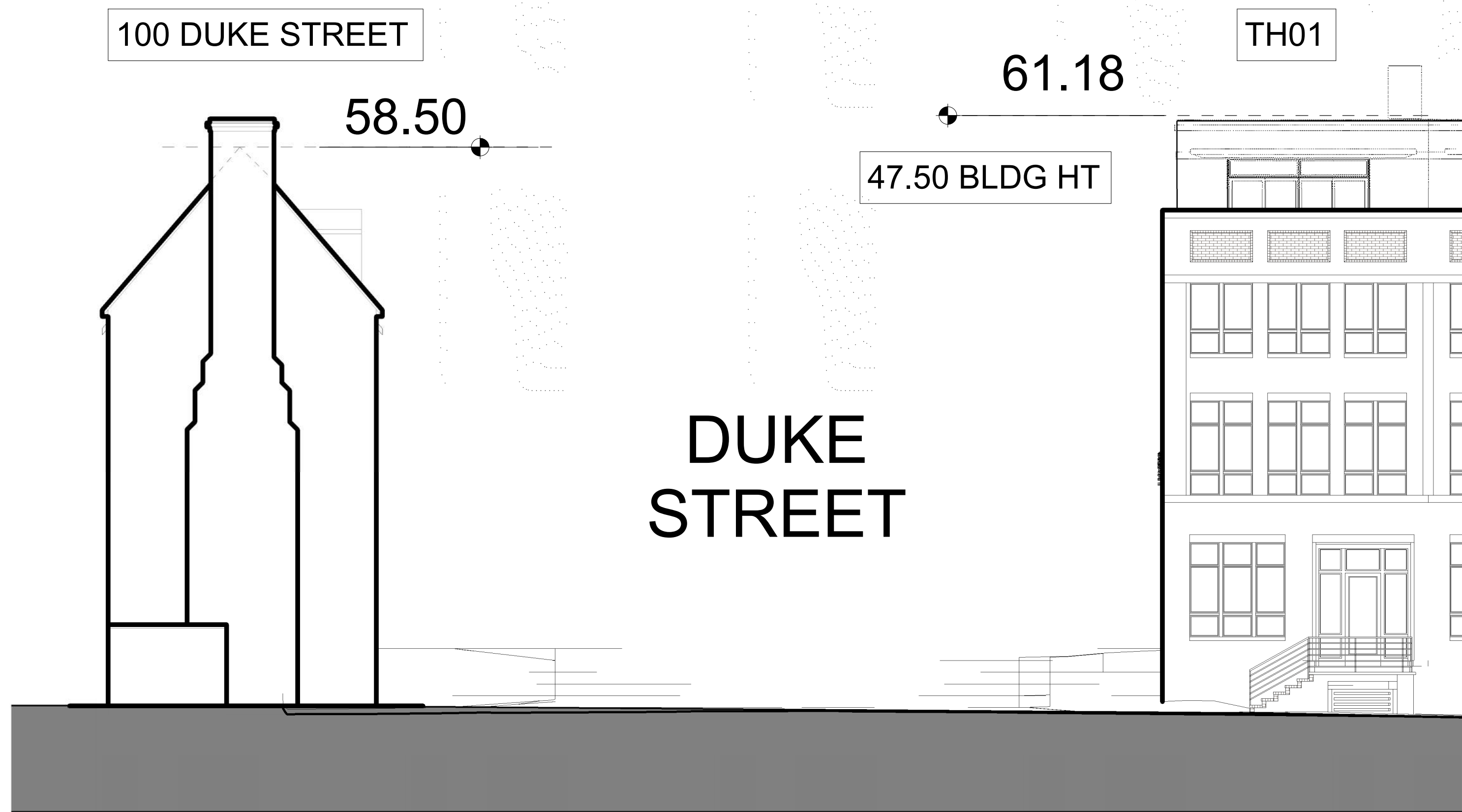


2 SECTION THROUGH UNION STREET @ HOTEL INDIGO
1/8" = 1'-0"



1 SECTION THROUGH UNION STREET @ RTS
1/8" = 1'-0"





1 SECTION THROUGH DUKE STREET @ 100 DUKE STREET
1/8" = 1'-0"

