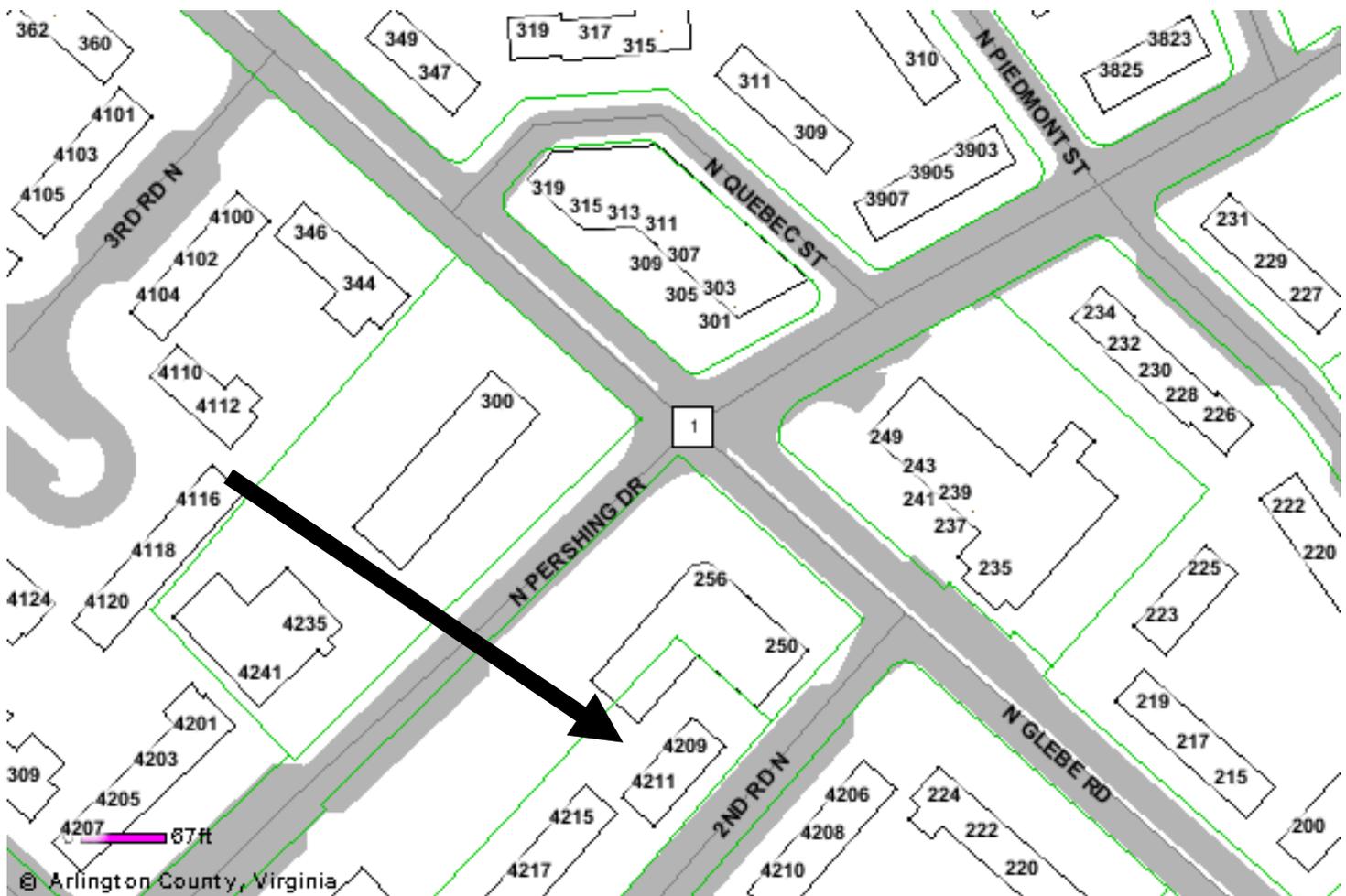


Historical Affairs and Landmark Review Board

Arlington County, Virginia

HALRB Case 13-33 (HP1300036)



- A request by Number Nine Corporation, owner of the Buckingham Shopping Center, to
- 1) Construct a section of wrought iron fence on boundary line between Buckingham Shopping Center and Gates of Ballston;
 - 2) Remove paved walkway and replace with turf;
 - 3) Install security camera on Buckingham Shopping Center. in the Buckingham Historic District.

For DRC (*circle those present*): **Robert Dudka, Charles Craig, Charles Matta, Darren Hannabass,**

For Arlington County (*circle those present*): **Cynthia Liccese-Torres, Rebecca Ballo, John Liebertz**

Case #13 - 33 Agenda Item # No 5

Application Complete

Application Incomplete

Applicant(s): Jenco Group

For Applicant(s): Evan Pritchard

(See attached application for applicant, address, name of property and property description, drawings, photographs, and proposed scope of work.)

Design Recommendations:

1. Prefer mounting on brick, darker color, provide spec.
2. No opinion at this time regarding path/gate.

Findings:

Return to next DRC meeting

Send to HALRB (see below for recommended actions)

If sent to HALRB, recommended action is:

Place on consent agenda

Place on discussion agenda:

Recommend approval of CoA, with DRC design recommendations and/or additional information provided

Recommend deferral of ruling on CoA (explanation):

Recommend denial of CoA (explanation):

No recommendation.



CERTIFICATE OF APPROPRIATENESS STAFF REPORT

TO: HALRB

FROM: Rebecca Ballo, Historic Preservation Planner

DATE: December 11, 2013

SUBJECT: 250, 256 North Glebe Road; 4200 N. Pershing Drive (Buckingham Shopping Center);
4180, 4207 N. Pershing Dr., 4209, 4215, 4223 2nd Road N. (Gates of Ballston)
Case 13-33, Buckingham Village Historic District

This is a request for revisions in the Buckingham Historic District. The revisions to the Buckingham Shopping Center (CVS parcel) include the following:

1. Installing a security camera on the Buckingham Shopping Center near the southwest corner of the building; and
2. Removing a portion of paved walkway located in the southeast portion of the parcel that leads to the Gates of Ballston complex and replacing the walkway with turf.

The requested revision to the Gates of Ballston property adjacent to the CVS is as follows:

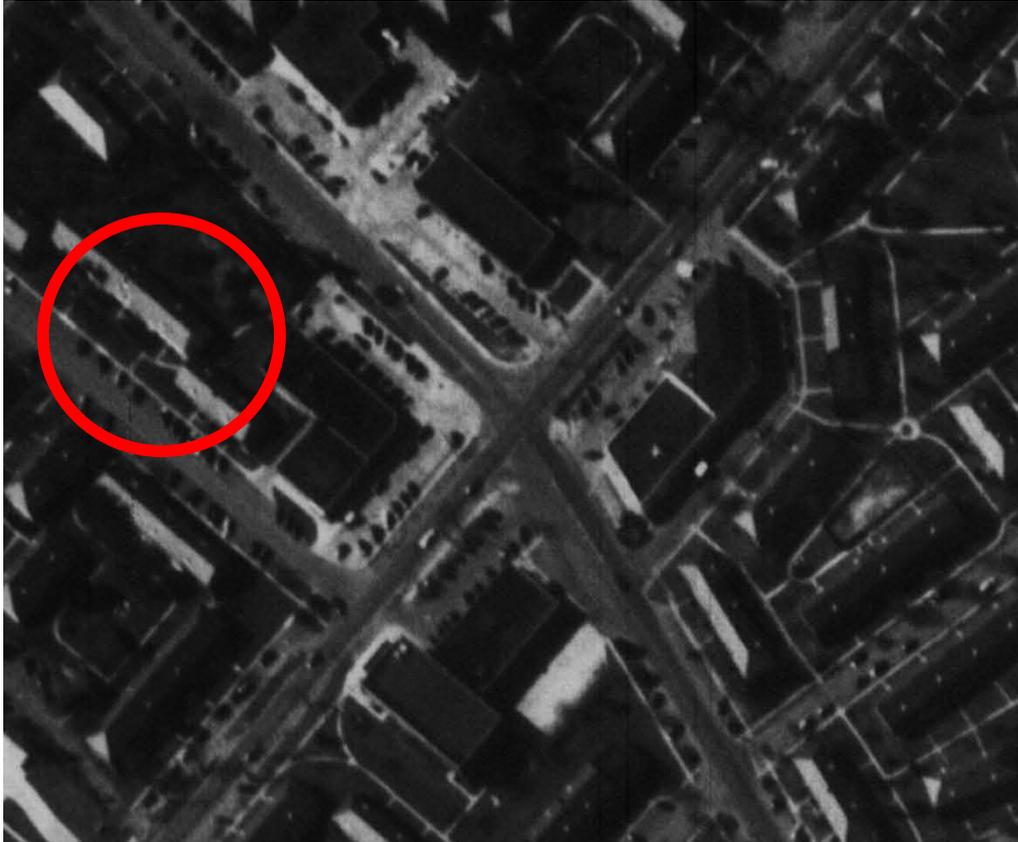
1. Constructing a section of wrought iron fence on the boundary line between Buckingham Shopping Center and Gates of Ballston; and
2. Removing a portion of paved walkway that leads from the Gates of Ballston complex to the CVS parking lot and replacing the walkway with turf.

The DRC had no objections to the request for a security camera. The DRC asked if it could be located on the south elevation of the building or on the corner instead of the west elevation as proposed. The applicant stated that they could explore that option. Staff has no objections to any of the locations for the camera (south elevation, corner, or west elevation). The stone facing on the west elevation is an alteration to the building from the 1960s and is not original. Staff recommends that any lag bolts or other mounting hardware should be drilled into the mortar and not into the brick or the stone. The DRC also asked if the color of the camera could be darker brown or bronze so that it is not readily visible. The DRC also noted that HALRB cannot regulate color, but asked the applicant to consider a color other than white. The applicant agreed to look into this change.

The enclosure of the fence was raised in a previous CoA request by AHC, Inc., owners of the Gates of Ballston community, as part of the building renovation project back in 2007. The HALRB meeting minutes from that CoA case are included at the end of this staff report. At the time, a long section of fence was approved in the back of the CVS building, but an opening was left where a path cuts between 4215 and 4211 2nd Road North. This path allows access from the back of these apartment buildings to the parking lot behind the CVS. In 2007, AHC had requested one continuous length of fence to deter trespassing and littering that was occurring between the properties, via this footpath. These issues have not abated in the past six years since the CoA case was first heard. As part of the current submission, the owner of the Buckingham Shopping Center has included a letter from AHC stating they support the request to close this portion of the fence. The owner has been cited numerous times by the Historic

Preservation Code Inspector for litter and other violations that have been occurring in this area between the buildings.

This is the earliest image available of the path and the Shopping Center. The path itself is clearly visible on a 1949 aerial photograph of the area, circled below.



The issues are whether or not the proposed enclosure of the fence, and the removal of this path, are considered historically appropriate alterations to the Historic District. While the path and access have existed since the 1940s, there was no access easement granted to allow traversal between the two properties. If the path were to be closed, there would still be easy access to the Shopping Center for residents of the community via North Glebe Road. The trash, litter, and unsafe conditions that currently exist between the buildings are not appropriate for the district, and closing the access may be one way to remedy the condition. If conditions improve in the future, then the access could be restored. The issue of open circulation within the Villages has been raised numerous times over the years in regards to trespassing, litter, and the historically open nature of the garden apartment complex. While open access within and between the apartment super blocks is encouraged by the *Design Guidelines* for the District, the issue of pedestrian access between the residential and commercial core is not addressed.

The DRC had no recommendation on this application and asked that this case be placed on the discussion agenda for the December 18, 2013, HALRB meeting.

Given that the fence is located at the rear of the CVS building and this path is not a main thoroughfare or access point for the Gates of Ballston community, staff finds that the proposed fence enclosure does not prohibit access to the complex, nor would it detract from the historic sense of open space that is important to the history of Buckingham. Although not part of the original landscape design, the existing



fencing on the property helps define the open spaces throughout the complex and directs the flow of pedestrians throughout the community. As such, one could view the existing fencing as a temporary and removal aspect of the landscape.

As a compromise solution to the proposal, staff suggests that the HALRB consider the appropriateness of enclosing this section of the fence with an operable gate instead of a stationary unit of fencing. The gate could provide limited access to the area with a lock, requiring keys or a combination to gain entry. Although maintaining the lock would require regular upkeep, the presence of the gate could help reduce the current maintenance and safety issues affecting this specific corner of the property. A gate would not entirely prohibit access into and out of this area and could be incorporated into the existing fence. Installing a gate in this location also would have less of a physical impact to the historic landscape and allow the existing path to remain.

Staff encourages the HALRB to consider its proposed compromise solution, as well as any other solutions it deems as historically appropriate alternatives. Staff finds that the application meets the intent of the *Buckingham Village Design Guidelines* and recommends approval.

Excerpt from the Approved Minutes of the September 19, 2007 HALRB Meeting

1) Gates of Ballston

John Welsh for AHC, Inc.

Buckingham Historic District

HALRB Case 07-28

Request to add seven new fences, one additional walkway adjacent to Community Center, and to make one landscape modification.

The Chairman noted the applicant was present and invited John Welsh of AHC to present the application. Mr. Welsh stated that there is considerable cut-through traffic on the five kneewalls, which is damaging the existing shrubs. AHC is proposing new wrought iron fences, one long fence behind the Glebe Market, and one piece of fencing behind Building 38 (see photograph 7 in the submission packet). He explained there are Gates residents here tonight to speak in support of the proposed changes. He then explained the existing and proposed walkways. Mr. Craig expressed his support of the hollies already planted.

Mr. Craig gave the DRC report (Mr. Dudka had not yet arrived). The DRC questions are mainly with the already approved fences. AHC has provided some much improved plantings. Ms. Alsmeyer-Johnson also remarked that the images in the current submission are better and lower-scaled than what they reviewed at the previous DRC meeting, further adding that she thought the taller fences looked better proportionally.

Mr. Leventhal provided the staff report. The HALRB had asked for extensive landscaping and to preserve the pastoral aspect of the area as part of this project at the beginning of the review process. AHC had provided a plan that took into account the HALRB's remarks. It should be noted that the historic open space has many modern items that have been approved for this landscape, such as benches, tot lots, bicycle racks, and trash collection points. The fences, from the staff perspective, do not adversely affect the original landscape scheme.

The Chairman invited the public speakers to come forward.

Speaker: Lois Athey, Executive Director, BU-GATA Tenants Association

- She passed out a letter to the Board and read portions of it aloud for the record.
- She recounted a brief history of fence discussions at Gates and said these were not brought to the BU-GATA working groups.
- The tenants appreciate the open spaces, but the locks [on the entrance gates] do not work well in Phase I.
- The concerns of the tenants (they spoke with residents of Gates of Ballston, Buckingham Village, and Arlington Oaks) are as follows:
 - o “1) While tenants differ on their views, in general, tenants believe that the fences provide additional security at night. This includes both tenants who drive and those who do not have cars.
 - o 2) Tenants also state that they appreciate the fact that the Gates of Ballston complex had a lot of open spaces and they recognize that this is no longer the case.
 - o 3) Tenants feel that several of the locks do not work (especially in Phase I). One of the locks has been dismantled by Management.
 - o 4) Many tenants do not know the codes for the gates.
 - o 5) Tenants feel that they were never consulted about the gates, particularly the additions.
 - o 6) Tenants like walking through the complex and those who use public transportation particularly like access off of Glebe and Pershing where the buses stop.
 - o 7) Tenants believe that the gates were erected because it was part of the ‘historic’ renovation required for the property.”
- BU-GATA’s recommendations are as follows:
 - o 1) Leave open gates at the long fences constructed off of North Pershing (one in Phase I between CVS and the Gates of Ballston apartments that front on North Pershing and the other proposed for the area between Glebe Market and the back of El Paso Café).
 - o 2) Remove locks on all the gates and just leave the open doors. That would provide security and make it easier for people to walk through without having the barrier of locked gates. The locked gates are difficult for children and those who do not know the codes. Many children have to go behind the locked gates to store their bikes in the bike racks which for the most part are located behind locked gates.
 - o 3) Do not construct the gate that AHC wants to build behind the trash compactor behind 2nd Road. This will create a dead space that is unsightly and makes it difficult for tenants to walk conveniently from North Thomas to the dumpster to throw away their trash.
 - o 4) Require AHC to put bushes in front of the low retaining walls and not build fences on top of the walls.
 - o 5) Do not approve a longer version of the permanent fence behind Glebe Market. If the approved fence is built, require AHC to leave an open gate for easy passage between North Pershing and 3rd Road. If AHC is worried about cow paths, they should build an additional sidewalk between the parking lot behind Glebe Market and the 3rd Road entrance. This entrance is used widely by residents walked [sic] from North Pershing and from Glebe Market.

Speaker: Willians Silva, President, BU-GATA Tenants Association

- He provided his testimony in Spanish while Ms. Athey translated in English.
- Remember that this is a project that Franklin Delano Roosevelt did. FDR did not think about enclosing this space, instead he thought about freedom.
- He walks from the Ballston Metro. This is my neighborhood, my family’s neighborhood.
- My opinion is that I want no fences.



- As I watch the displacement of my neighbors, I feel we are closed in more and more. It is my view and my family's view.
- We do not know what has happened to AHC. There are many changes and we are not consulted.
- We want the best for this community and to keep working with AHC – work to keep the historic nature of the complex and the ideals of FDR.

Speaker: Carrie Johnson, Arlington resident/concerned citizen

- She regrets that any fences were ever approved.
- The pattern [of fencing] is inconsistent and the rationale about fencing and security is inconsistent.
- She wishes this would be looked at more strategically.
- The one fence at the parking lot behind CVS is a real barrier to the community – there should be a gap to allow better access to stores and bus stops.
- Another fence would create a dead area and a long wall.
- She suggests another look be taken.

Speaker: Vicky Sorto-Sanchez, Resident of Gates of Ballston

- The fences create a bigger obstacle to getting around the community.
- The locks [on the entrance gates] are hard to use.

Speaker: Betis Sorto-Sanchez, Resident of Gates of Ballston

- The fence along Pershing looks really bad.
- She feels isolated with the fences and gates. They make getting to her building more difficult.

Speaker: Joseph Daguilh, Resident of Gates of Ballston

- He has lived at Gates of Ballston since 1999.
- He understands the concerns about openness.
- This community is not the same. There are hundreds of people hanging out in parking lots and around buildings looking for work and they can see who is coming and going.
- He has seen illegal activity at the backs of buildings.
- What business do people have being there who do not live there?
- He is always calling the police about the crime and loitering problems.
- The fences are not a bad idea – you can still see through the fences and yards and can walk around on the streets.
- In his opinion, the fences are a good idea.

Speaker: Jennifer Jackson, Resident of Gates of Ballston

- She chose the neighborhood because she can walk to school and because it is a nice place to live.
- She would choose safety over inconvenience.
- There are people drinking and loitering on the kneewall that is outside her bedroom window. Even though she has called the police, it still happens.

- Safety is important to her as a single person – has seen broken glass in back and around playground.

Speaker: Benjamin Van Wormer, Resident of Gatehouse Condominium

- He is a board member of the Gatehouse Condo community.
- He is here to speak in support of the fence at Building 38 for safety reasons.
- An open area encourages people to trespass on private condo property.

Speaker: Audrey Johnson, Site Manager, Gates of Ballston

- Management is trying to prevent flow of traffic behind the buildings, loitering on the low walls, and walking on the lawns.
- They are also trying to direct the [pedestrian] traffic. She is supportive of the fences and believes that the community does also.

The Chairman then invited members of the staff and Board to share their comments and observations. Ms. Terreros-Oronao stated that most of the cut-through traffic she has seen while at the site is coming from people that she believes do not belong in the community.

Ms. Iacomini asked staff if there is still a redevelopment proposal in the works for the Buckingham commercial area. Mr. Leventhal confirmed there was a proposal being developed. Ms. Iacomini asked the Gates Management staff why residents have to go through gates to access the laundry facilities. Ms. Audrey Johnson replied that residents do indeed have access to open pathways to access the laundry rooms. There was some discussion as to where the paths and laundry facilities were located. Ms. Iacomini expressed that there may be some access issues on the south side of the complex.

AHC is open to leaving the opening in the fence in back of Glebe Market.

Mr. Craig asks about the flow of pedestrian traffic near Buildings 43 and 44.

The Chairman reminded the Board that what they are here to discuss and deal with tonight is the current CoA request. He also disagreed with the comment in the staff report that states fencing does not detract from the historic appearance of the community. He further remarked that the community itself seems to be split on the fencing issue.

Ms. Iacomini said she agrees that some things have been approved that subtract from the historic character of the complex and she understands how hard it is to deal with the unique situation of a tenant community.

Ms. Lawrence asked the age of the existing kneewalls. AHC, Gates management staff, and preservation staff did not know the answer.

Ms. Iacomini offered a motion as follows: that the HALRB approve the installation of five fences (excluding the two longer ones), the new walkway, and the smaller diameter hollies that already have been planted. Mr. Laporte seconded the motion. Ms. Alsmeyer-Johnson amended the original motion by stating that all of the fences will have a total height of 65”, with or without landscaping around the fences. Mr. Laporte seconded the addendum. However, Ms. Iacomini asked Ms. Alsmeyer-Johnson to take back her amendment, which was then retracted.



HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD
ARLINGTON COUNTY, VIRGINIA

Ms. Iacomini then retracted her original motion and made a new motion: that the HALRB approve the installation of the five new fences (excluding the two longer ones), the new walkway, the smaller diameter hollies that already have been planted, with the total height of the fences to be used on the kneewalls equal to 65” in height, and with barberries planted as landscaping for the fences. Ms. Alsmeyer-Johnson clarified that the fence height is equal to the total height of the retaining wall plus the fence. The motion was seconded by Mr. Laporte. The motion was passed by a vote of 6 to 3 to 1. All in favor were Ms. Hauck, Mr. DeBor, Ms. Iacomini, Mr. Craig, Ms. Alsmeyer-Johnson, and Mr. Laporte. Those opposed included the Chairman, Mr. Dudka, and Ms. Lawrence. Ms. Bobeczko abstained, having arrived at the meeting in the middle of the discussion.