

**DRAFT MINUTES OF THE  
HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD  
Wednesday, September 15, 2021, 6:30 PM**

*This was a virtual public meeting held through electronic communication means.*

**MEMBERS PRESENT:** John Aiken  
Omari Davis  
Sarah Garner, Vice Chair  
Jennie Gwin  
Carmela Hamm  
Gerald Laporte  
Joan Lawrence  
Robert Meden  
Rebecca Meyer  
Mark Turnbull  
Andrew Wenchel

**MEMBERS EXCUSED:**  
Robert Dudka  
Richard Woodruff, Chair

**STAFF:** Cynthia Liccese-Torres, Historic Preservation Supervisor  
Lorin Farris, Historic Preservation Planner  
Serena Bolliger, Historic Preservation Planner  
Mical Tawney, Historic Preservation Specialist

**CALL TO ORDER & ROLL CALL**

The Vice Chair called the meeting to order. Ms. Liccese-Torres called the roll and determined there was a quorum.

**EXPLANATION OF PUBLIC HEARING PROCEDURES**

The Vice Chair explained the virtual Historical Affairs and Landmark Review Board (HALRB) public hearing procedures and stated that the virtual meeting format was necessitated as a precaution to protect the Board, staff, and community members from the spread of COVID-19. She communicated the legal authority under which the County was able to hold virtual public hearings, citing the Governor's Executive Orders, legislation adopted by the Virginia General Assembly, and the County Board's Continuity of Operations Ordinance adopted in March 2020. The Vice Chair then described the logistics of how the virtual meeting would proceed via the Microsoft Teams platform and/or the call-in number.

**APPROVAL OF THE AUGUST 18, 2021, MEETING MINUTES**

The Vice Chair asked for questions or comments on the draft August meeting minutes. Hearing none, Ms. Lawrence moved to approve the minutes as submitted and Mr. Laporte seconded. The Vice Chair asked

for further questions; upon hearing none, she asked Ms. Liccese-Torres to call the roll. The motion passed 10-0-1 with Mr. Turnbull abstaining.

**PUBLIC HEARING FOR CERTIFICATES OF APPROPRIATENESS (CoAs)  
CONSENT AGENDA**

- 1) Mr. Fitzpatrick  
2200 N. Nelson St., CoA 21-19  
Maywood Historic District  
Request to replace existing street frontage chain link fence and two gates with metal picket fence and gates matching those of neighbor.

The Vice Chair called for any questions or comments on the Consent Agenda and there were none. Mr. Laporte moved to approve the Consent Agenda. Mr. Turnbull seconded, and the motion passed unanimously.

**Preliminary Public Hearing Item: 6404 Washington Boulevard, Fellows-McGrath House Local Historic District Designation Request**

Ms. Bolliger summarized that the request for consideration of the Fellows-McGrath House as a local historic district (LHD) was initiated on July 1, 2021 when an Arlington resident filed an application form with the Zoning Office. She then stated staff determined that the application was complete on July 22.

Ms. Bolliger explained as per Section 11.3.4.A.3 of the Arlington County Zoning Ordinance, staff notified the property owner within 30 days of deeming the application complete that a [designation] application had been filed. Staff notified the owner on July 23 but did not receive any communications from the owner regarding the designation and next steps. She noted that the HALRB held its first preliminary public hearing on the request on August 18 at which the HALRB made a unanimous motion to have staff study the property and to report its findings at the next HALRB hearing on September 15.

Ms. Bolliger stated that since the August HALRB hearing, the Historic Preservation Program (HPP) staff had spoken with the property owner on August 24. During this discussion, she said staff explained the LHD request, designations in general, along with other preservation tools including tax credits and easements. The property owner expressed an unwillingness to consider designation and voiced frustration that the designation process could continue without his consent. She added that staff informed the property owner via letter about the September HALRB hearing, inviting him to speak; however, during a follow-up phone call, the property owner said he was not interested in preservation of the property or attending the September HALRB hearing.

Ms. Bolliger said that since the August HALRB hearing, the property owner had submitted a subdivision permit application to the County on August 30. She explained that the demolition permit had been submitted on August 31 and the County had approved it on September 3. Ms. Bolliger reminded those present that permit approval was an administrative process that could continue simultaneously with designation requests, and that designation requests could not halt permits.

Ms. Bolliger announced that the CPHD Director, Claude Williamson, had contacted the HALRB Chair and Vice Chair via email on September 7 and stated that the HPP staff would not be expediting the study of this property given the owner's objection and the approved demolition permit status. She noted that Mr. Williamson advocated for collaborating with HALRB leadership to consider proactive strategies for handling future designation requests and had tentatively scheduled a meeting in early October.

Therefore, Ms. Bolliger explained that based on the available information and testimony received, the HALRB needed to decide if the proposed request should continue through the designation process, with the understanding that the request would not be expedited by the HPP staff and that the demolition of the property would continue through the administrative permit review process.

Ms. Bolliger reminded the commissioners they had received a public comment via email and said there was one public speaker present. The Vice Chair invited the public speaker to come forward.

Speaker 1: Christine McDaniel

Ms. McDaniel explained she was a 20-year Arlington resident who lived across the street from the ‘Memory House.’ She described the enjoyment that she and her family had had living across the street from the historic property. Ms. McDaniel reviewed some of the criteria for designation and how the property might fulfil them.

The Vice Chair asked if there were any other speakers or comments other than the one shared with the commission earlier. Ms. Bolliger confirmed that there were not. Ms. Liccese-Torres asked to confirm that the owner was not present in the meeting. The Vice Chair asked if the owner was present but received no response. The Vice Chair recapitulated that the HALRB had voted unanimously [in August] to expedite the research and that given the response from County leadership, the HALRB would need to make a motion about whether to move forward with the designation request. The Vice Chair also reminded the commission that she and Chair Woodruff would be meeting with County leadership to discuss proactive approaches to designation given that the current approach was not fulfilling the goals of the commission.

The Vice Chair said it was unfortunate that the study would not be going forward expeditiously as she believed the property met enough criteria to be worth considering, particularly in terms of architecture. However, given the lack of a detailed study on the property, she said she was now hesitant to move it forward, especially since continuing with designation would be unlikely to result in a positive preservation outcome.

Ms. Gwin echoed the Vice Chair’s sentiments and the need for a proactive approach. She agreed the property merited further study but given that the building was not likely to remain standing through the research process, the designation should not be recommended. Mr. Aiken agreed with the comments. Mr. Davis also agreed and asked if there was any way to protect the historic tree located on the property. Ms. Bolliger noted that she believed there were protections in place for the tree in the Land Disturbing Activity permit. Mr. Meden asked if there was a way to do a photographic record of the property. Ms. Liccese-Torres replied that there was no regulation in place requiring this, but that staff had previous success asking owners to allow photo documentation. She stated that staff could reach out to the owner to ask. Ms. McDaniel suggested staff reach out to previous owner Pam Jones for more information on the property.

Ms. Lawrence stated [the potential loss of this historic resource] was a travesty and it was the second such travesty in a short period. She said that proactive efforts to save historic properties in the County were not adequate. She discussed staff approaching the owner to document it and asking a third party to salvage the features of the house. She stated her support for designation while noting that in previous situations where an owner had quickly moved on a demolition permit that there had been little recourse to convince them otherwise.

Mr. Meden noted the Section 106 [compliance] review of properties listed in the National Register of Historic Places, which protects listed buildings from Federal work within a certain radius from adverse effects and asked if the County had anything similar to trigger proactive protection or review. Ms. Farris

explained that since private funds were being used in this case rather than Federal funds, Section 106 review would not be triggered for this type of project. Mr. Laporte supported Mr. Meden's question about implementing an early warning system and brought up the Historic Resources Inventory (HRI) as an example of a similar tool. Mr. Laporte associated himself with Ms. Lawrence's comments and said he was disappointed but wanted to be realistic about the likelihood of a positive outcome. He considered whether [Arlington's] existing designation system might actually contribute to the demolition, incentivizing property owners to tear down houses before they lost control of the process. He agreed that consideration needed to be given to different preservation tools or a different process.

Ms. Meyer agreed with all the comments and asked if the unique architectural elements could be salvaged before demolition. Ms. Liccese-Torres replied that staff could reach out to the owner to share the outcome of this evening's meeting as well as ask about permission for photo documentation and salvage. Mr. Wenchel discussed the Eastman-Fenwick House designation and his role in documenting the property as part of the process. He asked if a list of properties that might be eligible for local designation could be developed in advance of their demolition as part of a pro-active approach, requiring at least documentation including photographs and architectural drawings.

Mr. Turnbull agreed with Mr. Laporte and Ms. Lawrence, voicing his dissatisfaction with the outcome of this designation request and the one prior [Febrey-Lothrop Estate]. He said he was inclined to continue the research but was cognizant of staff time. He voiced concern about property owner pushback particularly given the collaborative role that this commission always takes in partnering with building owners in the rehabilitation and redevelopment process. Mr. Turnbull advocated for more proactive preservation solutions.

Ms. Hamm agreed with his and previous comments, also calling the situation a travesty. She stated how disappointed she was to lose yet another historic building in Arlington and that improvements to the [local designation] process are needed to prevent this from happening again.

Mr. Laporte asked about the action moving forward, noting that the Director of the Department of Community Planning, Housing and Development (CPHD) had only stated in his e-mail that he was refusing the request to 'expedite' the study, not refusing the study entirely. Mr. Laporte thought that the property should be kept on the list of properties in the queue for study for local designation. Ms. Liccese-Torres explained this was the fifth designation request on the list. She also thanked the commissioners for their feedback and said she would be bringing many of the ideas to the CPHD Director. She asked whether the commission wanted to keep brainstorming ideas or send them directly to staff.

Mr. Aiken asked if keeping the Fellows-McGrath House on the designation request list would create additional work for staff. Ms. Liccese-Torres responded that if the commission moved to table the expedited request – and when staff reached this request in the queue – it would need to undertake significant primary and secondary document research to qualify the property against the Zoning Ordinance designation criteria and to confirm the information in the designation application. She said a Statement of Significance and a detailed analysis of the applicable designation criteria would need to be drafted, plus four additional public hearings would need to be held (another HALRB hearing with the formal motion to send the designation forward, a Request to Advertise the designation would need to go to the County Board, followed by a Planning Commission hearing, and then a final County Board hearing for potential action). Ms. Liccese-Torres noted that each of those hearings would also require reports and public advertising.

Mr. Davis asked if there currently was a program educating homeowners about the designation process. The Vice Chair agreed that this was a program she planned to recommend to the CPHD Director. Ms. Liccese-Torres thanked all the commissioners for their comments and urged them to submit this kind of

feedback as part of the Master Plan Update community engagement process so it could be incorporated into the dialogue on engagement techniques and preservation tools.

Ms. Lawrence reiterated if staff would discuss salvage and documentation options. Ms. Liccese-Torres agreed that they would and then keep the Board informed. Ms. Lawrence asked about triggering the County equivalent of a Section 106 review when a demolition or subdivision request was submitted and thought that might be a component of the planning process change which could be considered as part of the Master Plan Update process. Mr. Turnbull asked if a process could be put into place as part of a property's sale transaction and deed transfer (e.g., for all properties over 80 years old), the seller would transmit photos of the property, floor plans, historic records, etc. to the County as part of a documentation effort.

The Vice Chair agreed that the current outcome for the subject property was regrettable but did not believe this [designation] process would be successful in combatting the demolition as the permit had been issued. She then made the following motion:

Whereas the HALRB received an application submitted pursuant to, and conforming with, ACZO Section 11.3.4.A.1 for historic district designation of the property located at 6404 Washington Boulevard, Arlington, VA, known also as the Fellows-McGrath House.

Whereas the HALRB found that the property meets at least two of the qualifying designation criteria enumerated in ACZO Section 11.3.4.A.6. and directed county staff to undertake expedited study of the property at its August 18, 2021 public hearing.

Whereas the current property owner does not support historic designation of the property.

Whereas county leadership informed HALRB that, due to county approval of the demolition permit on September 3, 2021, county staff resources would not be spent on an expedited study of the said property.

And lastly, whereas these circumstances indicate the demolition is imminent, and continued pursuit of historic designation would not result in preservation of the property. Be it resolved that HALRB, pursuant to its authority under ACZO Section 11.3.4.A.6, does not recommend historic designation of the property at 6404 Washington Boulevard.

Ms. Gwin seconded the motion. Mr. Laporte was concerned that the motion went too far, and that the study request did not need to be withdrawn, only the expedited request. Mr. Meden agreed and asked if an adjective explaining the regretful sentiment of the commission could be included. Mr. Aiken voiced a concern that given the advanced point of the administrative demolition process that it would be a waste of staff resources to move forward with the research. Mr. Laporte stated that he did not believe the entire study request needed to be revoked; if the owner demolished the house, then the HALRB could withdraw its recommendation to study the property. Ms. Lawrence agreed that the request for expedited study should be removed but the study request should remain in place. Mr. Turnbull strongly agreed with Mr. Laporte and Ms. Lawrence.

Since the motion had been made and seconded, Ms. Liccese-Torres stated that the Board should take a vote. The Vice Chair asked Ms. Liccese-Torres to call the roll and the motion failed 3-8-0 (Ms. Garner, Ms. Gwin, and Mr. Aiken were in favor).

The Vice Chair next proposed the following alternative motion:

The HALRB withdraws its request for an expedited study for the historic designation of the property at 6404 Washington Boulevard, Arlington, VA.

Ms. Lawrence seconded the motion. The Vice Chair asked for final questions. Upon hearing none, she asked Ms. Liccese-Torres to call the roll. The motion passed 10-1-0 with Ms. Garner against.

## **REPORTS OF THE CHAIRMAN AND STAFF**

### **Staff and Other Reports**

The Vice Chair invited Ms. Hamm to update the commission on [edits to] the proposed Washington and Liberty High School historic marker [that the HALRB had reviewed in August]. Mr. Laporte noted that Mr. John Peck wanted HALRB feedback on comments more extensively than had been covered in the meeting. Mr. Laporte said the team working on the marker, including himself, Ms. Hamm, Mr. Peck, Mr. Horwitz and Ms. Roy, had agreed to discuss outstanding comments.

Ms. Liccese-Torres informed the Board that the Historic Preservation staff had collaborated on an oral history and video project with the Department of Library and ATV to commemorate the 20<sup>th</sup> anniversary of September 11. She urged commissioners to watch the video on the County website.

The Vice Chair adjourned the meeting at 7:53 PM.