



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT

Neighborhood Services Division

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DRAFT

MINUTES OF THE HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD

**Wednesday, October 19, 2016
2100 Clarendon Boulevard
Lobby Rooms Cherry and Dogwood**

MEMBERS PRESENT: Charles Craig
Robert Dudka
Gerry Laporte
Joan Lawrence, Chairman
Charles Matta, Vice Chairman
John Peck
Tova Solo
Sara Steinberger
Mark Turnbull
Kevin Vincent
Andrew Wenchel
Richard Woodruff

MEMBERS EXCUSED: Carmela Hamm
Mitchell Zink

STAFF: Cynthia Liccese-Torres, Historic Preservation Coordinator
Rebecca Ballo, Historic Preservation Planner
John Liebertz, Historic Preservation Planner

ROLL CALL & CALL TO ORDER

The Chairman called the meeting to order at 7:33 pm. Mr. Liebertz called the roll and determined there was a quorum.

APPROVAL OF SEPTEMBER 21, 2016 MEETING MINUTES

The Chairman asked for any changes or corrections to the September 21, 2016, meeting minutes. Mr. Laporte noted that he digitally submitted comments to staff. Mr. Liebertz replied that he received the comments and the minutes would be updated to reflect Mr. Laporte's corrections. The Chairman called for a motion. Mr. Matta moved to approve the minutes as amended. Mr. Laporte seconded the motion and it passed 11 to 0 with Mr. Dudka abstaining.

PUBLIC HEARINGS FOR CERTIFICATES OF APPROPRIATENESS (CoAs)

The Chairman reviewed the public hearing procedures. She stated there were five items on the consent agenda and called for a motion. Mr. Laporte moved for approval of the items on the consent agenda as submitted. Mr. Matta seconded the motion and it passed unanimously. Mr. Liebertz noted that there were no Administrative Certificate of Appropriateness applications this month.

CONSENT AGENDA:

1. Arlington Historical Society
5620 3rd Street South
CoA 16-19A (HP1600055)
Request to install a stone outline marking the location of a demolished addition.
2. Twisted Vines Bistro, LLC (on behalf of Darcy LLC)
2900 Columbia Pike
CoA 15-06B (HP1600061)
Columbia Pike Form Based Code Area
Request to enclose trash receptacle with a fence and add a rooftop pollution control unit on the roof.
3. Carol Rickard-Brideau & Scott Brideau
3210 23rd Street North
CoA 14-06B (HP1600062)
Maywood Historic District
Request to replace the existing asphalt shingle roof with an architectural shingle and replace the asphalt shingle roof on the one-story side addition with standing seam metal.
4. Chris & Liz Rugaber
3500 21st Avenue North
CoA 16-22 (HP1600063)
Maywood Historic District
Request to replace the existing asphalt shingle roof with an architectural shingle.
5. Melissa Paul
2911 22nd Street North
CoA 16-23 (HP1600064)
Maywood Historic District
Request to screen-in front porch.

ADMINISTRATIVE COA(S): None

DISCUSSION AGENDA: None

LOCAL HISTORIC DISTRICT DESIGNATION HEARING: ROBERT BALL SR. FAMILY BURIAL GROUND

The Chairman welcomed the participants and thanked individuals who submitted letters or emails. She requested that all individuals limit their comments to three minutes for individuals and five minutes for persons representing an organization. The Chairman reviewed the process for local historic district designation hearings. She added introductory comments and noted that affordable housing and historic preservation are not at odds. She concluded with stating that the HALRB will be examining a very small section of the overall site to determine if it meets the requirements for local historic district designation as outlined in the Arlington County Zoning Ordinance (ACZO).

Ms. Ballo, Arlington County Historic Preservation Planner, presented the local historic district designation request for the Robert Ball Sr. Family Burial Ground located on a portion of 4201 Fairfax Drive in Ballston. In September 2016, the County staff received a request from an Arlington resident to study the Robert Ball Sr. Family Burial Ground for local historic district designation. She explained that the property is part of a site plan application that calls for the removal of the burial ground. The applicants have applied to the Virginia Department of Historic Resources (VDHR) and the Circuit Court of Arlington County for permission to remove the graveyard. Ms. Ballo's presentation focused on the following aspects: site description; proposed historic district boundary; historic significance of the site; and important dates and alterations to the property reported since the 1860s.

In summary, Ms. Ballo stated that the proposed historic district boundary consists of the open lawn area within the original one-quarter-acre graveyard parcel. She then provided background about the history of family burial grounds in the 18th and 19th centuries. Ms. Ballo detailed the lineage of the Ball family, history of the property, date of burials at the subject site, legal actions regarding the parcel, and construction activities in proximity of the site. She contended that Historic Preservation staff found that the Robert Ball Sr. Family Burial Ground satisfied five of the eleven local historic district designation criteria as outlined in the ACZO. These included Criteria B, D, H, J, and K.

Ms. Liccese-Torres, Historic Preservation Program Coordinator, introduced Dr. Paul Kreisa, a Senior Archaeologist with Stantec, who Arlington County hired as a consultant for this project.

The Chairman welcomed the representatives of Central United Methodist Church (CUMC): Mr. Boyd Sipe, Manager of Thunderbird Archaeology, a Division of Wetland Studies and Solutions, and Richard Theodore Lunger III, Senior Counsel, McGuireWoods. Mr. Sipe noted that Thunderbird Archaeology had been retained by the church to conduct archaeological investigations and to ensure that any graves present are treated in a lawful and respectful manner during proposed disinterment.

Mr. Sipe refuted aspects of the County staff's local historic district designation report, particularly the number of satisfied designation criteria. He stated that the site fails to meet any of the eleven designation criteria outlined in the ACZO with the possible exception of Criterion D. The reasons provided included removal and reconfiguration of the grave markers, disturbances and alterations to the site, lack of historic integrity and authenticity, lack of association with transcendent individuals, and its appearance post-dates the period of significance.

Mr. Lunger discussed the history of the cemetery and corresponding legal actions (1906, 1920, and 1922 deeds and chancery court records). He then addressed limits of disturbance regarding the construction of the present church building, realignment of North Stafford Street, and other potential site disturbances. He suggested that the cemetery is indistinguishable from its original 1906 appearance. Mr. Lunger described the timeline for the proposed site plan application, as well as explained the mission of the church. He added that the church and its development team met with County staff, neighborhood committees, and

other relevant organizations, and were encouraged to continue with the site plan filing process. Mr. Lunger stated that the church never received any feedback or interest in this site as a historic district, but hired Thunderbird Archaeology to ensure that the site be treated appropriately. He noted that any remains found on the site would be relocated to an appropriate site. Due to the lack of historic integrity, Mr. Lunger asked that the HALRB find that the site is not eligible for local historic district designation. Alternatively, he requested the HALRB defer the decision to a later date in order to proceed with the archaeological investigation and Site Plan Review Committee (SPRC) process.

The Chairman called the public speakers. There were 39 public speakers for the Robert Ball Sr. Family Burial Ground. The following four individuals supported the creation of the local historic district: Patrick O’Neill, Bernard Berne, Frank Demeraski, and Johnathon Thomas. The following 35 individuals opposed the creation of the local historic district: Vivian Joel (CUMC), Mochel Morris (CUMC), State Senator Barbara Favola, Amanda Basta, Cathy Bonneville Hix (CUMC), Ronald R. Coleman (CUMC), Tricia O’Hara (CUMC), David Van Patten (CUMC), Rev. Sharon Core (Arlington Presbyterian Church), Rev. Sarah Harrison-McQueen (CUMC), Kim Jernigan (Lighthouse Outreach Ministry), Leonard L. Hamlin (Macedonia Baptist Church), Gene Cross (CUMC), Jean Cross (CUMC), Rev. Matthew Smith (Calvary UMC), Kimberly Smith (CUMC), Terrance Horning (CUMC), Richard E. Cobb (CUMC), Amber Wilhelm (CUMC), Fr. Anthony Messeh (St. Timothy & St. Athanasius Church), James Watsou (CUMC), Letitia D. Van Patten (CUMC), William Hess, Kathleen Sibert (CUMC), Susan Westrup (CUMC), Erin Parker (Kinhaven Preschool), Larry Miller (United Methodist Church in Northern Virginia), Sal Ditsi (CUMC), Mary Hynes, Amy Hitchcock (Kinhaven School), Mitch Bonanno, Wendy Bodson (CUMC), Michael Foster (MTFA Architect, John Milner Associates), Paul Brown (Wesley Housing), and Steve Roberts. For additional information regarding the specific comments of each public speaker, please contact the Historic Preservation Program.

The Chairman added that historic preservation and affordable housing are two laudable goals that could be accomplished on the site. There does not need to be an either historic preservation or affordable housing only scenarios.

Mr. Vincent asked staff where 325 square feet had originated and if this was the significant portion of the property. Mr. Liebertz responded that the 325 square feet in the staff report is the approximate boundary of the six gravestones; the larger section outlined in yellow is the remaining open space of the one-quarter-acre graveyard parcel platted in 1865. Mr. Vincent confirmed that the proposed historic district boundary aligns with the larger open space. Mr. Liebertz responded that the staff recommended boundary is the larger open space (yellow boundary). This includes areas with additional potential graves, limited ground disturbance, and the potential to be interpreted as a family burial ground.

Mr. Vincent asked staff to discuss the remaining public hearing process for the site plan process. Ms. Ballo outlined the site plan process. She noted that the first round of staff comments were returned to the applicant with a number of issues (zoning, density, parking, and availability of affordable housing tax credits). She added that the SPRC process will start when staff determines the application is complete. The SPRC chair has not yet scheduled the item due to a lack of resolution on a number of issues, including but not limited to, the subject historic district designation request.

Ms. Steinberger questioned staff about the distance to the two other Ball family burial sites in Arlington County. Ms. Ballo described the locations of these sites in relation to the subject property. She added that both parcels are privately owned and relocating burials to these locations would be difficult (i.e., additional VDHR permits, CoA from the HALRB, and agreement with private owners). Mr. Lunger stated that the applicant is considering relocating any human remains at Columbia Gardens Cemetery located on Arlington Boulevard (Route 50), in proximity to other Ball family burials.

Ms. Solo questioned staff regarding the appropriateness of their proposed boundary for the local historic district in light of the legal actions on the site. Ms. Ballo responded that the proposed boundary is the remaining section of the one-quarter-acre graveyard parcel that remains relatively undisturbed. There is the potential for unmarked burials within the yellow outlined section; there are anomalies within the parking lot. The larger historic district boundary would allow for the reinternment of human remains on the site. Staff finds that this open area retains sufficient integrity of feeling, setting, and association as a family burial ground.

Mr. Laporte discussed potential scenarios regarding the relocation of graves and asked the applicant if they had plans for the grave markers. Mr. Lunger responded that the public outreach process had just started last week. There has been only one round of community feedback, but the church and development team believe that the current location is not an appropriate location for a graveyard. The CUMC would like to keep the grave markers with any relocated potential human remains. Mr. Laporte asked if there are no human remains found, would the church utilize the grave markers on site as commemoration. Mr. Lunger noted that there are no current plans, but anticipated that acknowledging the history of the site will be part of the process moving forward. He discussed potential options regarding human remains and grave markers (relocation of remains and reinternment of remains onsite).

Mr. Laporte asked Mr. Sipe if there is documented evidence of the removal of the graveyard. Mr. Sipe responded that the evidence is from oral history included in privately published church documents. Mr. Lunger discussed the oral history published ca. 1972. Ms. Ballo noted that staff requested these documents for review, but they were not provided by the CUMC. Mr. Laporte requested copies of all of the pertinent deeds and legal records.

Mr. Laporte asked staff why this cemetery was not locally designated at the same time as the other Ball family cemeteries in 1978. Ms. Ballo replied that the sites designated at that time were threatened by neglect and had broad community consensus that they required historic preservation. The CUMC owned and maintained the Robert Ball Sr. Family Burial Ground; therefore, it likely was not considered in danger of removal. Mr. Lunger added a personal anecdote regarding the Ball Family Cemetery on Washington Boulevard and the County's lack of interest in obtaining the property.

Mr. Liebertz added information regarding the availability of sources, the context of utilizing oral history as part of a record of events, and photographic evidence.

Mr. Matta asked the representatives of CUMC why the headstones would have remained in place when the graves were disinterred. Mr. Sipe stated that undertakers historically mistreated graveyards and quoted the saying "spare the bones, move the stones." He added that cemeteries were often shifted in this period by just moving the markers. There is no conclusive evidence that the bodies remain on the site, but there is photographic evidence that the markers were not present on the subject site in the 1950s.

Mr. Vincent asked Dr. Kreisa if he had a recommended plan for archaeological investigations on the site. Dr. Kreisa responded that the applicant prepared an appropriate plan for investigation of the cemetery site. Mr. Vincent asked for any other clarifications regarding the subject reports. Dr. Kreisa stated that the ground penetrating radar (GPR) data recorded a moderate to high probability for graves within the proposed 325 square foot area. The HALRB will need to consider the extent that the area should be protected given the likelihood of human remains.

Mr. Matta asked Dr. Kreisa if the GPR survey could capture potential graves, but miss the location of the sewer line traversing the site. Dr. Kreisa responded that it is highly unlikely that the survey would miss the sewer line. Mr. Sipe interjected that the GPR surveyor only searched for human remains and omitted any other information from the site. The data excluded anomalies such as sewer lines. Dr. Kreisa asked

Mr. Sipe if the surveyor retained the data when determining if anomalies were graves or other items (such as sewer lines). Mr. Sipe responded that the surveyor should have all of the data. Ms. Steinberger requested the full GPR data be made available to County staff. Mr. Sipe agreed to share the data.

Mr. Vincent appreciated the comments by the members of the congregation and thanked them for their mission. He stated that the history and significance of the Methodist church is meaningful to him on a personal level. He failed to understand, however, the dichotomy of the church members. There is the possibility to achieve the church's mission and retain part of this cemetery onsite. He stated that there is room for compromise, particularly looking at just the 325 square feet and slightly beyond that section (due to potential for additional burials). He added that there would be many opportunities to preserve part of the cemetery on site as the application changes with the site plan process. Grave markers may have been removed, but there is no historic record that all human remains were removed. Three hundred and twenty-five square feet is a minor request in the scope of the project. He believed that the HALRB, as the stewards of Arlington County's history, should forward the designation request to the County Board. He asked the CUMC to examine how to preserve the 325-square foot section of the graveyard. The church should consider the reinterment of any human remains found within the site to this small section.

Ms. Doris Gantos, a representative of Bozzuto Development, stated that the CUMC would like to pay homage to the history of the site. The significant financial impact to the project would be substantial with the proposed historic district boundary recommended by staff.

The Chairman proposed a motion:

That the HALRB recommend designation of the proposed Robert Ball Sr. Family Burial Ground, local historic district, with a 325-square foot boundary including the human remains and graves, to the County Board and without design guidelines as provided in Section 11.3.4.6 of the Zoning Ordinance. I further move that the HALRB find that the proposed Robert Ball Sr. Family Burial Ground meets five criteria, namely Criteria B, D, H, J, and K, for historic designation as set forth by the Zoning Ordinance in Section 11.3.4, and that the time required to develop design guidelines for the proposed local historic district poses a substantial risk that historic resources would be damaged or destroyed.

Mr. Vincent seconded the motion. The Chairman opened the motion to discussion.

Ms. Steinberger suggested that it is premature to move forward with a recommendation pending additional investigation and studies. This is an opportunity to work with the community and determine a compromise. She appreciated the Chairman's motion that called for designation of only the 325-square-foot section and not the entire open area.

Mr. Woodruff commended the CUMC for its community mission. He noted that there is common ground and that there should be a way to protect the sense of history at the site.

Mr. Matta requested clarification regarding the size of the proposed local historic district. He offered an amendment to the motion, requesting that the board exclude the air rights above the proposed 325 square foot boundary. Ms. Solo seconded the motion. She added that historic district designation does not mean that the local district remains static, but simply requires design review by the HALRB. She discussed the potential for outside grants and funding.

Mr. Lunger commented that there is a series of options dependent on the outcome of the archaeological study. In his opinion, the historic designation attempt has stopped the public process and County staff has

not scheduled an SPRC process. The unknown, however, should not derail the project. He added that there are catastrophic financial effects with any delay. Ms. Ballo clarified that the applicant is not simply waiting on the outcome of the local historic district designation request, but other items/processes with the site plan application still remain unresolved.

Mr. Laporte stated that local historic district designation is premature at this point and preferred to defer the item. He associated himself, however, with Mr. Vincent's comments. He asked Mr. Lunger if he would choose for the HALRB to vote to recommend designation of the graveyard or defer the item. Mr. Lunger responded that he preferred that the HALRB defer the item to allow for the SPRC process to start and for the team to present a variety of contingency plans based on the results of the archaeological investigations.

The Chairman asked staff if there are any guarantees that the SPRC process would start if the HALRB deferred. Ms. Ballo replied that there are no guarantees. She clarified that the development team's request to proceed with archeological investigations means the exhumation of human remains. This would remove all historic and archaeological integrity that the site might retain. Mr. Laporte asked how the HALRB's decision would alter that outcome. Ms. Ballo responded that the HALRB would have purview over the site per the CoA process if it becomes a local historic district.

Mr. Lunger discussed the public process for the preliminary site plan and final site plan processes. He stated that the County staff failed to make comments to the preliminary site plan until the issue of historic district designation arose. Ms. Ballo offered to provide a separate full briefing regarding the quality of the applicant's submissions over the last six to nine months if the HALRB finds such information appropriate to this hearing.

Mr. Woodruff asked a hypothetical question. If the property was designated as a local historic district, would the HALRB recommend disturbance of the area to determine if there are in fact human remains? Ms. Ballo stated that the removal of all human remains and associated artifacts is not a sound preservation strategy for an archeological or historical site.

Mr. Wenchel stated that he does not believe that the site meets Criterion K of the ACZO due to a lack of historic integrity. He noted that the HALRB lacks sufficient information to make a recommendation for local historic district designation. At this point, he would not support the motion.

Mr. Laporte agreed that there is a lack of information to designate the site as a local historic district designation and requested deferral. He stated he did not support the motion and requested a motion that the item be deferred. The Chairman stated that the original motion submitted needs to be addressed first.

Mr. Dudka preferred to defer the item due to a lack of information. The HALRB does not know the level of disturbance at the site. He recognized the historic importance of the site, but recognized that alterations to the graveyard may have impacted its historic integrity. He preferred to see additional information on the building plans as well. Mr. Dudka stated that these cases are not usually considered in a vacuum and there is likely a design solution that accomplishes the aims of the CUMC as well as historic preservation interests. Due to the number of unknowns, he prefers to defer the motion.

Mr. Vincent stated that recommending historic designation does not limit design options. All it means is that the CUMC does not have unilateral authority over the site.

Ms. Steinberger suggested that the appropriateness of local historic district designation does not hinge on the continued presence of human remains. The site retains its historic essence and importance as a component of the built environment since the early twentieth century.

Mr. Peck asked for the disadvantage of deferring the item. The Chairman stated that the historic preservation overlay needs to be resolved to start the SPRC process. Mr. Lunger disagreed. Mr. Woodruff stated that deferral would not serve any party.

Mr. Craig stated that it is unfair to the applicant, county, and historic preservation, to defer items to a later date. Either the Robert Ball Sr. Family Burial Ground is historic or it is not. He added that the HALRB is simply recommending to the County Board, who has the ultimate decision, if the designation criteria are satisfied.

The Chairman called for any final comments on the original motion. Ms. Ballo reread the motion with the earlier amendment from Mr. Matta. Mr. Lunger requested clarification to the amendment and that it include the land beneath the graveyard (an area proposed for parking). Mr. Dudka disagreed with the amendment and found no compelling reason to limit the design options. Mr. Matta stated that limiting the impact of local historic district designation to a certain height might alleviate the CUMC concerns regarding economic feasibility. The Chairman stated that the board typically defines boundaries within two dimensions.

The Chairman reread the motion and the amendment (vertical extent of the boundary). The board voted 3 (Woodruff, Matta, Solo) to 9 (Laporte, Peck, Lawrence, Craig, Dudka, Wenchel, Steinberger, Turnbull, and Vincent) against the amendment and it failed. The board moved to approve the Chairman's original motion 8 (Lawrence, Woodruff, Laporte, Dudka, Vincent, Turnbull, Solo, and Craig) to 2 (Wenchel and Peck), with two abstentions (Steinberger and Matta). The Chairman added final remarks and thanked all participants.

HISTORIC MARKERS: BLUE GOOSE

The Chairman welcomed the representative of the applicant, Ms. Megan Pierce, Shooshan Company. Ms. Pierce distributed an updated version of the proposed text for the historic markers. She introduced the project and thanked Mr. Bernard Berne for corrections to the transportation markers. She noted the materials of the historic markers. On each marker, the three panels on the left would be salvaged panels from the Blue Goose and the two on the right would be acrylic.

Mr. Liebertz stated that the historic markers would be returning to the HALRB in November. Therefore, there is still the opportunity to review the markers and return comments. Ms. Pierce noted that there is a three-month window to order the markers to and receive the Certificate of Occupancy permit on schedule.

The Chairman suggested that the HALRB ask any basic questions, but review the language at home and return any additional comments in a timely manner.

Mr. Laporte thanked Mr. Berne for his comments and requested that an electronic copy of the updated text be circulated to the board.

Ms. Steinberger complimented the markers' aesthetic appearance.

Mr. Matta shared concerns that the lettering is small and asked if the height/size meets the ADA requirements. Ms. Pierce stated that she would bring true-size markers to the board in November and would confirm that the markers comply to ADA standards.

Mr. Laporte noted that the “Brief History of Ballston” photograph has an image of the Ball-Sellers House in Glencarlyn. He recommended removal of that photograph as it is not near the site and instead suggested using a historic photograph of Ballston.

Mr. Peck shared concerns about the font and its readability on background images.

The Chairman called for public speakers. Mr. Bernard Berne stated that each of the historic markers must discuss the site’s transportation history to comply with the approved site plan conditions. He recommended the removal of the “History of Ballston” marker and the “Metro” marker. Mr. Berne sent suggestions to Ms. Pierce, recommending photographs and archival information that discuss the history of the trolley system. He discussed a number of other factual errors in the markers.

Mr. Liebertz presented the staff report. He stated that there is already a County historic marker on the site dedicated to the Lacey Car Barn. He added that the four proposed markers (one on general history, roads, streetcars, and Metro) meet the greater site transportation history and add historical context to this intersection/area.

The Chairman thanked the applicant and apologized for the long wait this evening. She added that the board’s comments would be collated and shared with the applicant in early November.

REPORTS OF CHAIRMAN, STAFF AND STANDING COMMITTEES:

The Chairman discussed the schedule for the Westover Local Historic District hearing on November 30, 2016. Ms. Liccese-Torres stated that staff reserved the auditorium at Swanson Middle School, but the board needed to decide on a time to begin the meeting. The Chairman noted that the HALRB needs a quorum for the length of the meeting. The board decided on a 6:00 PM start time.

Regarding the Westover Local Historic District, Ms. Liccese-Torres stated that staff recently received a petition of opposition with 322 signatures; 277 were property owners within the study area.

The Chairman stated that Sarah Steinberger and Mark Turnbull (backup) will represent the HALRB for an upcoming study at Washington Boulevard and Kirkwood Road.

Mr. Liebertz updated the HALRB regarding Broadview. The applicant returned to the DRC for the committee to review plans regarding the appropriateness of the approved screened-in porch design instead of a detached screened-in porch. The Board of Zoning Appeals staff requested that the HALRB review such an application as the current proposal fails to conform to the maximum main building footprint allowed in R-6, but a detached screen porch would be a permissible by-right option. The owners of the dwelling are asking the HALRB to write a letter of support for the CoA approved by the HALRB and that a detached screen porch would be inappropriate to the historic district. The board members agreed to draft a letter of support.

The meeting adjourned at 12:07 am.