

BAR #2021-00341  
City Council  
November 13, 2021

**ISSUE:** Appeal of a decision of the Board of Architectural Review denying a Certificate of Appropriateness in the Old & Historic Alexandria District

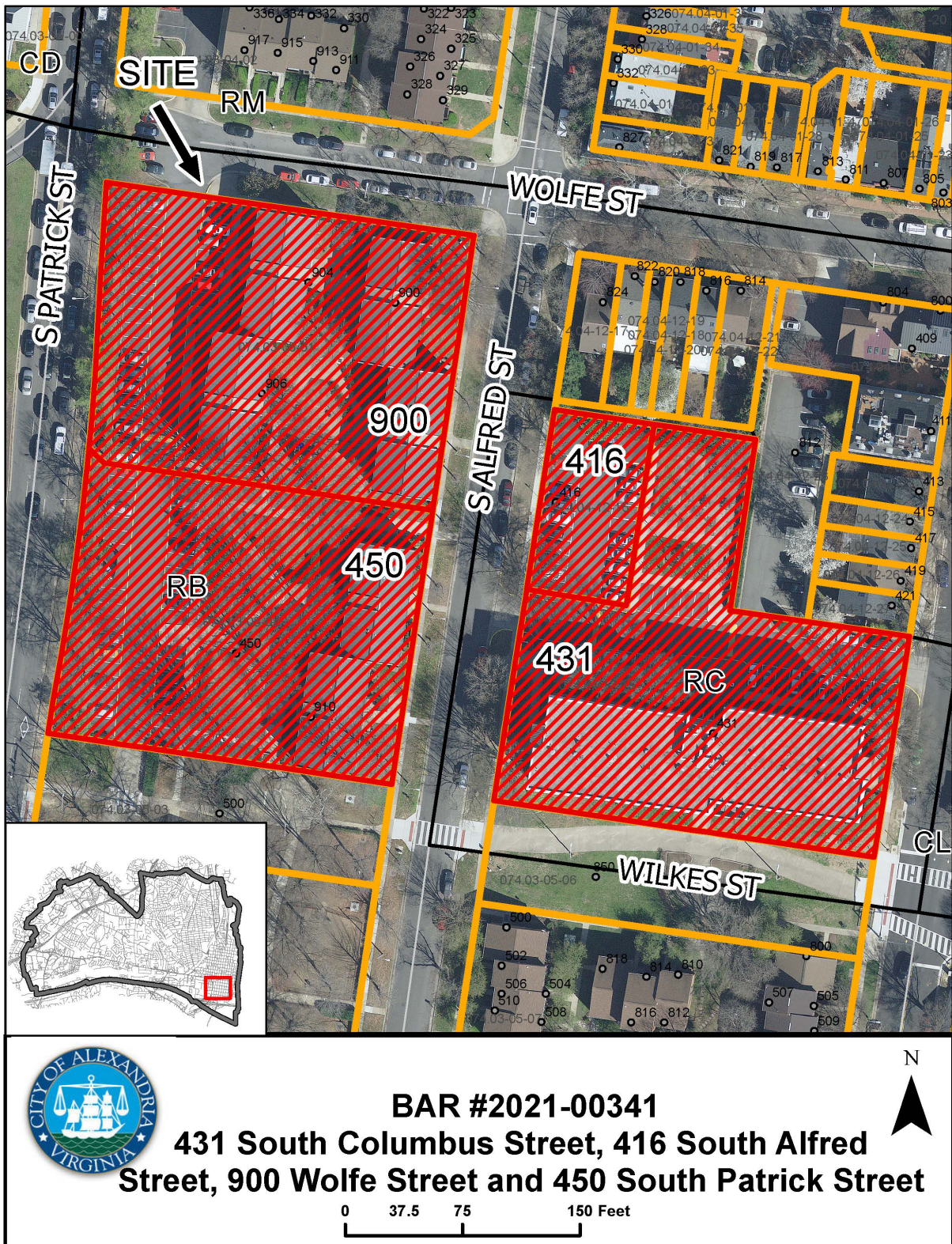
**APPLICANT:** Heritage at Old Town PropCo LLC

**APPELLANT:** M. Catherine Puskar, Attorney/Agent for Applicant/Appellant

**LOCATION:** 900 Wolfe Street, 450 South Patrick Street, 431 South Columbus Street, and 416 South Alfred Street

**ZONE:** RB/RC: Townhouse Zone/High Density Apartment Zone

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## I. ISSUE

The October 20, 2021 decision of the Board of Architectural Review to deny the Certificate of Appropriateness for 900 Wolfe Street, 450 South Patrick Street, 431 South Columbus Street and 416 South Alfred Street has been appealed by M. Catherine Puskar, Attorney/Agent for the Applicant/Appellant. The proposal includes two new multi-family residential buildings. The Block 1 building encompasses the entire block that is bounded by South Patrick Street, the Wilkes Street Park, South Alfred Street, and Wolfe Street. The Block 2 building is located on the southern end of the block bounded by South Alfred Street, the Wilkes Street Park, South Columbus Street, and Wolfe Street (Figure 1). The project sites are within the Old and Historic Alexandria District (OHAD).

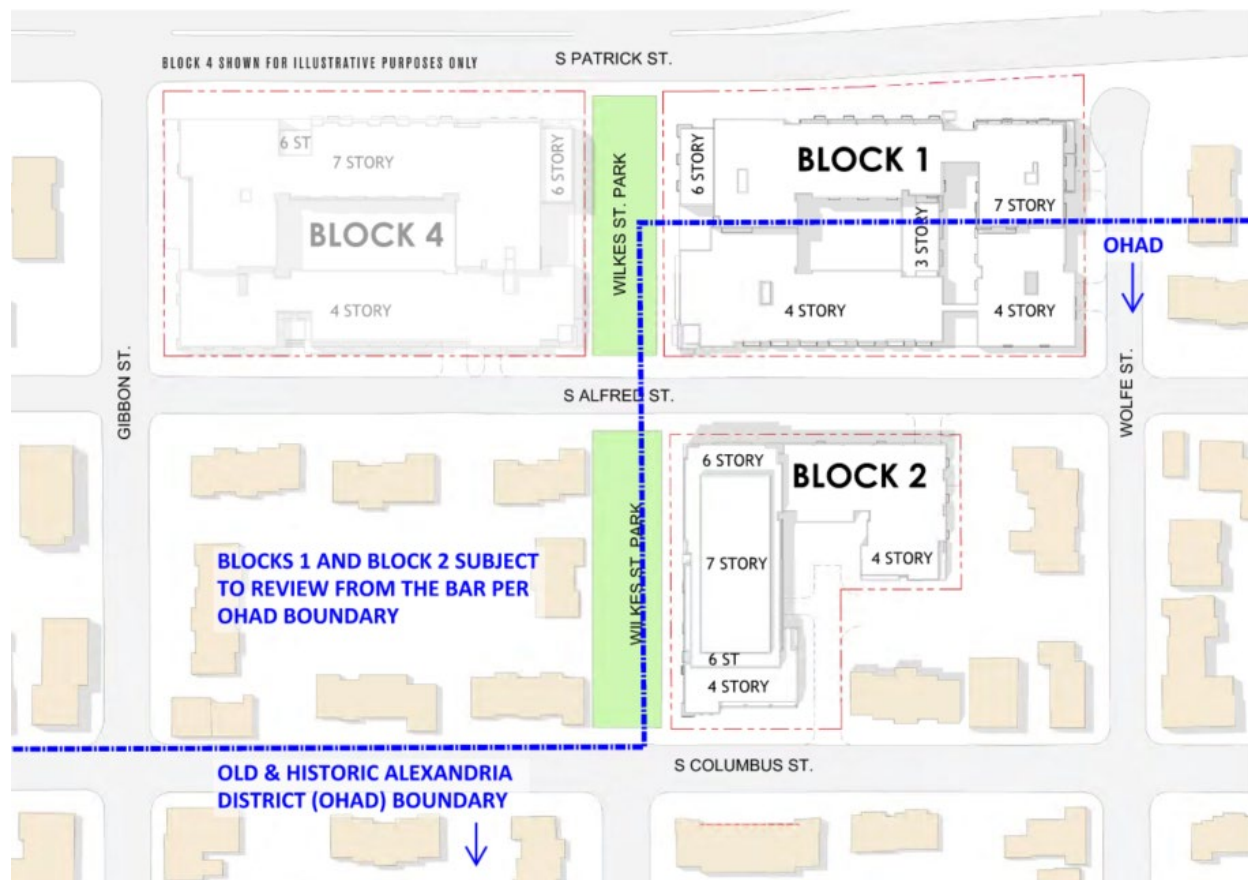


Figure 1: Proposed Heritage Development

The appeal states in part:

During the process, the Applicant stated, Staff agreed verbally and in writing, and BAR members acknowledged on the record that the western half of Block 1 is located outside the OHAD and that the BAR's purview is limited to buildings within the OHAD. However, the BAR continued to consider the entirety of Building 1, stating that it has been their "practice" to review the entire building when a portion of it is located within the District. The BAR then proceeded to deny the Certificate of Appropriateness while listing the 7-story height on the western half of Building 1 as a primary consideration in its denial.

The appeal further states in part:

the BAR also considered factors beyond the scope of its purview established by the standards set forth in Section 10-105(A)(2) of the Zoning Ordinance. Section 10-0105(A)(2) of the Zoning Ordinance enumerates ten (10) features and factors that the BAR must consider in passing upon the Certificate of Appropriateness for proposed construction within OHAD. The list is exclusive, and is limited primarily to factors related to architectural design such as height, mass, scale, and architectural character...because the BAR considered factors outside the scope of those established by the Zoning Ordinance, the BAR's denial of the application was inappropriate.

Additionally, the appeal states that the proposal meets the standards for the approval of a certificate of appropriateness under the Zoning Ordinance.

The Board discussion of the Certificate of Appropriateness can be found in the attached staff reports from the Concept Review and Certificate of Appropriateness hearings.

## **II. HISTORY**

### Site History

The Heritage at Old Town was constructed in **1976-1977** as part of The Dip Urban Renewal project. The development lies within a traditional African American community known as The Bottoms, or The Dip, established between 1790 and 1810. According to A Remarkable and Courageous Journey: A Guide to Alexandria's African American History, page 16:

Begun in the 18th century, the Bottoms was the first black neighborhood in Alexandria. The Bottoms rests at a lower elevation than surrounding streets, hence its name. The Lawrason family entered into long-term ground rent agreements with several free blacks on the 300 block of South Alfred Street, which became the nucleus of the Bottoms. The Colored Baptist Society, eventually the Alfred Street Baptist Church and the Odd Fellows Joint Stock Company, the oldest known African American association, were located in the Bottoms. Many of these structures and a number of townhouses are still visible on the 300 block of South Alfred Street.

### BAR Review Summary

The Board's review of the proposed development included four concept reviews over a six-month period (July 15, September 2, October 21, and December 2, 2020). The request for a Certificate of Appropriateness, BAR 2020-00341, was reviewed and considered by the Board at the July 29, 2021, October 6, 2021, and October 20, 2021, BAR hearings.

### Concept Reviews

The concept review process is meant to allow the Board of Architectural Review to provide feedback on the proposed height, mass, scale, and the general architectural character of proposed development projects. This is an informal, iterative process, with the applicant providing a

presentation of the design, and revisions to the design, to the Board who engage with the applicant to fully understand the proposal and provide design direction feedback. At the four concept review hearings, the Board reviewed the submitted documents and provided feedback to the applicant within this framework. Comments from the Board included concerns about the height and massing of the proposal and specific responses related to architectural elements of the design. After each of the concept review hearings the applicant made design revisions to address the comments. These revisions were subsequently incorporated into the design that was submitted for a Certificate of Appropriateness.

### Certificate of Appropriateness Reviews

The project required a development special use permit approval and a rezoning to RMF/Residential Multifamily zone to be reviewed by the Planning Commission and City Council. Consistent with the South Patrick Street Housing Affordability Strategy, the applicant requested additional density and height through the provisions associated with affordable housing. The Planning Commission reviewed the case on February 2, 2021, and recommended approval by the City Council. On February 20, 2021, the City Council approved the DSUP for the project finding that the proposal met the goals of the small area plan. The applicant submitted an application for a Certificate of Appropriateness following the approval of the DSUP.

At the July 29, 2021, hearing of the BAR, some Board members continued to express concern regarding the proposed height and density of the project in relation to the nearby historic district. Board members noted that the proposed architecture lacked the level of diversity found in historic neighborhoods and felt disconnected from the specific historic neighborhood. A portion of the Board expressed frustration with a lack of design evolution between hearings in response to specific comments while others found that while the design needed further refinement, the applicant had been responsive to staff and Board comments. The Board approved the request for deferral from the applicant for BAR 2021-00341.

On October 6, 2021, the applicant returned to the BAR with significant design revisions made in response to staff and Board comments made at the previous hearing. The Board members were split in their reaction to the design revisions. Some felt that the revisions brought the design more closely into alignment with the Design Guidelines while others thought that the design too closely mimicked historic buildings. Some Board members who appreciated the revised design still felt that the proposed height in excess of five stories on portions of Block 1 and Block 2 did not comply with the Zoning Ordinance criteria and that they could not support approving a design that included any portion of the building at this height. The Board asked whether the applicant would accept a deferral in order to consider further design revisions, the applicant responded that they would not accept a deferral. The Board was unable to reach consensus at this hearing and continued the discussion portion of the hearing to the next scheduled meeting date.

The Board resumed their discussion at the October 20, 2021, hearing. Being a continuation of the discussion, there were no design revisions submitted for this hearing. At the outset of the hearing the Chair took a straw poll of the Board members to determine their positions regarding the architectural character of the design and the proposed building height. Four of the Board members were in support of the proposed architectural character and three of them were in support of the proposed height. The Board remained split on their reaction to the current architectural direction,

however, a majority of the Board would not support the proposed building height and density. A motion to deny the request for a Certificate of Appropriateness was passed by a vote of 5-2.

### III. DISCUSSION

One of the items indicated as a basis for the appeal is that the Board reviewed the Block 1 building in its entirety despite the fact that the OHAD dividing line bisects the site from north to south. It is the practice of the Board of Architectural Review that when any part of a building is within the historic district the entire building is subject to review. As indicated in Section 10-101(G) of the Alexandria Zoning Ordinance, one of the purposes of the OHAD is “To assure that new structures, additions, landscaping, and related elements be in harmony with their historical and architectural setting and environs.” In order to review the compatibility of a proposed building with its setting, that building must be understood in its entirety. The Board has consistently reviewed Permits to Demolish and Certificates of Appropriateness by considering buildings as a whole. It is impossible to understand and review the impact of a building on its surroundings without considering the entirety of the design.

The Board’s review of the proposed design included all parts of both buildings, and their determination of compatibility was made based on the entirety of the project, not individual portions that lay outside the historic district. Comments from Board members related to portions of the buildings within the historic district included concerns regarding the massing of the Block 1 building in relation to the nearby townhomes and the height and massing of the Block 2 building which is entirely within the historic district. Concerns regarding the architectural character of both buildings was also raised as a factor in the denial of the Certificate of Appropriateness.

When considering the request for a Certificate of Appropriateness for the proposed project, the Board and City Council on appeal, will consider the criteria specifically listed in Chapter 10-105(A)(2) of the City of Alexandria Zoning Ordinance as the determining factors for the issuance of a Certificate of Appropriateness. In making a determination of how the proposed project meets these criteria, the Board and City Council on appeal, also looks to Chapter 6, New Construction – Residential, of the *Design Guidelines* for guidance. This chapter applies to all residential construction, including both multi-family and single-family dwellings. It should be noted that the City Council’s consideration of the Zoning Ordinance criteria on appeal is independent of the Board’s decision. While City Council may review and consider the Board’s previous action, City Council will separately make its own decision based on an evaluation of the previously submitted material and any new material presented at the hearing. The criteria in this section that are relevant to this project include the following:

- (a) Overall architectural design, form, style and structure, including, but not limited to, the height, mass and scale of buildings or structures;
- (c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;

When considering the compatibility of the overall building massing to the neighboring structures, the *Design Guidelines* state that “new residential construction should reflect the building massing prevailing along the blockface”, and that they “should be sited so that the

front plane of the building is in line with the prevailing plane of the other residential buildings on the street”. Regarding the height of proposed buildings, they state “Multi-family structures such as apartment buildings often exceed the prevailing height of single-family houses. Such structures may be constructed to the maximum permitted height by zone but should not overwhelm adjacent buildings.”

Because the Block 1 building occupies the entire block, the blockface and prevalent front plane of the building is related to the overall composition of the building. The organization of the massing is consistent with the Small Area Plan and places the lowest parts of the building on the north and east sides of the site to avoid the sense that the proposed building will “overwhelm adjacent buildings.” The Block 2 building occupies approximately half of the block on which it sits. On the west side of the site, a four story section has been located at the area closest to the existing smaller scale buildings with a transition to the taller portion on the south end of the block. On the east side, a similar arrangement places a four story massing on the north end of the building. The tallest portion of the building is located at the south end of the site with significant setbacks at the upper levels.

Staff finds that the proposed design for the massing of the building is responsive to the neighboring context and is consistent with the *Design Guidelines* and these criteria. The location of four story sections at all areas near existing structures and taller portions of the building at the edge of the district allow for a transition to the small scale buildings typically found within the residential neighborhoods of the historic district.

- (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;

The applicant is proposing a combination of brick, metal panels, and fiber cement panels with the fiber cement panels typically located in areas of the building at some distance from the public right of way. The proposed detailing of the brick takes design cues from similar details found throughout the district. Some examples of this include quoining at the building base, jack arches at window heads, and corbelled brick cornices. The introduction of these materials and details into the building addresses the comment from the Design Guidelines which states that “abstraction of historic design elements would be preferred to a building which introduces design elements that are not commonly used in historic districts. While new residential buildings in the historic districts should not create an appearance with no historical basis, direct copying of buildings is discouraged.”

- (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;

The fenestration pattern, both the organization of the openings and the configuration of the muntins, is an important factor in ensuring compatibility between the proposed building and existing historic buildings. The applicant has addressed this in both buildings through the inclusion of a variety of window types including different head shapes and muntin configurations that are derived from buildings in the historic district, addressing the *Design*

*Guidelines* comments on compatibility “with the fenestration pattern in the districts.” Both buildings include sections that are similar in size and organization to historic townhomes, using projecting bays similar to that which is found on historic townhomes. The north east corner of the Block 2 building uses a mansard roof form with a simple shed dormer. These are roof forms found on historic buildings throughout the district. The use of this form addresses the Design Guidelines comment that “In general, the roof form should reflect the roof forms expressed along the blockface.”

- (g) The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;

As mentioned above, the project site was once an African American community known as The Bottoms or The Dip. As part of the development requirements, the applicant has produced a documentary history survey of the neighborhood. One of the items included in this survey is the discovery of an artisan who created pottery on the site. The applicant is proposing to include a reference to this pottery in the detailing for one of the building entry canopies. Other similar references to historic fabric are being integrated into detailing throughout the design. In addition, the applicant is proposing a number of interpretive elements to tell the story of the site.

- (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.

While this criteria is primarily related to the preservation of existing structures, in this instance it can be applied to the proposed improvements to the streetscape through the introduction of entry stoops into the ground floor of the building. Where currently the buildings have central entry points with little relation to the sidewalk, the proposed building will seek to activate the streetscape in a way that is similar to that which is found throughout the historic district.

Criteria b is related to revisions to existing buildings, criteria f and h are excluded from this list because they are related only to projects facing the George Washington Memorial Parkway.

#### **IV. BOARD ACTION**

On October 20, 2021, the BAR denied the application by a vote of 5-2, see attachment A for details on this discussion. The BAR opposed the project on the grounds that it did not meet criteria (a), (c), or (d) of Section 10-105 (A)(2) of the City of Alexandria Zoning Ordinance. During the Board discussion, some members of the Board felt that the proposed height and density for the project were incompatible with the height and density of buildings within the historic district. Other comments regarding the project included a concern that the project would overwhelm the nearby

properties and that the design for the project does not include design elements commonly found in the historic districts; both of these items are specifically listed in the *Design Guidelines*.

## **V. STANDARD OF REVIEW ON APPEAL TO CITY COUNCIL**

Upon appeal, City Council must determine whether to affirm, reverse or modify, in whole or in part, the decision of the BAR. The City Council's review is not a determination regarding whether the BAR's decision was correct or incorrect but whether the Certificate of Appropriateness should be granted based upon City Council's review of the standards in Zoning Ordinance Section 10-105(A)(2). While City Council may review and consider the BAR's previous actions, City Council must make its own decision based on its evaluation of the material presented. Section 10-107(A)(3) of the Zoning Ordinance requires that the City Council apply the same criteria and standards as are established for the Board of Architectural Review.

## **VI. RECOMMENDATION**

For the reasons indicated in this staff report and the previous BAR staff reports, staff finds that the proposed design is consistent with the Zoning Ordinance and the *Design Guidelines* and recommends that City Council **reverse** the decision of the Board of Architectural Review and approve the Certificate of Appropriateness with the following conditions recommended by BAR staff in the October 20, 2021 report:

1. The applicant work with staff to determine the final location of all wall penetrations and that they be located so that they do not span from one material to another.
2. The applicant work with staff to revise the design for the northernmost townhouse in Block 1 facing South Alfred Street so that it is similar to the adjacent townhouses.
3. The applicant revise the design for the entrances on the South Alfred Street and the Columbus Street sides of Block 2 to minimize the size of the proposed sidelights and transoms
4. The applicant modify the three sided bays on the west side of Block 2 to provide greater articulation to the trim and make the proposed windows compatible with the adjacent punched windows.

## **STAFF**

Karl Moritz, Director, Department of Planning & Zoning  
William Conkey, AIA, Historic Preservation Architect

## **VII. ATTACHMENTS**

Attachment A: Approved minutes from the October 20, 2021 BAR hearing

Attachment B: BAR Staff report with BAR actions from the following hearings:

- July 15, 2020 BAR Staff Report [BAR #2020-00197 \(Complete Demolition\)](#) and [BAR #2020-00196 \(Concept Review\)](#)
- September 2, 2020 BAR Staff Report [BAR #2020-00197 \(Complete Demolition\)](#) and [BAR#2020-00196 \(2<sup>nd</sup> Concept Review\)](#)
- [October 21, 2020 BAR Staff Report BAR #2020-00196 \(3<sup>rd</sup> Concept Review\)](#)

- [December 2, 2020 BAR Staff Report BAR #2020-00196 \(4<sup>th</sup> Concept Review\)](#)
- [July 29, 2021 BAR Staff Report BAR #2021-00341 \(Certificate of Appropriateness\)](#)
- [October 6, 2021 BAR Staff Report BAR #2021-00341 \(Certificate of Appropriateness\)](#)

Attachment C: Design Guidelines for New Construction – Residential chapter

Attachment D: Applicant Appeal Application

**\*\*\*\*\*APPROVED MINUTES\*\*\*\*\***

Board of Architectural Review

**Wednesday, October 20, 2021**

7:00 p.m., Virtual Public Hearing

Zoom Webinar

Members Present: Christine Roberts, Chair  
James Spencer, Vice Chair  
Purvi Irwin  
Christine Sennott  
Robert Adams  
John Sprinkle  
Laurie Ossman

Members Absent: None

Secretary: William Conkey, AIA, Historic Preservation Architect

Staff Present: Amirah Lane, Historic Preservation Planner

**I. CALL TO ORDER**

The Board of Architectural Review hearing was called to order at 7:00 p.m. All members were present at the meeting by video conference.

**2. Resolution Finding Need to Conduct the Board of Architectural Review Electronically.**

By unanimous consent, the Board of Architectural Review voted to approve the resolution. The motion carried on a vote of 7-0.

**II. MINUTES**

3. Consideration of minutes from the October 6, 2021 meeting.

**BOARD ACTION: Approved**

By unanimous consent, the Board of Architectural Review voted to approve the minutes from the October 6, 2021 meeting, as submitted.

**III. DEFERRED FROM THIS HEARING**

**4. BAR #2020-00396 PG**

Request for new construction at 1413 Princess Street.

Applicant: Deyi Awadallah

**5. BAR #2020-00412 PG**

Request for new construction at 1415 Princess Street.

Applicant: Deyi Awadallah

**BOARD ACTION: Deferred**

By unanimous consent, the Board of Architectural Review accepted the request the deferral of

BAR #2021-00396 and BAR #2021-00412.

#### **IV. CONSENT CALENDAR**

**6. BAR #2021-00543 OHAD**

Request for alterations at 600 Montgomery Street.

Applicant: 600 Montgomery Street, LLC C/O Jamie Leeds

**BOARD ACTION: Approved, as Submitted**

On a motion by Ms. Irwin and seconded by Mr. Sprinkle, the Board of Architectural Review voted to approve BAR #2021-00543, as submitted. The motion carried on a vote of 7-0.

**7. BAR #2021-00454 OHAD**

Request for re-approval of previously expired plans at 0 Prince Street, and 200 and 204 Strand Street.

Applicant: Old Dominion Boat Club

**BOARD ACTION: Approved, as Submitted**

On a motion by Ms. Irwin and seconded by Mr. Sprinkle, the Board of Architectural Review voted to approve BAR #2021-00454, as submitted. The motion carried on a vote of 7-0.

#### **V. ITEMS PREVIOUSLY DEFERRED**

**Continuation of Board discussion from previous hearing. No public comment period to be included.**

**8. BAR #2021-00341 OHAD (Translation services from English to Amharic will be provided.)**

Request for new construction at 431 South Columbus Street, 416 South Alfred Street, 900 Wolfe Street and 450 South Patrick Street.

Applicant: Heritage at Old Town PropCo LLC

**BOARD ACTION: Denied**

On a motion by Ms. Sennott and seconded by Mr. Sprinkle, the Board of Architectural Review voted to deny BAR #2021-00341. The motion carried on a vote of 5-2. Ms. Irwin and Mr. Spencer opposed.

**REASON**

The Board felt that the proposed design is too large for the historic district and is not compatible with the nearby historic properties.

**DISCUSSION**

The Chair took a straw poll of the Board members.

The first question asked which Board members were in favor of the proposed architectural character. Four of the Board members indicated that they support the architectural character of the proposed design.

The second question asked which Board members were in favor of the proposed building height. Three of the Board members indicated that they support the proposed building height.

Ms. Sennott noted the section of the Design Guidelines that notes that “It is not the intention of the Board to dilute design creativity in residential buildings. Rather, the Board seeks to promote compatible development that is, at once, both responsive to the needs and tastes of the late 20th century while being compatible with the historic character of the districts.” She felt that the current design is more compatible with the historic district, specifically noting the portion facing South Columbus Street. She felt that with some additional design revisions, the design could be successful. As submitted, the design is not developed to a point where she would be able to support the project.

Ms. Irwin encouraged the applicant to continue to integrate the specific history of the project into the design. She asked that her written design comments be attached to the project record. She noted that the Design Guidelines talk about the relation of the proposed design to the historic context, this site has limited historic resources and the context for the proposed building will be the adjacent South Patrick Street and planned large buildings nearby. She further noted that the northern gateway to the City includes tall buildings and felt that it would be similarly appropriate for the southern gateway to include tall buildings. She felt that the mimicry of historic buildings serves to dilute the historic fabric. She asked the applicant to employ a more modern language that is compatible with historic buildings instead of mimicking them.

Mr. Sprinkle stated that the proposed design does not comply with the Design Guidelines, the building would overwhelm the surrounding buildings. He stated that decisions to approve projects that do not follow the Design Guidelines are not defensible.

Mr. Adams stated that South Patrick Street is not a highway, it is home to buildings that are one and two stories in height. The site vicinity is a residential area, not an urban center. He felt that the proposed buildings are too tall for this environment. He felt that the BAR review should not be pre-empted by comments from other groups, and that they had the responsibility to decide against the proposal if they feel that it does not comply with the Design Guidelines. He felt that if the project moves forward, it will be a precedent setting project for the historic district.

Ms. Roberts asked the applicant if they would be willing to make additional design changes to address comments from the Board. The applicant responded that they were not interested in making additional design changes at this time.

**9. BAR #2021-00496 OHAD**

Request for complete demolition at 101 Duke Street.

Applicant: Eleventh Street Development, LLC

**10. BAR #2021-00495 OHAD**

Request for new construction at 101 Duke Street.

Applicant: Eleventh Street Development, LLC

**BOARD ACTION: Approved, as Amended**

On a motion by Ms. Irwin and seconded by Mr. Spencer, the Board of Architectural Review voted to approve BAR #2021-00495 and BAR #2021-00496, as amended. The motion carried on a vote of 5-2. Mr. Sprinkle and Mr. Adams opposed.

**CONDITIONS OF APPROVAL**

Staff recommendations plus that the applicant work with staff to refine the garage windows and the detail at the downspouts.

## **REASON**

The Board felt that the proposed design complies with the Design Guidelines and is compatible with the historic district

## **SPEAKERS**

Ken Wire, attorney for the applicant, introduced the project.

Shawn Glerum, architect with Odell, presented the revisions to the design in response to comments from staff and the Board.

Barbara Saperstone, 100 ½ Duke Street, felt that the proposed design looks too much like a warehouse and not the nearby residential buildings. She asked if additional decoration could be added to the windows.

Terrence Flanagan, 124 Waterford, stated that the site is in the heart of the historic district and that the design is not compatible with the residential neighborhood.

Ana Gomez Acebo, 100 Duke, was concerned about the height of the proposed building relative to the neighboring structures. She stated that the heights as indicated on the submitted documents are misleading and that the zoning height measurements should be labeled for each neighboring building. She felt that the proposed design is too tall for the neighborhood.

Stephanie Andrews, 411 S. Columbus, thanked the Board for their action on the Heritage project.

Gail Rothrock, 209 Duke Street, stated that the project is inappropriate for the residential neighborhood. This corner is an important gateway from the south and the design should reflect this. She asked how the fourth floor steps back from the building edge at the Duke Street side of the building.

Ken Wire responded to comments regarding the proposed building height by referencing drawings included in the submission.

Ms. Roberts asked Staff about the historic use of the site. Mr. Conkey referenced the Sanborn Maps included in the Staff Report that describes the presence of warehouses on the project site throughout the history of the site.

## **DISCUSSION**

Mr. Spencer appreciated the changes that the applicant has made to the Duke Street elevation and to the garages. He noted that the current design for the garages gives them the impression of a secondary element. He liked the use of metal for the stoops on the north building. He did not have any issues with the proposed fourth floor or the overall building height.

Ms. Irwin liked the modifications to the garage and wanted the applicant to work with staff to align the garage window with the windows on the building. She further asked that the applicant work with staff to develop the design of the recesses at the downspout. She appreciated the revisions to

the stoops on the north building.

Mr. Sprinkle was concerned about the treatment of the corner of Duke Street and South Union Street. He felt that the garages are not appropriate for the surroundings and felt that the proposed building will overwhelm the neighboring historic structures.

Mr. Adams felt that the proposed building should be more similar to the nearby residential buildings than to the waterfront buildings. He suggested that the addition of an entry stair on Duke Street might help to make the building more compatible with the neighboring buildings.

Ms. Ossman stated that the warehouse precedent for the building was appropriate and that using a more residential motif would be to deny the history of the specific site and the broader waterfront.

Ms. Sennott stated that turning the south building to address Duke Street could be successful but generally supported the proposed design with the recommended modifications.

**11. BAR #2021-00456 OHAD**

Request for partial demolition/ encapsulation at 329 North Washington Street.  
Applicants: Hershel Kleinberg and Lisa Cohen

**12. BAR #2021-00455 OHAD**

Request for addition and alterations at 329 North Washington Street.  
Applicants: Hershel Kleinberg and Lisa Cohen

**BOARD ACTION: Approved, as Amended**

On a motion by Ms. Ossman and seconded by Ms. Sennott, the Board of Architectural Review voted to approve BAR #2021-00455 and BAR #2021-00456, as amended. The motion carried on a vote of 6-0. Mr. Sprinkle recused himself.

**CONDITIONS OF APPROVAL**

Staff recommendations, plus the applicant work with staff on the connection between the elevator shaft and the building. The elevator shaft cladding be mansard brown.

**REASON**

The Board felt the mansard brown color would be the least obtrusive and that staff could oversee the step flashing.

**SPEAKERS**

Tamar King, project architect, gave a brief presentation and answered questions.  
Teri MacKeever, project architect, also answered questions.

**DISCUSSION**

Ms. Ossman and Ms. Roberts questioned how the elevator shaft would attach to the building, with Ms. Ossman expressing concern about damage to the historic fabric. Mr. Conkey said that he would work with the applicant to ensure that step flashing would be correctly installed.

Mr. Spencer preferred gray or mansard brown color for the elevator shaft cladding material.

Ms. Irwin preferred the mansard brown color, as did Ms. Roberts, Ms. Ossman, and Ms. Sennott.

Mr. Adams did not like the shape of the elevator shaft and spoke against the roof deck.

## **VI. NEW BUSINESS**

### **13. BAR #2021-00148 OHAD**

Request for alterations at 421 Gibbon Street.

Applicants: Christine and Sam Thuot

#### **BOARD ACTION: Approved, as Submitted**

On a motion by Mr. Spencer and seconded by Ms. Irwin, the Board of Architectural Review voted to approve BAR #2021-00148, as submitted. The motion carried on a vote of 7-0.

#### **CONDITIONS OF APPROVAL**

None.

#### **REASON**

The Board recognized the importance of protecting the home from future damage.

#### **SPEAKERS**

Sam and Christine Thuot, applicants, showed photos of flood damage and were available to answer questions.

#### **DISCUSSION**

Mr. Sprinkle expressed concern over potentially lost archaeological artifacts. Mr. Conkey will put the applicants in touch with Alexandria Archaeology.

Mr. Spencer noted that the project will change the character of the neighborhood but appreciates that it will protect the home.

Ms. Roberts enthusiastically supported protecting the home.

### **14. BAR #2021-00197 PG**

Request for alterations at 1321 Cameron Street.

Applicant: ZNB, LLC

#### **BOARD ACTION: Deferred**

On a motion by Mr. Spencer and seconded by Ms. Irwin, the Board of Architectural Review accepted the request for deferral of BAR #2021-00197. The motion carried on a vote of 7-0.

#### **CONDITIONS OF APPROVAL**

N/A

#### **REASON**

The Board did not like some of the changes and felt they should be more in compliance with Design Guidelines.

## **SPEAKERS**

Ben Adada, applicant, was available to answer questions. He noted that Covid caused some complications in communicating with City agencies.

Stephen Milone, 907 Prince, noted that he had opposed the applicant's encroachment request (which City Council approved). He also felt that the changes to the building were unnecessary. He recommended that the Board defer the application and require the applicant to work with staff to change the grade of the sidewalk.

## **DISCUSSION**

Ms. Sennott expressed concern that this was another after-the-fact application. She also disapproved of a back-lit sign.

Ms. Roberts felt that the railing and doors were inappropriate and disliked the changes to the building. She agreed with Mr. Milone's recommendation to defer the application.

Mr. Sprinkle asked about new doors cut into the south elevation.

Ms. Roberts thought that the demolition was over 25 square feet.

### **15. BAR #2021-00509 OHAD**

Request for partial encapsulation at 211 Duke Street.

Applicants: Linda and Griffin Leshner

#### **BOARD ACTION: Approved, as Submitted**

On a motion by Ms. Ossman and seconded by Ms. Sennott, the Board of Architectural Review voted to approve BAR #2021-00509, as submitted. The motion carried on a vote of 7-0.

#### **CONDITIONS OF APPROVAL**

None.

#### **REASON**

The Board found the project appropriate and agreed with staff recommendations.

## **SPEAKERS**

Mr. Henry Brigham, representing the applicant, was available to answer any questions.

## **DISCUSSION**

There was no discussion.

## **VII. OTHER BUSINESS**

16. Solar Panel Policy and Railing Design Policy. The Board unanimously approved the proposed changes to the policies, with the edit to replace the word "balusters" with "pickets" in the Railing Design Policy section of the memo.

The Board of Architectural Review unanimously approved a motion to create an Ad Hoc Committee to Review the Best Practices for Development Projects.

## **VIII. ADJOURNMENT**

The Board of Architectural Review hearing was adjourned at 9:42 p.m.

## **IX. ADMINISTRATIVE APPROVALS**

The following projects were administratively approved since the last BAR meeting:

BAR #2021-00511 PG

Request for window replacement at 923 Oronoco Street.

Applicant: Stephen Burwell

BAR #2021-00533 OHAD

Request for roof replacement at 118 North Washington Street.

Applicant: Christ Church TRS OF

BAR #2021-00538 OHAD

Request for roof replacement at 209 South Lee Street.

Applicant: Mark Kington

BAR #2021-00539 OHAD

Request for signage at 701 King Street.

Applicant: Jamels 701 King LLC

BAR #2021-00548 OHAD

Request for repointing at 109 Cameron Mew.

Applicants: Robert and Karen Boyd

BAR #2021-00550 OHAD

Request for repointing at 609 Oronoco Street.

Applicants: Marina and Frederick Lowther

BAR #2021-00551 PG

Request for roof replacement at 1003 Oronoco Street.

Applicant: Morgan Kinney

BAR #2021-00553 PG

Request for door replacement at 307 North Payne Street.

Applicant: David Nadrchal

BAR #2021-00554 OHAD

Request for roof replacement at 417 Wilkes Street.

Applicant: Ann Mazor

BAR #2021-00555 OHAD

Request for roof replacement at 423 Wilkes Street.

Applicant: Eion Kelley

BAR #2021-00556 OHAD  
Request for roof replacement at 421 Wilkes Street.  
Applicants: Thomasson Pergoy and Indie Cather

BAR #2021-00557 OHAD  
Request for roof replacement at 419 Wilkes Street.  
Applicant: John Burke

BAR #2021-00562 OHAD  
Request for signage at 1218 King Street.  
Applicant: Bill Cammack

BAR #2021-00563 PG  
Request for repointing at 506 North Columbus Street.  
Applicant: Amy Smithson

BAR #2021-00567 PG  
Request for roof replacement at 1008 Oronoco Street.  
Applicants: Donald and Jaki McCarthy

BAR #2021-00568 OHAD  
Request for signage at 610 Madison Street, #100.  
Applicant: Rachel Baron

BAR #2021-00570 OHAD  
Request for alterations at 106 Wolfe Street.  
Applicant: Robert Engstrom

## CHAPTER 6

# NEW CONSTRUCTION - RESIDENTIAL

### INTRODUCTION

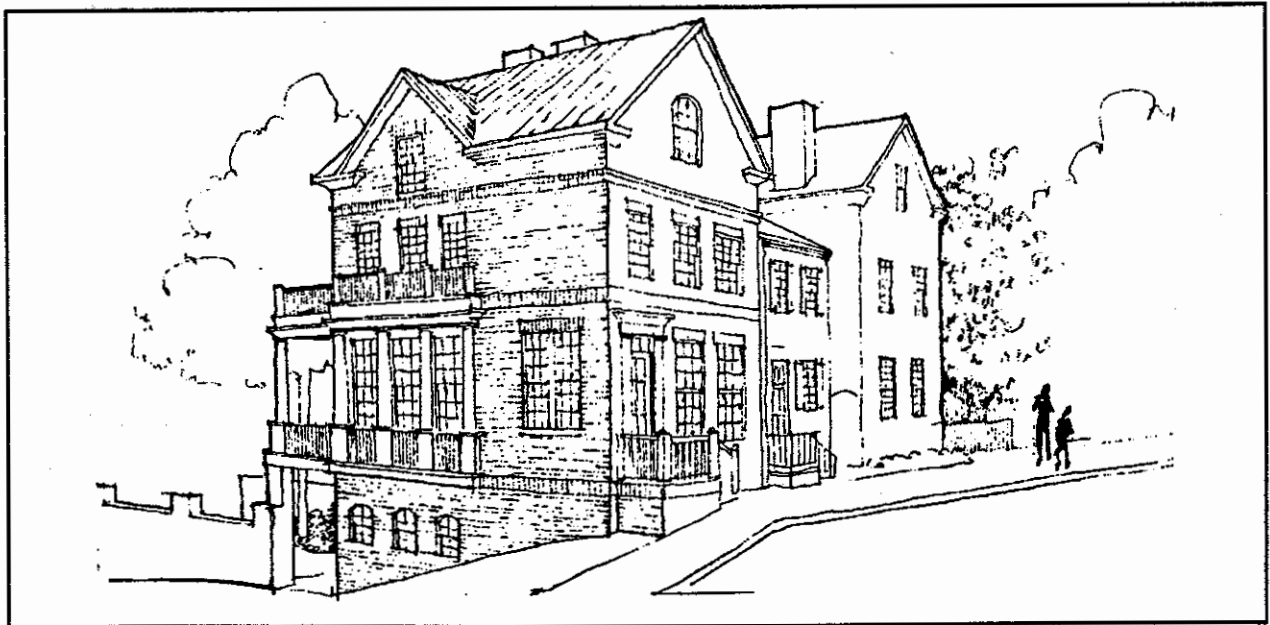
The construction of new residential buildings that are visible from a public way require the review and approval of a certificate of appropriateness by the Boards of Architectural Review.

The character of the historic districts is primarily defined by its residential structures. Such structures range in age from before the founding of the city in 1749 to the current day. Expansion of the housing stock within the historic districts is continual. Since the establishment of the Board of Architectural Review in 1946, the design of new residential buildings has been one of its primary concerns. These guidelines are intended to

provide information to property owners within the historic districts about the Boards' philosophy regarding the design of new residential buildings.

These guidelines apply to all new residential construction projects that lie outside of the waterfront area or that do not front on Washington Street. Residential construction projects in these areas must meet additional requirements and these are set forth in the Guidelines for Washington Street and the Guidelines for the Waterfront. The waterfront area is defined in the Zoning Ordinance as Height District #3, Potomac River, whose boundaries run east of Union Street to the River and extend from Pendleton Street south to the Woodrow Wilson Bridge (§6-400 of the Zoning Ordinance).

Generally speaking, there are only scattered parcels of vacant land in the historic districts which are suitable for the development of new residential construction projects without demolishing an existing structure. The demolition of an existing historic building to permit construction of a new residential structure is strongly discouraged by the Boards. Therefore, most new residential projects are in-fill construction that make use of a vacant



*Perspective view of new townhouse in relation to existing adjacent residential structures.*  
SOURCE: 700 South Lee Street, BAR Case #90-176, Robert Morris, Morris Damm, Inc., Architects

lot. In these cases, the Boards are primarily concerned with the compatibility of a new building with adjacent historic structures.

The guidelines should be viewed as a distillation of previously accepted design approaches in the historic districts. The guidelines should not be viewed as a device that dictates a specific design response nor should the guidelines be viewed as prohibiting a particular design approach. There may be better ways to meet some design objectives that have not been reviewed by the Boards in the past. New and untried approaches to common design problems are encouraged and should not be rejected out of hand simply because they appear to be outside the common practices outlined in the guidelines.

Architectural styles in Alexandria have been more conservative than in other parts of the country. The approvals of the Boards have reflected this since the establishment of the historic districts. As a general rule, the Boards favor contextual background buildings which allow historic structures to maintain the primary visual importance. Singular buildings in the latest architectural vocabulary are generally discouraged.

It is not the intention of the Boards to dilute design creativity in residential buildings. Rather, the Boards seek to promote compatible development that is, at once, both responsive to the needs and tastes of the late 20th century while being compatible with the historic character of the districts. This balancing act will clearly be different in different sections of the historic districts.

These guidelines should be used in conjunction with the guidelines for specific architectural elements contained in Chapter 2. For example, that chapter contains information on such topics as window and door treatments, siding and chimneys and flues which must be appropriately combined to create a building that is compatible with the architecture in the districts.

As a general rule, the Boards do not review conceptual design plans. The Boards strongly prefer to review complete design submissions. Therefore, applicants are encouraged to meet with B.A.R. Staff as early as possible during the design development stage to review proposals and zoning requirements.



*Proposal for two new Colonial Revival style townhouses, each of which faces a different street.*  
SOURCE: 370 N. St. Asaph St. & 600 Princess St., BAR Case #91-102, Historical Concepts, Inc., architects

## **REQUIREMENTS**

- All applications for new construction must comply with the requirements of the zoning regulations prior to consideration by the Boards of Architectural Review. The specific requirements may be obtained from the Zoning Administrator (703/838-4688).

- New construction must conform to the requirements of the applicable small area plan chapter of the Master Plan. In the Old and Historic Alexandria District the Small Area Plans include Old Town, Old Town North, Northeast and Potomac Yard/Potomac Greens. In the Parker-Gray District, the applicable Small Area Plans are Braddock Road Metro Station and Northeast.

- Side, Front and Rear Yard Requirements  
The Zoning Ordinance requires that residential buildings must be removed a certain number of feet from a property line. This setback will depend upon the specific zone and the width of the lot.

- Open Space Requirements  
The Zoning Ordinance requires that a certain amount of land in residential zones be maintained as open space to ensure adequate light and air, absorb water runoff and help prevent the spread of fire. The amount of open space required varies by zone. Driveways and parking areas cannot be used to satisfy the open space requirement.

As a general rule, land under a covering such as a canopy, roof, eave, or deck may not be counted as part of the required open space.

- Vision clearance  
There is a general City requirement that buildings on corner lots must maintain a vision clearance at the corner for purposes of transportation safety. In such instances, structures may be no higher than 42" (3' 6") above the curb. There is also a general policy to maintain the average front building line in the historic districts. Therefore, the Zoning Ordinance gives the Boards of Architectural Review the power to waive this requirement as well as other yard requirements in the vision clearance area where the

maintenance of the building line is important to the character of the blockface.

- Generally speaking, building height for residential construction is limited to 35 feet but may be increased in certain zones to 45 feet with approval of a Special Use Permit by City Council.

- New residential projects which involve three or more units require the approval of a Site Plan by the Planning Commission (See §11-400 of the Zoning Ordinance). Information on Site Plan requirements may be obtained from the Site Plan Coordinator, Department of Transportation and Environmental Services, Room 4130, City Hall (Telephone: (703/838-4318)).

New residential construction which requires the approval of a Site Plan must comply with the provisions of the Alexandria Archaeological Protection Procedure (§11-411 of the Zoning Ordinance). The specific requirements may be obtained from the City Archaeologist, Alexandria Archaeology, 105 North Union Street, 3rd Floor. (Telephone: (703/838-4399)).

- Construction of all new buildings must meet the requirements of the Virginia Uniform Statewide Building Code (USBC) and requires the issuance of a building permit by Code Enforcement.

- Construction of new multi-family buildings must meet the requirements of the Americans with Disabilities Act (ADA).

- Tree removal for new construction requires prior approval of the City Arborist.

- New residential construction, both single and multi-family, must include off-street parking. (See Article 8 of the Zoning Ordinance).

- New residential construction on lots which involve land disturbance of 2,500 square feet or more of land area must comply with the requirements of the Chesapeake Bay Protection Ordinance.

## GUIDELINES

- Applicants should consult Building Alterations, Chapter 2, regarding guidelines for specific elements of a proposed new building. For example, Chapter 2 provides information on compatible window treatments, paint colors and building materials.

- Style

No single architectural style is mandated. Designs should complement and reflect the architectural heritage of the City. For example, abstraction of historic design elements would be preferred to a building which introduces design elements that are not commonly used in the historic districts. While new residential buildings in the historic districts should not create an appearance with no historical basis, direct copying of buildings is discouraged.

- Massing

**Building massing** is the enclosed volume which constitutes a building's exterior form. In the historic districts, new residential construction should reflect the building massing prevailing along the blockface. For example, uneven massing should be avoided along a blockface which has buildings of

uniform massing.

- Height

Building height should generally reflect the existing heights of buildings in the immediate vicinity of the proposed new construction.

- *Single family houses*

Most single family houses in the historic districts are 2 or 3 stories in height. New single family residential construction should generally reflect this prevailing pattern.

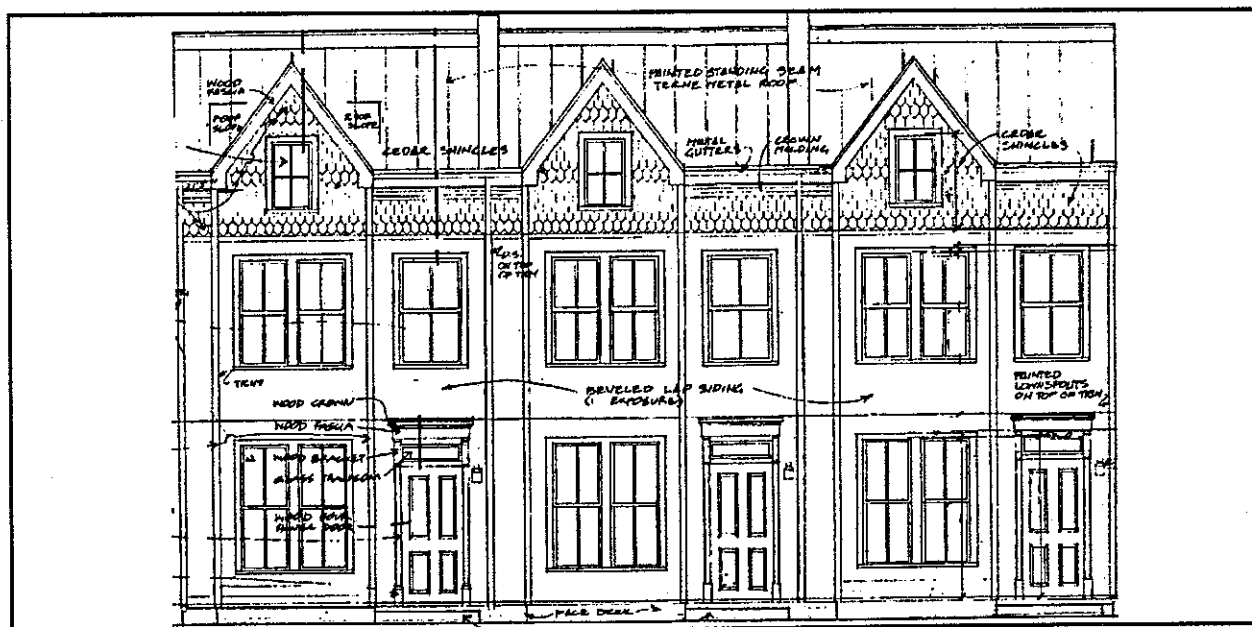
- Multi-family structures

Multi-family structures such as apartment buildings often exceed the prevailing height of single family houses. Such structures may be constructed to the maximum permitted height by zone, but should not overwhelm adjacent buildings.

- Width

- *Single family houses*

Most single family houses in the historic districts are 20 to 35 feet in width. New single family residential construction should generally reflect this traditional pattern.



*Proposal for three new Victorian style residential townhouses.*

SOURCE: 1320-1324 Princess Street, BAR Case #90-15PG, John Savage, Architect, P.C.

• Multi-family structures

In general, multi-family structures such as apartment buildings are much wider than single family residential structures. The facade articulation should be compatible with nearby buildings.

• Siting

New residential structures should be sited so that the front plane of the building is in line with the prevailing plane of the other residential buildings on the street. Such a requirement has a long history in Alexandria. The founding act of the city in 1748 required houses "to be in line with the street...."

Side and rear yard setbacks should also reflect the prevailing pattern in the immediate vicinity of the proposed new construction.

• Fenestration

The fenestration pattern, that is the relationship of solid to void, such as walls and windows, should be compatible with the historic fenestration patterns in the districts. For example, buildings which express very large areas of void are discouraged.

• Roof

In general, the roof form should reflect the roof forms expressed along the blockface. However, as a general rule, the gable end of a structure should not face the street. Such a requirement has a long history in Alexandria. The founding act of the city in 1748 required "that no gable or end of such house to be on or next to the street...."

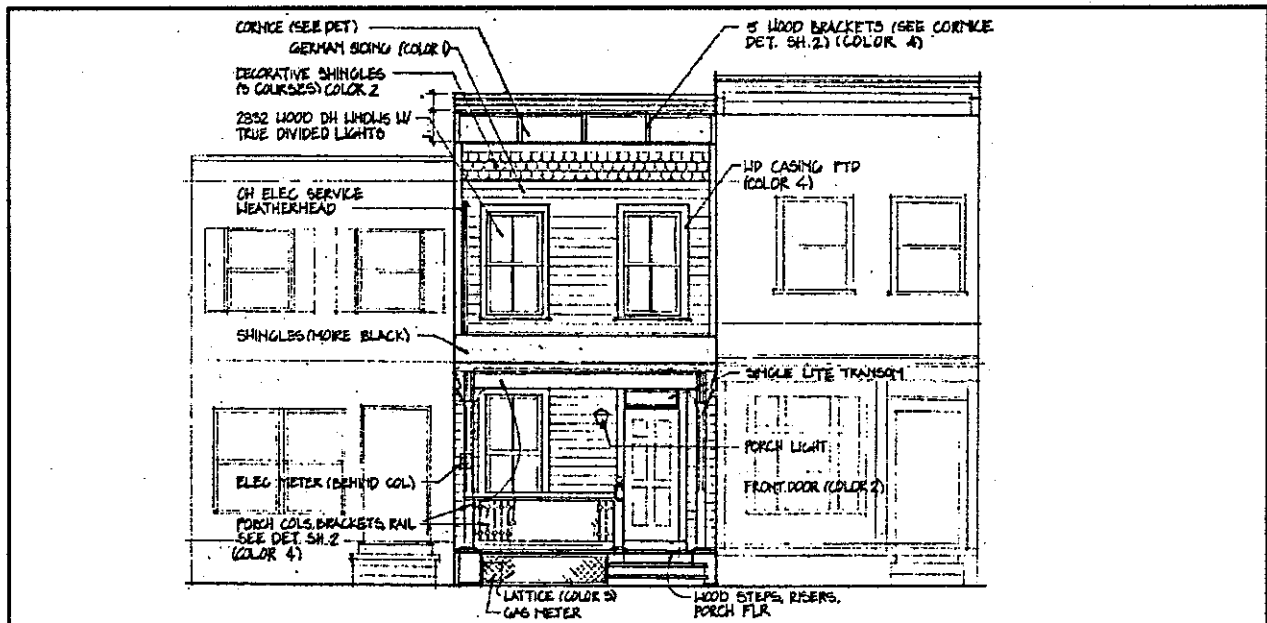
Roofing materials should reflect the traditional use of wood, metal and slate in the historic districts. Additional information is provided in the Roofing section of Chapter 2, Building Alterations.

• Spacing Between Buildings

The spacing or lack of it between a new residential building and existing structures should reflect the pattern of spacing between buildings along the blockface to maintain a consistent rhythm. For example, party wall rowhouse construction is inappropriate in certain areas of the historic districts which have large detached residential buildings.

• Building Orientation

The front entrances to new residential buildings should be oriented to the primary street frontage.



*Proposal for a new infill residential building between two existing houses.*

SOURCE: 307 North West Street, BAR Case #92-6PG, Frank Deichmeister, Design Plus, Architects

- Architectural Detailing

Architectural detailing such as cornices, lintels, arches, and chimneys should express the traditional quality and quantity of architectural detailing found on historic structures throughout the districts.

Side and rear walls which face open areas should be designed with as much attention to detail as the primary facade. It is the general preference of the Boards that surface articulation be provided on otherwise unrelieved side walls to break-up apparent massing through such means as the articulation of false windows, pilasters and changes in brick patterns.

- Directional Expression

The orientation of a building to the street is important. The relationship of height and width of a proposed new residential building should reflect the prevailing pattern along the blockface. For example, wide buildings are not encouraged in areas of narrow row-houses.

- Materials

The predominant building materials for residential buildings in the historic districts are wood and brick. In addition, there are a

number of stone buildings. The building materials for new residential structures should reflect these traditional materials.

- Utilities

While the Boards are cognizant of 20th century infrastructure requirements, such items as electrical meters and transformers and HVAC equipment should be visually and acoustically screened from public view.

- Color

The colors proposed for new residential buildings should be compatible with those in use on historic buildings in the districts. The B.A.R. Staff has developed a *Color Chart of Historically Accurate Paint Colors in the Old and Historic Alexandria District and the Parker-Gray District* which can be consulted to help determine appropriate colors which reflect the historic heritage of the City.

## APPLICATION REQUIREMENTS

In order to properly evaluate the appropriateness of a design for new construction, the Boards of Architectural Review require that an accurate depiction of the design and its



*Proposal for a new three story brick apartment building.*

SOURCE: 109-111 South West Street, BAR Case #91-170, John Savage, Architect, P.C.

relationship to the immediately surrounding area be presented. Sketches are not acceptable. Most designs for construction of new buildings presented to the Boards of Architectural Review are prepared by design professionals, such as architects and engineers; however, a professionally prepared submission is not mandatory. Applicants, however, should be aware that drawings sealed by an architect or engineer licensed in Virginia may be required by Code Enforcement prior to the issuance of a building permit.

**All applications for approval of new residential construction must contain the following information:**

**Alexandria Business License**

Proof of a valid Alexandria Business License is required at the time of application for contractors, subcontractors, architects and designers.

**Photograph of Existing Conditions**

Clear photographs of the site and surrounding properties are required for reference.

**Plot Plan/Site Plan**

A plot or site plan accurately showing the location and dimensions of the footprint of the new building including property lines, accessory structures, fences and gradelines as well as existing improvements is required. A roof plan showing water drainage and location of mechanical units should also be indicated.

**Drawings**

Drawings accurately representing all elevations of the proposed structure indicating materials and overall dimensions, including height, are required. In addition, a drawing showing the contextual relationship of the proposed structure to existing adjacent buildings is required. The location of such ancillary items such as HVAC units, heat pumps, roof guards, fire hose connections,

**ARCHAEOLOGICAL CONSIDERATIONS**

The construction of new residential buildings creates ground disturbing activities which may affect archaeological resources. With its rich history, the City of Alexandria is particularly concerned about its archaeological heritage. Archaeological resources in the historic districts are great in number and highly diverse in materials. They often consist of ceramic and glass fragments in the backyards of historic properties; however, archaeological resources are also brick-lined shafts in yards and basements; brick kilns; foundations, footings, postholes and builders trenches of non-extant buildings; landscape features such as walkways and gardens; and even American Indian artifacts which pre-date colonial Alexandria. Often these clues to the City's past appear to be unimportant debris, yet when the artifacts and building remains are excavated and recorded systematically, they provide the only knowledge of lost Alexandria.

Every application to the B.A.R. which potentially involves ground disturbance is reviewed by the City Archaeologist to determine whether significant archaeological resources may still survive on the property. Therefore, the potential for additional requirements to protect archaeological resources exists with any project that involves ground disturbing activities.

The applicant can speed along the archaeological review

process by requesting a Preliminary Archaeological Assessment from Alexandria Archaeology at the earliest date. Call (703) 838-4399, Tuesday through Saturday. Alexandria Archaeology is located on the third floor of the Torpedo Factory Art Center.

**• RESIDENTIAL ZONES**

In residential zones, the application for construction of new buildings is reviewed by City archaeologists. In most cases, the applicant is required to notify Alexandria Archaeology before ground disturbance, so that a City archaeologist may monitor this work and record significant finds. However, when a property has a high potential for containing significant archaeological resources, a City archaeologist may request permission to excavate test samples in the affected area before the project begins.

**• COMMERCIAL ZONES**

In commercial zones and for residential projects involving the construction of three or more houses, the ground disturbing activities associated with the construction of new buildings may necessitate compliance with the Alexandria Archaeological Protection Procedure (§ 11-411 of the Zoning Ordinance). The specific requirements may be obtained from the City Archaeologist. Occasionally, compliance in such projects may require the property owner to contract with an independent archaeologist to document conditions before and during construction. Property owners should contact the City Archaeologist as early as possible so that there are no project delays.

utility meters and risers should be noted on the drawings. The drawings should have a minimum scale of  $3/32" = 1'$ ; however, larger scale drawings may be required. At least one set must meet the maximum permit size of 24" x 36". Additional copies of the required drawings may be reduced if they are clearly legible.

### **Floor Area Ratio and Open Space Calculations**

Applicants must provide accurate F.A.R. and open space calculations for the new residential construction. Forms for these calculations are available at the time of application.

### **Materials**

The materials to be used for the structure must be specified and delineated on the drawings. Actual samples may be provided, if appropriate.

### **Color**

The proposed color of the structure and trim-work must be indicated and actual color samples provided.

## **RELATED SECTIONS**

Guide to the B.A.R. Process  
Use of the design guidelines  
History of the physical development of the historic districts  
Chapter 2 - Building Alterations  
    Accessibility for Persons with Disabilities  
    Accessory Structures  
    Awnings  
    Chimneys & Flues  
    Decks  
    Exterior and Storm Doors  
    Dormers  
    Roof Drainage Systems  
    Electrical and Gas Service  
    Fences, Garden Walls & Gates  
    HVAC Systems  
    Exterior Lighting  
    Paint Colors  
    Parking  
        Driveways and Paving  
    Planters  
    Porches  
    Roofing Materials

Security Devices  
Shutters  
Siding Materials  
Skylights  
Solar Collectors  
Stoops, Steps and Railings  
Windows  
    Storm Windows

### **Chapter 4 - Demolition of Existing Structures**

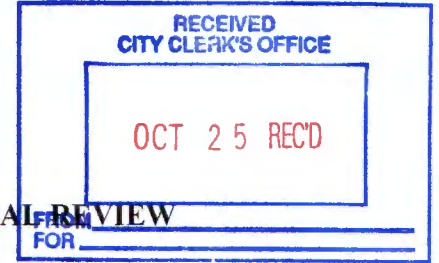
NOTE: Illustrations are provided for information only. Applications for certificates of appropriateness are reviewed and approved on a case-by-case basis.

ADOPTED BY THE BOARDS OF  
ARCHITECTURAL REVIEW, 5/25/93



RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW



Date Appeal Filed With City Clerk: 10/25/2021

B.A.R. Case #: BAR#2021-00341

Address of Project: 431 South Columbus St; 416 South Alfred St; 900 Wolfe St; & 450 South Patrick St.

Appellant is: (Check One)



B.A.R. Applicant

Heritage at Old Town PropCo LLC



Other party. State Relationship \_\_\_\_\_

Address of Appellant: M. Catharine Puskar, Attorney/Agent for Applicant/Appellant  
Walsh Colucci Lubeley & Walsh, P.C.  
2200 Clarendon Blvd, Suite 1300  
Arlington, VA 22201

Telephone Number: (703) 528-4700

State Basis of Appeal: The attached letter dated October 25, 2021 describes the  
basis of the Appellant's appeal.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach additional sheets, if necessary

A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the affected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

All appeals must be filed with the City Clerk on or before 14 days after the decision of the B.A.R.

All appeals require a \$200.00 filing fee.

If an appeal is filed, the decision of the Board of Architectural Review is stayed pending the City Council decision on the matter. The decision of City Council is final subject to the provisions of Sections 10-107, 10-207 or 10-309 of the Zoning Ordinance.

MC Puskar

M. Catharine Puskar Attorney/Agent for Appellant

Signature of the Appellant



**WALSH COLUCCI  
LUBELEY & WALSH PC**

M. Catharine Puskar  
(703) 528-4700 Ext. 5413  
cpuskar@thelandlawyers.com

October 25, 2021

**Via E-Mail Only**

Mayor Justin Wilson and City Council  
City of Alexandria  
301 King Street, Room 2300  
Alexandria, VA 22314

Re: Appeal of Board of Architectural Review's Denial of BAR #2021-00341  
Applicant: Heritage at Old Town PropCo LLC

Dear Mayor Wilson and City Council:

On behalf of the Applicant, and in accordance with section 10-107(A)(1) of the City of Alexandria Zoning Ordinance, please accept this letter and the reasons set forth herein as the Applicant's appeal of the Board of Architectural Review's (BAR's) denial of Certificate of Appropriateness application BAR #2021-00341 (the Application) at its hearing on October 20, 2021. The subject Certificate of Appropriateness application is associated with the Heritage at Old Town redevelopment project that was unanimously approved by City Council in February 2021 in conjunction with Rezoning #2020-00006 and Development Special Use Permit (DSUP) #2020-10032.

**Site Location and Context.**

The overall Heritage at Old Town redevelopment site consists of six parcels and approximately 4.75 acres of site area located on the western periphery of the Old and Historic Alexandria District (OHAD). The site is part of the South Patrick Street Affordable Housing Strategy (SPSAHS) area, which was created in 2018 following a multi-year community engagement process to incentivize the preservation of and addition to the existing affordable housing supply in the area. The overall Heritage site is comprised of three blocks, that are currently developed with a six 3-story multifamily buildings (Blocks 1 and 4) and a 6-story midrise multifamily building (Block 2). The seven existing buildings were constructed in the late 1970's. Similarly, most of the adjacent and nearby buildings were constructed between the 1950's and 1980s as depicted in the Context Plan provided on Sheet 15 of the Certificate of Appropriateness application package. Accordingly, while a portion of the site is located within the City of Alexandria Old and Historic District (OHAD), the existing buildings on site and the vast majority of buildings within the adjacent and surrounding area are clearly not historic.

**ATTORNEYS AT LAW**

703 528 4700 ■ WWW.THELANDLAWYERS.COM  
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

### **Approval History.**

This project has been through a robust and thorough review process, including the following:

- All meetings and public hearings associated with the SPHAS, which created the expectations and guidance reflected in the proposed development;
- Eleven community and resident meetings hosted by the Applicant;
- Two public meetings with the Alexandria Housing Affordability Committee resulting in a recommendation of approval of the Affordable Housing Plan;
- Two public meetings with the Landlord Tenant Relations Board resulting in a recommendation of approval of the Tenant Relocation Plan;
- Four BAR Concept Review public hearings;
- One BAR public hearing regarding the Demolition permit for the existing buildings resulting in the approval of the Request to Demolish;
- One community meeting hosted by City Staff;
- One Planning Commission public hearing for the Rezoning, DSUP and TMP SUP, resulting in a recommendation of approval for the applications;
- Two City Council public hearings (one appeal hearing resulting in the affirmation of the BAR's approval of the demolition permit and one hearing resulting in approval of the Rezoning, DSUP and TMP SUP ); and
- Three BAR Certificate of Appropriateness public hearings, resulting in a 5-2 denial of the Certificate of Appropriateness (including one member voting for denial who missed the October 6, 2021 public hearing on the matter, yet participated in the deferred deliberation of the matter on October 20, 2021, as well one member who voted for denial after having participated in only one prior hearing on the matter on October 6, 2021.)

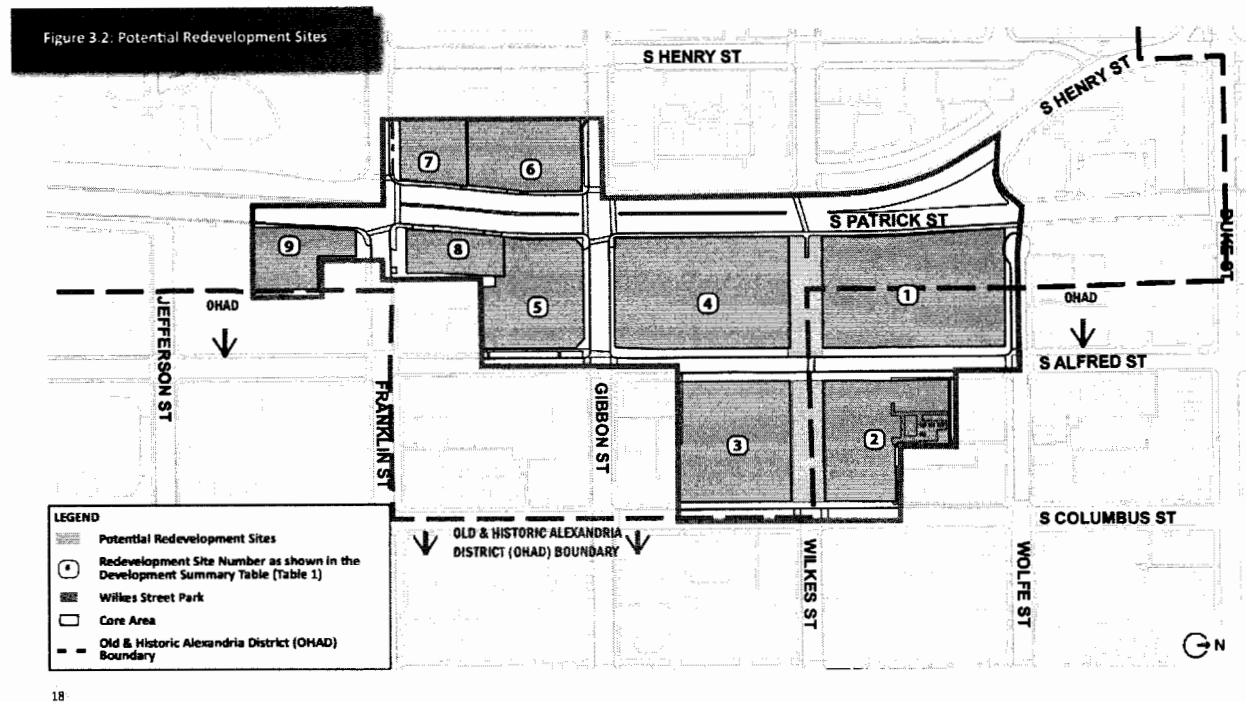
All video recordings of these meetings and hearings, as well as all written staff reports, application materials, and presentation materials are hereby incorporated by reference and made a part of the record as part of this appeal.

For the reasons discussed below, the Applicant requests that City Council reverse the BAR's decision and approve the Certificate of Appropriateness.

### **The BAR acted outside of its purview.**

In rendering its decision, the BAR acted outside of its purview. Pursuant to Section 10-102 of the Zoning Ordinance, the Old and Historic Alexandria District boundaries are those shown on the adopted zoning maps. Likewise, pursuant to Section 10-103 of the Zoning Ordinance, the BAR's purview with regard to a Certificate of Appropriateness is limited to buildings or structures erected "...*within the Old and Historic District*" (*emphasis added*).

As noted above, the Heritage at Old Town Site and the SPSHAS area are located on the westernmost edge of the OHAD. In keeping with the OHAD boundaries established with the adopted zoning maps, the OHAD boundaries are clearly delineated in Figure 3.2 of the SPSHAS (copied below):



While Blocks 1, 2 and 4 were included in the approved rezoning and DSUP applications, the BAR's purview is limited to the portion of the site within the OHAD.

During the process, the Applicant stated, Staff agreed verbally and in writing, and BAR members acknowledged on the record that the western half of Building 1 is located *outside* of the OHAD and that the BAR's purview is limited to buildings *within* the OHAD. However, the BAR continued to consider the entirety of Building 1, stating that it has been their "practice" to review the entire building when a portion of it is located within the District. The BAR then proceeded to deny the Certificate of Appropriateness while listing the 7 story height on the western half of Building 1 as a primary consideration in its denial. This action is in direct conflict with the provisions of the Zoning Ordinance and the Zoning Powers established in Section 9.09 of the City Charter with respect to the Board of Architectural Review.

Given the plain language of the Zoning Ordinance, which limits the requirement for certificates of appropriateness to buildings "within" the OHAD, the BAR's assertion of purview of the western portion of the proposed building on Block 1 is improper. Notably, the BAR acknowledged correctly that the approved building on Block 4, which is also part of the Heritage at Old Town project, is geographically outside the OHAD and therefore outside its purview as established by Section 10-103. The same analysis should be applied to the western portion of Block 1.

In addition to illegally extending its authority to a portion of the site physically located outside the OHAD boundaries, the BAR also considered factors beyond the scope of its purview established by the standards set forth in Section 10-105(A)(2) of the Zoning Ordinance. Section 10-105(A)(2) of the Zoning Ordinance enumerates ten (10) features and factors that the BAR must consider in passing upon the Certificate of Appropriateness for proposed construction within the OHAD. The list of factors is exclusive, and is limited primarily to factors related to architectural design such as height, mass, scale and architectural character. The list does not

include factors such as the developer's place of residence, any potential profit the project might yield, density, traffic impacts or the amount of activity to be generated by a proposed development, to name a few. Throughout the process and in its deliberation at the October 20<sup>th</sup> hearing, BAR members made reference to these factors, which clearly affected consideration of the application. For this reason, because the BAR considered factors outside the scope of those established by the Zoning Ordinance, the BAR's denial of the application was inappropriate.

Finally, instead of limiting their review to the standards set forth in the Zoning Ordinance, multiple BAR members made inappropriate, overreaching, non-germane statements on the record throughout the process: 1) indicating their disdain for the developer and its team; 2) emphasizing the need to tightly control the approval of the buildings within their purview in order to set the tone and try to impact future development proposals within the SPHAS that are outside of their purview; 3) dismissing the Council's prior approval as not being relevant to their deliberations, and; 4) expressing their resentment with the fact that the City Council has ultimate authority over the approval of the redevelopment through this appeal, which they acknowledged was sure to be filed given that their denial of the project and statements regarding wanting the Applicant to reduce the buildings by two floors would contravene the City Council's prior approval of the project through the DSUP process.

In sum, the BAR erred in illegally extending its authority beyond the OHAD boundaries and by applying factors beyond the standards of review set forth in Section 10-105(A)(2) of the Zoning Ordinance.

**The BAR gave inconsistent feedback which made it impossible for the Applicant to meet its demands.**

During the public hearings on the Certificate of Appropriateness several comments were made regarding the Applicant's alleged unresponsiveness to feedback from the BAR and citizens throughout the application process. These comments are unfounded. The Applicant met a total of seven (7) times with the BAR during the DSUP and Certificate of Appropriateness application process, and made revisions and enhancements to its proposed design in response to feedback from the BAR, staff, and citizens each and every step of the way. The Applicant has incorporated refinements to virtually every façade of the proposed buildings and, in some instances, has reduced the mass and height at certain locations throughout the process. The numerous staff reports published in advance of each concept review session acknowledged these revisions, and to suggest that the Applicant has not been responsive to feedback throughout the process is patently false.

In fact, the BAR members acknowledged throughout the process that the Applicant was in an impossible situation trying to address the BAR's feedback, given the fact that there was no consensus among the BAR with regard to the feedback provided. In some instances, the Applicant incorporated modifications in response to the comments of one BAR member only to have another member express a preference for the previous version. In other instances, comments from individual BAR members have been inconsistent from one meeting to the next. There was no continuity of comments and there appeared to be a fundamental disconnect within the BAR itself, as some members directed the Applicant to revise the project to mimic and replicate traditional, historical architecture while others reinforced the fact that the BAR guidelines do not dictate a specific design response or prohibit a particular design approach and

encouraged the Applicant to allow the buildings to express a contemporary design that derives inspiration from buildings within the OHAD. This disconnect was present throughout the process, but was particularly evident during the deliberations at the July 29 2021 and October 6, 2021 public hearings, and was best illustrated in the initial straw poll taken by the Chair at the October 20, 2021 hearing which resulted in four of seven members being in favor of the architectural design and character of the buildings and three of seven members being in favor of the height of the buildings. Given the BAR's inability to reach consensus, and given the realization that another deferral would not lead to any greater consensus among its members, the BAR voted 5-2 to deny the Certificate of Appropriateness.

The Applicant and its team have worked diligently throughout the entire process to be as responsive as possible to the disparate feedback from the large number of stakeholders involved, but achieving consensus has proven impossible given competing views and preferences. As such, the Applicant agrees that there is no benefit to be gained with additional review by the BAR, especially in light of the inappropriate comments by a number of its members throughout the process casting doubts on the Applicant's sincerity and effort in the face of honest representations about which aspects of the project could be revised and which could not and despite evidence to the contrary of revisions at every meeting in response to feedback provided by the BAR.

In sum, despite the many revisions to its plans throughout a sixteen (16) month process that involved seven (7) presentations to the BAR, multiple meetings with staff and significant community outreach, the Applicant was not able to satisfy a majority of the BAR members.

**The Applicant's proposal is consistent with the Standards set forth in Section 10-105(A)(2) of the Zoning Ordinance and the Design Guidelines for the Old and Historic District.**

The Applicant's proposal is consistent with each of the ten (10) factors identified in Section 10-105(A)(2) and the guidelines associated with those factors. The overall architectural design, including the height, mass, scale and architectural character of the buildings are consistent with the context of the existing conditions in the area - which include the existing 6-story midrise building to be replaced with Building 2. It is worth noting that, while the Applicant contends that the western half of Block 1 is not within the BAR's purview, the design of this portion of Building 1 has also evolved over time and is also consistent with the established factors and guidelines. The proposed heights are consistent with the vision set forth in the SPSHAS which identified the use of additional height through a rezoning to the RMF Zone and achieved through the use of Section 7-700. Moreover, the character and height of the proposed buildings must also be considered in the context of the greater SPSHAS area - a majority of which is located outside the OHAD boundaries - and the future buildings in the area, like Building 4, which will be developed in furtherance of the SPSHAS. The proposed buildings should not be evaluated in the context of only the current conditions, but what is likely to be developed in the near future as the SPSHAS comes to fruition.

The following includes a list of the ten (10) standards enumerated in Sections 10-105(A)(2)(a) through (j) of the Zoning Ordinance, accompanied by a narrative description of how the Applicant's proposal addresses each standard:

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

Certificate of appropriateness.

(2) Standards. Subject to the provisions of section 10-105(A)(1), the 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.

**Response:** The overall architectural design, form, style and structure, including, but not limited to, the height, mass and scale of the buildings is in keeping with the vision and framework of the South Patrick Street Housing Affordability Strategy (the "SPSHAS"), which specifically identifies the permitted heights and the use of additional height achieved through rezoning and/or the use of the bonus height provisions in Section 7-700 of the Zoning Ordinance as tools to incentivize the retention of, and addition to, the number of deeply subsidized affordable housing units currently on the Heritage at Old Town site. Consistent with the SPSHAS, the taller building heights in the Applicant's proposal are located on portion of the site outside the Old and Historic District (the "OHAD") along S Patrick Street and in the location of the existing 6-story midrise, with transitions to lower heights adjacent to and across from the surrounding residential neighborhoods. A variety of building heights, height transitions, massing and building articulation are exhibited across each block to achieve compatibility with the neighborhood. In response to feedback from staff and the BAR, the proposed buildings on both blocks have been broken down into smaller elements through variations in materiality, fenestration and architectural design thereby reducing the overall mass and scale of the buildings.

- (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 the a building, structure or site (including historic materials) are retained.

**Response:** Each building is a response to its adjacent context and is composed of multiple building forms and architectural styles to reduce the perceived project scale. While the OHAD Design Guidelines for new residential construction do not mandate a single architectural style and discourage the direct copying of buildings, the variety of heights, transitions, and styles in the project are reflective of architecture found throughout the OHAD. Each façade draws inspiration from traditional architectural proportions, elements, and rhythms. For example, in response to feedback from staff and the BAR, the Applicant revised the townhouse-style elements facing S. Columbus Street on Block 2 to include a more traditional roof form with dormer windows found throughout Old Town. Additionally, the Applicant redesigned the south elevation of Block 2 to include smaller windows on a portion of the façade, arches above second and sixth story windows, and juliet balcony elements that are characteristic of architecture in Old Town. Articulated townhome expressions are proposed to facilitate height transitions to smaller scale buildings in the surrounding area, while larger-scale building components and elements are reserved for strategic locations identified in the SPSHAS. Each composition is rooted in high-

quality materials through masonry facades accented with bays, balconies, panel spandrels and accents. Brick detailing and layered wall depth provide an authentic richness with a solid-void ratio appropriate to the Old and Historic District. Varied window sizes and patterns are used throughout to deliver further differentiation.

(c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape, or environs.

**Response:** In addition to a high-quality building design, the new development will contribute to the neighborhood through buildings that address the street with enhanced streetscapes and public open spaces. The proposed urban design will create a place that engages the residents in the new buildings and those of the surrounding area while promoting a feeling that the new buildings and streetscape are an extension of the existing city fabric. The buildings themselves embrace the street, creating a street wall characteristic of Old Town, while layering in identifiable elements through walk-up residential entries, bays, gateway elements and signature facades. Pedestrian friendly streetscape improvements, including new sidewalks, lighting, landscaping and street trees, as well as the creation of additional on street parking, will promote enhanced access to amenities and services in the neighborhood. A publicly accessible mid-block mews, reminiscent of public alleys and arcades that connect blocks throughout Old Town, is planned for Block 1. The mews breaks down the scale of the building and provides an additional pedestrian connection between S Patrick Street and S Alfred Street. A redesigned Wilkes Street Park will become a centerpiece of the development and will provide the larger neighborhood with improved open space for passive and active uses accessible to all ages and abilities. A raised crosswalk will be provided at the intersection of Wilkes Street and S Alfred to further connect the park across the two blocks and serve as a traffic calming strategy at that location. The park will also serve as an opportunity to incorporate the rich history of the area through interpretive design elements.

(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.

**Response:** As described in the response to 10-105(A)(2)(b), the proposed architectural design of each building takes inspiration from the tradition of the OHAD through its response to the adjacent context of the existing surrounding structures. As discussed during the BAR Concept Review process, much of the immediate vicinity is made up of predominantly non-historic residential buildings constructed in the late 20th century. However, the proposed textures, materials, colors and design still acknowledge the scale and character of those buildings to more appropriately blend with the neighborhood. That said, the few historic buildings that were identified in the area have been thoughtfully considered in the design. As an example, the proposed aesthetic for the northeast corner of Block 1 is purposefully understated to further highlight and recognize the historic significance of the residence across the street (827 Wolfe Street). Throughout each block, a thoughtful use of varied building materials and colors provide a diverse streetscape seen in the adjacent context and within the Old and Historic District as a whole.

- (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 structure in the immediate surroundings.

**Response:** While the existing structures on site are to be demolished, as noted above the form, scale, materials, architectural style and details of the proposed buildings are compatible with the fabric of historic buildings in the surrounding area as well as the historic buildings that previously existed on the site.

Once the site of a large structure associated with a tannery and lumber yard fronting the Wilkes Street rail line, the Block 1 corner of S Alfred Street and Wilkes Park was reconsidered through a traditional building form inspired by notable nearby buildings such as the Campagna Center and the Torpedo Factory through an expressed structure of richly detailed brick piers, gridded muntin windows and metal panel infill spandrels. A formal symmetrical entry with a canopy and an accentuated parapet height was rotated to Alfred Street to better relate to the entry condition on Block 2 across from it.

Further north along Alfred Street, the Block 1 townhome expression was redesigned with an architectural style and rhythm resembling other traditional residential streets within the historic district. Based on the Applicant's research of the history of the site, these townhouse-style elements relate back to the row of townhouses that previously existed along Alfred Street. Varying color, bay height, pattern, and detail define the feeling of individual homes with unique walkup entry conditions while maintaining a similar cadence along the streetscape. In response to feedback from staff and the BAR, the Applicant has refined the design of these townhouse elements to include greater variation at the street level, include arched elements above windows, establish greater height variation, and add angled projecting bay windows. Inspiration for the townhouse elements may be found in many examples throughout Old Town, as evidenced by the precedent images included with the Applicant's submission.

At the southwest corner of Block 1, the 6-story building was further refined to stand on its own with a more traditional base, middle, top registration characteristic of a commercial building found in the historic district. The light brick composition is accented with brick banding, jack arch headers, dark vertically proportioned bays, and a pronounced cornice. Window patterns and groupings were refined to further differentiate this piece of the building from the light brick language further north along S Patrick. In response to feedback from staff, the Applicant removed the initially proposed second story Juliet balconies from this corner of the building to further emphasize the base of the building and better accentuate the base, middle, top composition. Examples of similar building scale with this base, middle, top organization can be found at the former Hotel George Mason (699 Prince St), the office building at 312 S Washington Street (currently being converted into a multifamily residential building), and 815 King Street, all of which are six-story buildings.

The Block 2 residential entry corner of S Alfred and Wilkes Street Park shares many of the same characteristics as described as inspiration in item (e)(3) above. This building serves as another example of an identifiable base, middle, top hierarchy. An appropriate solid to void ratio of masonry wall to punched opening maintains the traditional Alexandria character. In response to feedback from staff and the BAR, the initially proposed metal corner bay elements were reduced in scale to help transition height and mass, and replaced with a brick material to create a more

traditional appearance and better integrate with the main building entrance. Additional detail was incorporated in the form of brick banding, patterns, and jack arch headers.

Further north along Alfred Street, the two pairs of townhomes were revised to further differentiate them with unique brick details, window patterns, and architectural features. The two pairs are an identifiable building pattern throughout much of Old Town where residential properties were constructed in small groupings of the same or similar character. This can be seen just around the corner in a few historic forms at 716-718, 710-712, and 801-805 Wolfe Street, as well as 719-721 Gibbon Street.

The Block 2 garage entry at the north end of Alfred Street was redesigned to feel relatable to a small commercial building or firehouse found in Alexandria. Traditional brick features, proportions, and window patterns were inspired from such built examples as the Prince Street Fire Station (317 Prince Street) and the Old Town Theater (815 King Street).

- (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.

**Response:** This standard not applicable, as the property is not located on 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.

**Response:** The proposed redevelopment of the Heritage at Old Town recognizes the significance of the site historically referred to as “The Bottoms,” an African American settlement established around the turn of the 19th century. Through an archaeological report produced this past year, a depth of information was uncovered revealing compelling details on the site’s rich history. As noted above, the southern portion of Block 1 once included a large-scale building associated with the lumber yard and tannery that previously existed. The Applicant’s research further revealed that a row of townhouses once existed along S. Columbus Street, similar to the townhouse-style elements that are currently proposed. In coordination with staff, the Applicant intends to convey the history of the Bottoms and the historic use of the site through the display of public art and other interpretive design elements both in and around the buildings, as well as within the vision for the redesigned Wilkes Street Park.

- (h) The extent to which the building or structure will preserve the memorial character of the George Washington Memorial Parkway.

**Response:** This standard is not applicable, as the property is not located on 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.

**Response:** While located at the periphery of the Old and Historic District in a neighborhood developed with predominantly non-historic buildings, the proposed buildings acknowledge the historic character of Old Town through the use of contextually appropriate materials, building elements and design as described above. As noted previously, the aspect of this standard related to preservation of the memorial character of the George Washington Memorial Parkway is not applicable.

- (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.

**Response:** The Heritage at Old Town redevelopment will promote the general welfare of the City and its residents through the preservation and creation of desperately-needed affordable housing. The residential development will create opportunities for current and future City residents at a range of household income levels to live in Old Town and take part in the cultural, recreational and social experiences that this part of the City has to offer. The redevelopment of the property with high-quality new buildings, enhanced streetscape, and open space will enhance real estate values and the living experiences for future residents and residents of the surrounding neighborhoods. Through the installation of interpretive elements as discussed above, the development will encourage interest in the history of the site and the surrounding area. The Applicant's proposal realizes the vision set forth in the SPSHAS, and advances one of the City's most critical objectives through the preservation and creation of affordable housing in the heart of Old Town.

## **Conclusion**

The Heritage at Old Town redevelopment is a critically important project for the City for a number of reasons. First, it represents the first step toward the realization of the vision set forth in the SPSHAS, which was established to advance the City's primary policy goal of preserving and creating affordable housing in Alexandria and, specifically, this neighborhood in Old Town. Second, this project is the first implementation of the Residential Multifamily (RMF) zoning category – a tool that was created as a direct result of the SPSHAS to incentivize the provision of deeply subsidized affordable housing in exchange through the allowance of additional density<sup>1</sup>. Notably, this project also utilizes the provisions of Section 7-700 of the Zoning Ordinance,

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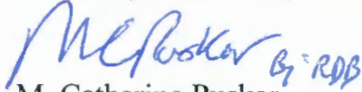
<sup>1</sup> In recognition of their efforts associated with the SPSHAS and the RMF Zone, the City of Alexandria Office of Housing and Department of Planning & Zoning were recently named recipients of the Urban Land Institute's Robert C. Lawson Housing Policy Leadership Award for 2021. The Lawson Award is issued annually in recognition of state and local policy initiatives that support the production, rehabilitation or preservation of workforce and affordable housing.

another long-established zoning tool expressly referenced in the SPSHAS that has been utilized by the Applicant to achieve bonus density and height in exchange for the provision of affordable housing. Finally, and perhaps most importantly, the Heritage at Old Town project represents an opportunity for the current residents of the Heritage and future residents of the proposed development at a range of income levels, to live in the heart of Old Town and take part in the cultural, recreational and social experiences that the City has to offer.

For each of the reasons specified above, the BAR erred in its denial of the Certificate of Appropriateness application. The Applicant respectfully requests that City Council reverse the BAR's decision, approve the Certificate of Appropriateness, and allow the developer to move forward with the development of the project that Council approved in February 2021.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

  
M. Catharine Puskar

cc: James Simmons  
Caleb Ratinetz  
Robert D. Brant