



**MINUTES OF THE HISTORICAL AFFAIRS AND  
LANDMARK REVIEW BOARD  
Thursday, June 20, 2024, 6:30 PM**

*This was a hybrid public meeting held both in person and through electronic communication means.*

**MEMBERS PRESENT:** Omari Davis, Chair  
Nan Dreher  
Andrew Fackler  
Gray Handley  
Gerald Laporte  
Andrew Wenchel  
Dick Woodruff

**VIRTUAL MEMBERS:** Joan Lawrence (Personal, Ocean City, MD)

**MEMBERS EXCUSED:** Robert Dudka  
Alex Foster  
Carmela Hamm  
Rebecca Meyer  
Kaydee Myers  
Mark Turnbull

**STAFF PRESENT:** Cynthia Liccese-Torres, Historic Preservation Section Supervisor  
Lorin Farris, Historic Preservation Principal Planner  
Mical Tawney, Historic Preservation Associate Planner

**CALL TO ORDER & ROLL CALL**

The Chair called the meeting to order and asked Historic Preservation Program (HPP) staff to please call the roll. Ms. Liccese-Torres called the roll and determined that there was a quorum. Immediately after the roll had been called, Mr. Handley arrived at 6:32 PM.

**EXPLANATION OF PUBLIC HEARING PROCEDURES**

The Chair explained the in-person and electronic Historical Affairs and Landmark Review Board (HALRB) public hearing procedures. Mr. Davis described the logistics of participating virtually in the hybrid meeting via the Microsoft Teams platform and/or the call-in number.

**APPROVAL OF THE MAY 2024 MEETING MINUTES**

The Chair asked for any comments on the draft May 15, 2024, meeting minutes. Mr. Laporte asked why the location of a HALRB member who attended the May meeting virtually was noted. Ms. Liccese-Torres answered that it was a requirement for staff to make this notation in the meeting minutes as well as note the reason for their virtual attendance. Mr. Laporte asked if there were other reasons aside from “personal” that could be noted in the minutes; HPP staff noted that the other category is “medical.” Mr. Woodruff asked if that was required by the state, and Ms. Liccese-Torres confirmed that it was. With no

further questions, Ms. Dreher made a motion to approve the minutes; Mr. Laporte seconded it. Ms. Liccese-Torres called the roll and the motion passed 8-0.

## **PUBLIC HEARING FOR CERTIFICATES OF APPROPRIATENESS (CoAs)**

### **Consent Agenda**

There were two items on the consent agenda. Mr. Davis asked if commissioners had any questions about the items on the agenda. After hearing none, Mr. Davis asked for a motion to approve. Mr. Laporte moved to approve the items on the consent agenda; Mr. Handley seconded the motion. Ms. Liccese-Torres called the roll and the motion passed 8-0.

### **CoA Discussion Agenda Item #1: CoA 24-16, 3412 21<sup>st</sup> Ave. N., Maywood Historic District**

Mr. Davis asked the HPP staff to present this item. Ms. Tawney provided the staff report as follows:

The pre-1912 dwelling at 3412 21<sup>st</sup> Ave. N. is contributing to the Maywood Historic District. The house underwent a substantial renovation, which included the construction of a new addition, prior to the establishment of the Maywood Local Historic District (LHD), and have had a few CoA projects since. In July 2010, the HALRB approved CoA 10-16 which included the demolition of the rear addition and a non-contributing shed, the construction of a new one-story rear addition and garden shed, the renovation of the house, and various hardscaping changes. The 1.5-story garden shed proposed as part of this CoA was going to be located in the back left corner of the lot (when looking at the house), measure 390 s.f., and feature Hardieplank siding, wood doors, and wood windows; however, it was never constructed. It should be noted that no setback modification request was included in the application. In February 2011, the HALRB approved CoA 11-04 which was for various revisions to the work proposed in CoA 10-16. In November 2018, the HALRB approved CoA 18-23 for the demolition of the existing shed, the construction of a new 1.5 story garden shed, and some hardscaping changes. The project included the same garden shed design as proposed in CoA 10-16 and CoA 11-04, but again, the shed was not constructed, and no setback modification was requested.

The applicant is proposing to construct an accessory building in the rear yard. The proposed 1.5-story building would be 506 s.f. with a rectangular floor plan and a side-gable roof clad in architectural asphalt shingles. The front elevation (north) gable would feature two front-gable dormers clad with Hardieplank shake shingle siding. The structure itself would be clad in smooth Hardieplank siding and PVC trim. The north elevation would include two double-leaf, fully-glazed fiberglass doors. Other fenestration includes wood casement windows. A small HVAC unit would be situated along the west elevation and screened with a pressure-treated wood fence enclosure.

As part of their application, the owners are requesting that the HALRB utilize its setback modification authority. The proposed location of the accessory building would situate the rear eave of the building 2' from the rear lot line, an encroachment of 8' into the 10' setback required by zoning. All other setbacks for the building are by-right.

The DRC considered this application at its June 5, 2024, meeting. There was some discussion about whether the building could be built by-right on the lot; the reasoning for the materials chosen; the HALRB's use of the setback modification authority in the past; and the overall design of the building. Mr. Davis felt that the design was appropriate, but placed the item on the

Discussion Agenda so the full HALRB could discuss the requested use of the setback modification authority.

The HPP staff is supportive of the proposed accessory building. Its proposed location in the rear yard would allow it to be secondary to the primary dwelling which complies with Appendix G of the *Maywood Design Guidelines*. The wood windows, Hardieplank siding (both for the main structure and the dormers), the architectural asphalt shingles, and the PVC trim are all appropriate materials per Chapter 5: Exterior Renovation and Appendices C, D, and G of the *Maywood Design Guidelines*. Wood doors have typically been found to be most appropriate for Maywood; however, the use of more modern materials have been allowed for similar building types in Maywood recently. Since these materials have been allowed and the new subject building would be in the rear yard, the HPP staff finds the use of the fiberglass door appropriate but encourages the HALRB to discuss the proposed door material to determine its appropriateness for the district.

Regarding the setback modification request, the HALRB needs to determine if the use of its setback modification authority would be appropriate in this instance.

At this time, Mr. Woodruff asked if HPP staff have a recommendation for the use of the setback modification authority; Ms. Tawney stated that they did not. Mr. Handley asked if HPP staff could explain the plot of land behind the property in question that is owned by someone else; Ms. Tawney said that she could, but that she would first like to finish the staff report. She then continued:

As outlined in §15.7.4 of the County’s Zoning Ordinance, the HALRB:

“may find that the proposed setback for buildings and structures is consistent with the existing streetscape and historic district design guidelines even though such setback is inconsistent with the requirements of the underlying zoning district.”

In the past, the HALRB has directed the Zoning Administrator to grant a setback modification a few times for properties in Maywood; however, most of those instances involved projects with either a front or side setback, as related to the streetscape, to maintain the historic architectural character of Maywood. Regardless of the setback modification request, the HALRB still needs to make a finding on the construction of this accessory building because it would be a newly constructed building in Maywood. If the HALRB decides not to use its setback modification authority, the applicant could pursue the setback modification request with the Board of Zoning Appeals.

Ms. Tawney then shared some additional photos and elevations that were submitted as part of the project application. Mr. Woodruff asked if this was an ADU, or accessory dwelling unit, and Ms. Tawney confirmed that it was not, but that it was an accessory building. She stated that the difference between an accessory dwelling and an accessory building is that a dwelling must have a fully-functioning kitchen. Mr. Woodruff asked if it had a bathroom; Ms. Tawney confirmed that it would. At this time, Mr. Davis invited the applicant, Ms. Jackson, to speak. Ms. Jackson explained that she intended to use the building as an art studio for her business and that she felt the building fit with the historical character of Maywood. She also, in effort to answer Mr. Handley’s question from earlier, explained the ownership of the strip of land behind her property. She said that approximately three years ago, the strip of land was auctioned off by Arlington County and her neighbor on 21<sup>st</sup> Ave. N. purchased it. She said that this same neighbor supports the project and the construction of the accessory building.

Mr. Handley asked if the accessory building shown on the map for 3312 21<sup>st</sup> Ave. N. pre-dated Maywood’s designation as a LHD. Ms. Tawney said she did not have an exact date for that lot, but she

noted that some of the other lots with accessory structures located close to the property line are older buildings (early and mid-20<sup>th</sup> century) that pre-dated the Maywood LHD designation. Mr. Laporte asked if the HALRB has ever allowed an accessory building of this size in Maywood; Ms. Tawney said that she would have to look further into the exact square footage of the proposed accessory building in relation to other accessory structures previously approved. Ms. Liccese-Torres said that staff would have to investigate other structures in Maywood, other than ADUs, and their size because this project was more comparable to those considering it was not an ADU and stated that staff did not have that data on hand at the time.

Ms. Lawrence offered that the structure at 3312 21<sup>st</sup> Avenue N., she believed, is a garage and that it pre-dates the Maywood district. She shared that she did not have any issues with the design of the building and felt it was appropriate for the district; she then asked staff what the HALRB had decided with the shed at the Swennes residence in Maywood because she recalled that they may have needed to obtain a setback modification for the construction of the shed. Mr. Woodruff said that he recalled that conversation and stated that the HALRB decided to not utilize their setback modification authority for that situation because the proposed location for the shed was further away from the street and the HALRB felt that their authority did not extend in that situation; however, he recalled that they wrote a letter to the Board of Zoning Appeals stating their support for the project. Ms. Lawrence agreed and said she also recalled the same outcome.

Mr. Laporte recalled that, in the past, when the HALRB had utilized their setback modification authority, that they did not do so from a zoning perspective but rather, kept the historic appropriateness of the modification in mind. He stated that this was a unique situation given the strip of land behind the property and that he felt that the proposed positioning was appropriate; he offered that this may be enough for the HALRB to utilize their setback modification authority. Ms. Lawrence asked how wide the strip was behind the property; Ms. Tawney stated that, per the applicant, the strip was about 7' wide. Mr. Handley stated the survey noted it was 6.2'. Mr. Handley then offered that perhaps the strip could be considered part of the offset for the lot line, theoretically, considering its size and location and the fact that it was undevelopable land. Mr. Wenchel noted that the language in the Zoning Ordinance that gives the HALRB this authority connects it specifically to the streetscape, and he also noted that there may be other reasons for others in the County to not approve the setback modification. He felt it would be inappropriate for the HALRB to do so in this case and felt it was more appropriate for Zoning to make that decision given his concerns about potential zoning and code issues with the building.

Ms. Dreher asked if the accessory building would be visible from the street. Ms. Tawney stated that it would be visible from N. Lincoln St. in Maywood because it was a corner lot. Mr. Davis asked if staff could pull up the language outlining the setback modification authority, as written in the Zoning Ordinance, on the screen again. Mr. Woodruff mentioned the letter the HALRB wrote on behalf of a past applicant, as noted before, and provided a general summary of the letter. Mr. Laporte noted he could not remember why the HALRB had decided to not exercise their authority in that case. Mr. Woodruff shared his interpretation of the setback modification authority which was that if someone wanted to build a new house on a street with other houses and have the new house match the existing houses' setback from the street that the HALRB could use their authority to allow for this to occur, even if the requested setback was not within current zoning standards, because it matched the historic architectural character of Maywood. He then asked if that was the case with a recent new build in Maywood; Ms. Tawney stated that she recalled that the side-yard setback was close in that case, but that she could not recall specifics. Ms. Liccese-Torres noted the research staff had undertaken prior to the meeting regarding the times in which the HALRB had exercised their authority or had chosen not to utilize it.

Mr. Handley asked if the word "streetscape" in the Zoning Ordinance language only pertained to the front streetscape or if it could relate to the side; for Mr. Handley, he considered the side to be part of the

streetscape for this lot and therefore, that the project met their considerations. Mr. Woodruff asked to see the photograph which showed the strip of land behind the property. At this time, Ms. Castro, a member of the project team for the application, offered to clarify this space. She shared that the fence on the property was actually built into the strip of land owned by their neighbor meaning that the strip of land was already “incorporated” into their lot as it was currently being used.

Mr. Davis asked if anyone had any other questions or comments about this project. Hearing none, he offered to make a motion. There was some discussion about whether to include a mention of the unbuildable lot into the language of the motion and if it was necessary or if the record of the conversation was enough. Mr. Davis made the following motion:

I move that the HALRB approve CoA 24-16, 3412 21<sup>st</sup> Ave. N., Maywood Local Historic District request to construct an accessory building and direct the Zoning Administrator to grant the requested rear setback modification of approximately eight feet including that of an unbuildable lot by utilizing the HALRB’s setback modification authority as established in 15.7.4 of the ACZO. The HALRB finds that the setback is compatible with the existing streetscape and historic character of accessory buildings in the Maywood Local Historic District.

Mr. Laporte seconded the motion. Mr. Davis asked staff to call the roll. Ms. Liccese-Torres called the roll and the motion passed 7-1 with Mr. Wenchel voting against the motion.

### **Barcroft Apartments Master Financing and Development Plan (MFDP) Land Use Presentation**

Ms. Farris introduced this as an informational item to the HALRB and explained that the Barcroft Apartments Master Financing and Development Plan (MFDP) would go to the County Board for their consideration in July 2024. She explained that the HALRB did not need to make any motions after the presentation, that this was the time for the full HALRB to provide feedback, and that this was a summary of what HALRB members Ms. Lawrence and Mr. Woodruff received during their participation in the land analysis process that took place from February to May 2024. The project team introduced themselves: Matt Mattauszek, Olivia Sontag, and Alex McMillan of the County, Lauren Riley of Walsh, Colucci, Lubeley & Walsh, Sarah Vonesh of EHT Traceries, and Greg Ward of Jair Lynch Real Estate partners (Jair Lynch) were all in attendance.

Ms. Sontag began the County’s portion of the presentation, describing that the Barcroft Apartments contains 60 acres with 1,335 housing units that typically are one to two bedrooms. She explained that the property was listed for sale in 2021, which created a risk of displacement of many residents if the County did not intervene. The County and Amazon provided a loan to Jair Lynch for purposes of purchasing the property. As a result, the affordability of those 1,335 units would be preserved for 99 years up to the 60% Area Median Income (AMI). Additional rents were frozen in 2022 for residents living on the property and annual increases started in 2023 with a cap of 3% up to a maximum of 60% AMI. In December 2023, Jair Lynch and the County agreed to meet greater affordability needs by committing to provide at least 10% of the units as affordable to households earning up to 30% AMI.

Ms. Sontag stated that the County Board provided guidance to staff to begin outlining the process for the land use analysis with two primary objectives. First, to build upon an update towards the vision of the Neighborhoods Area Plan (2012) and Revitalization Plan (2005) for the Barcroft property to support the recently adopted Financing and Affordability Plan and greater affordability, while also incorporating additional site analysis and information provided by Jair Lynch. Second, to explore existing and new tools to ensure the updated vision and Jair Lynch’s commitments to site improvements are clearly documented and can be successfully implemented as part of a phased strategy for a property of this size.

Ms. Sontag explained that to assist with this process, the County formed the expanded Form Based Code (FBC) Advisory Working Group that was chaired by Planning Commissioner Daniel Weir, ten civic associations from Columbia Pike, the Columbia Pike Partnership, and members of key commissions and committees, such as the HALRB, and other community organizations. There was extensive engagement during four core meetings that covered different topics, like determining the Conservation Area limits and redevelopment areas, transportation network, parking, public open space and natural areas, urban design, and transitions. The Long Range Planning Committee and the FBC Advisory Working Group reviewed three actions for the County Board to consider in July: 1) to adopt Addendums to the Neighborhoods Area Plan (2012) and Revitalization Plan (2005); 2) to authorize advertisement of amendments to the GLUP and the Master Transportation Plan (MTP), which will then be considered later in 2024; and, 3) to approve Jair Lynch's MFDP.

Ms. Sontag described how the MFDP is meant to document the Jair Lynch commitments, such as the Affordable Housing Financing Plan with outlining how the loan will be repaid, the Site Redevelopment Plan to identify the redevelopment areas, and the Phasing Plan to understand the sequencing of the renovations and the redevelopment as well as the process for site tenant relocation. The expanded FBC Advisory Working Group process refined the vision for Barcroft by looking at where existing policy may need to be updated.

Ms. Riley continued the presentation and described the work of the Jair Lynch project team over the past twelve months, such as the renovation projects requiring Use Permits and completing the draft MFDP. Multiple use permits have been approved that involve fifteen buildings and upwards of 350 units, which will renovate units for current residents and providing better living conditions. Ms. Riley focused on the proposed changes to the Conservation Area and provided maps showing the difference, such as where the proposed new development will occur, where they propose demolition of existing buildings, and other demolition that will need to occur to create a connection from South Taylor Street to 12th Street. She described how they will be able to preserve the historic Barcroft gateway as people come into the complex off Columbia Pike by retaining Buildings 1 and 2, which were previously slated for demolition with the existing Neighborhoods Area Plan (2012) and Revitalization Plan (2005).

Ms. Riley stated that they are proposing to create a new amenity center in a central location of Barcroft. Mr. Woodruff asked if the amenity center would utilize an existing building, and Ms. Riley clarified that they would demolish a portion of Building 6 to accommodate the two-story amenity center that will include recreational multi-purpose rooms that require extensive heights. Mr. Woodruff, who represented the HALRB during the expanded FBC Advisory Working Group, stated that this was new information concerning Building 6, and Ms. Riley explained that this had been in their original proposal that was reviewed by the expanded FBC Advisory Working Group back in February. Mr. Woodruff stated that he did not believe the FBC Advisory Working Group understood where this new multi-use building was going to be but that they understood that the historic gateway on South Thomas Street was going to be preserved. Ms. Riley stated that the demolition activities involving Building 6 was always their intention and apologized if that had not been properly conveyed during those meetings. She stated that it was always the intention to enlarge the Conservation Area to preserve the historic gateway, but Mr. Woodruff explained that Building 6 was part of the gateway. Mr. Mattauszek jumped into the discussion saying that part of this decision for an amenity center was because it was an expressed desire from the residents. The proposed location allowed for a central area that both existing and new residents could access, as well as be a good location given the drastic topographical challenges in Barcroft. Ms. Farris offered that further discussion on the subject could occur after the presentation concluded.

Ms. Riley continued by focusing on heights and transitions in the proposed design. She presented a map that indicated the areas where there would be a concentration of higher density. The tallest buildings were proposed to be at the edges of Barcroft where there were more urban nodes and then lesser heights in the

adjacent to Conservation Areas to create sensitive transitions with the new construction and the existing buildings. Ms. Riley explained that the heights and transitions are very similar to what was currently in the FBC Conservation Area standards. Focusing on massing, Ms. Riley showed a diagram of the type of massing they are envisioning for Barcroft, but that the building designs would look much different. Mr. Mattauszek then explained that County staff reviewed all this information from the proposed MFDP and addressed if changes were needed in the many policies that were in place when the original vision for the site was created and newer policies that have been either updated or established since. Staff identified which policy documents needed to be updated for the County to implement the MFDP's vision. For instance, the earlier commercial vision for Barcroft established two corners to the northeast and northwest, and the MFDP proposes to remove this guidance from the earlier plan and bring it into the 2012 Neighborhoods Area Plan to accomplish a cohesive vision in one document. Mr. Woodruff asked a question based on something he reviewed in one of the last staff reports about some concern being expressed about the height of the buildings on the west side that would be close to the existing buildings under the MFDP, and he wanted to know if there was any response to this or if changes had been made. Mr. Mattauszek stated that staff was supportive of the heights because they are reaching the same transitions as the earlier planning documents envisioned, including areas to the west where there will be six-and four-story buildings. Other policy documents will need to be updated, such as GLUP map updates and components of the MTP involving street network updates and bike and trail updates.

Ms. Farris continued the presentation and explained that the MFDP strives to find that balance with historic preservation goals and other county-wide goals, such as affordable housing, transportation and pedestrian safety, and natural area conservation. For the MFDP, HPP staff emphasized the need for it to coincide with goals identified in the newly adopted Historic and Cultural Resources Plan (HCRP), such as goals towards community engagement, utilizing incentives for preservation, and developing partnerships. Ms. Farris explained that Barcroft is ranked Essential in the HRI, its highest-ranking category, because it is historically and architecturally significant. The HRI goals for Essential properties strongly encourages the preservation of these buildings and to utilize all tools possible for their preservation. Fortunately, the FBC supports these goals because historic properties in Conservation Areas like Barcroft will either be protected through an exterior easement or by becoming an LHD.

Ms. Farris further explained why the County supported the shifting of the Conservation Area boundaries. This will preserve significant areas in Barcroft, like the historic buildings along the South Thomas Street and the main gateway area from Columbia Pike to South Thomas Street. This will allow for new construction to occur more around Columbia Pike, Four Mile Run and South George Mason Drive. New construction will be sensitive to the existing architecture and introduce new amenities. Existing conditions, such as the geological and topographical conditions at Barcroft, are being considered with the proposed new construction, which had not been done before in the Neighborhoods Area Plan (2012) and Revitalization Plan (2005).

Ms. Farris stated that relooking at Barcroft will meet many County-wide goals for historic preservation. Large sections of Barcroft will be preserved and protected in perpetuity through easements. Jair Lynch and the County are committed to using all available preservation tools, such as seeking listing in the National Register of Historic Places, applying for State Rehabilitation Tax Credits, and being a good steward of the Barcroft Apartments, as the HALRB has seen in 2023 and 2024 via the many Use Permit projects. Lastly, the HPP is committed to work with Jair Lynch on maximizing preservation priorities and identifying mitigation strategies.

Mr. Mattauszek started to wrap up the presentation by mentioning the different work items that will need attention, including focusing on updates to the zoning ordinance, FBC amendments, and continuing to apply for Use Permits for the continuous renovations. He also briefly mentioned that there will need to be a focus on Doctor's Run Stream at the southern tip of the property near South George Mason Drive.

There are many opportunities to improve this area possibly with biophilic approaches to make this a community feature. However, there are many regulatory and flood resiliency efforts that also need to be addressed, particularly if investments are made to this area of the property. These actions will occur in the second half of the year and when complete, this will confirm if there is a need to update the MFDP further.

At this time, the item was before the HALRB. Mr. Woodruff commended the staff for putting together the participatory process because it allowed people to get involved and better understand the MFDP. He explained that the County spent significant funds to purchase the property and to subsidize the Committed Affordable Units (CAF) and that this was a good outcome, especially considering what could have happened if the County had not acted. He recognized that this will be a superior outcome; however, he noted that it will be at the cost of losing twenty of the fifty-two existing buildings. He appreciated that the remaining buildings would stay in the Conservation Area and be protected in perpetuity. He encouraged allowing the HALRB to be involved in the development of the easement that way everyone would be aware of the easement conditions. Mr. Woodruff praised the improvements towards the Barcroft gateway. Mr. Woodruff then stated that he could not support the complete demolition of Building 40 and felt that retaining the arches would be symbolic of the entire neighborhood and believed there could be a way to make this happen. He asked Ms. Riley to explain why the arches could not be retained. She explained that Building 40 would be demolished to widen 12th Street to support the new development on either side and that the adjacent by-right townhomes that were not part of the MFDP had set the grade for the whole area, preventing other options. This means there is no other opportunity for them to make a North-South connection onto Taylor Street. That is why they are proposing to demolish Building 40, which part of it was already anticipated for demolition with the Neighborhoods Area Plan (2012) and Revitalization Plan (2005).

Mr. Woodruff continued to press why they could not preserve the arches, and Ms. Riley stated that the Jair Lynch project team would continue to explore ways of honoring the arches of the building into the new construction, but that it still needed to be studied and they could not commit to anything at this time. Mr. Woodruff asked for her to explain this more and if this may mean something like a historic marker. He then asked if the arches could be moved and again, Ms. Riley stated that she did not know if that approach had been studied. She did mention that the Jair Lynch project team has appreciated the feedback received from the FBC Advisory Working Group to try and preserve the open space, in particular the open space at the corner where Building 40 is located, and this resulted in them moving a proposed mini park to replicate other existing open spaces. Mr. Woodruff encouraged HALRB members to visit Barcroft to see Building 40 to better understand the significance of the arches. Mr. Handley asked about the location of Building 40 on the map. Mr. Woodruff concluded that the best approach for Building 40 would be to leave the arches in their current location, the next option would be to move them, and all other options were not acceptable.

Ms. Lawrence agreed with all of Mr. Woodruff's comments and thanked the staff and the Jair Lynch project team for their work on the project. She recognized the benefits with the MFDP, but she did feel strongly that Building 6 should be preserved and converted for an amenity center use. She understood that it would be more expensive but stated that keeping the building would at least preserve the exterior of it and that the interior could serve the residents with their needs. She emphasized that she is concerned about the loss of some of the buildings, but she did find the process very interesting, and she appreciated being involved.

Ms. Farris provided a summary of the HALRB's feedback. She focused on the HALRB's comments towards design issues and how it was a challenging part of the project since the design of the new construction and any changes to existing buildings were unknown, which resulted in one of the HALRB's greatest concerns. She emphasized that the HPP would like to continue working as much as possible to



influence the design and continue to discuss mitigation strategies especially with looking at Building 40's arches and whether they could be incorporated into new construction or reinterpreted. She also reemphasized the HALRB's desire for Jair Lynch to explore creative solutions to retain portions of Building 6 for the amenity center. Ms. Farris concluded that she felt these were all good points and reasonable requests that the HALRB made of the Jair Lynch project team and County staff. She asked how the HALRB wanted to convey this message and the consensus was that the HALRB would draft a letter to the County Board.

Mr. Davis had a question about the massing and how the buildings will be six to eight stories along Four Mile Drive. Ms. Riley clarified that this area could withstand up to 14 stories, which would mirror the heights of the buildings across from Barcroft along Four Mile Run Drive. She emphasized how there is a steep grade at Four Mile Run Drive and from the plateau of the Conservation Area, only six to eight stories of the 14 stories would be visible from the existing buildings. Although Mr. Davis recognized the need for density somewhere on the site, he was concerned that a 14-story building would create a canyon along the trail. Ms. Riley explained that the area was wide enough to handle such height especially with the trail, Four Mile Run Drive, and two different service roads acting as a buffer, all of which could prevent a canyon effect. She also wanted to highlight that they are not in the process of designing the buildings, but that the massing renderings the HALRB saw in the presentation was meant to help them visualize the concept. The Jair Lynch project team will continue to come back to the HALRB about the new construction in the areas adjacent to the Conservation Areas.

**Proposed Local Historic District Preliminary Consideration: 750 23<sup>rd</sup> St. S. (Nelly Custis School)**

During a brief break in between items, Mr. Handley asked a question about affordable housing in Barcroft. Ms. Farris provided information about some of the affordable housing elements of the project and encouraged Mr. Handley to ask those questions of the Barcroft project team. He then expressed that, from a design perspective, the Barcroft project has a fortress-like feeling given the new development along the periphery. Ms. Farris encouraged Mr. Handley to go on site to visit Barcroft to obtain a sense of its layout and geography.

Mr. Davis moved the discussion to the next agenda item and provided the following guidance for participation in this portion of the meeting:

This is the final call for speaker slips. If anyone wants to speak on this agenda item and they have not signed up before the meeting, you will need to fill out a speaker slip. This must occur before the item discussion begins – you will not be able to sign up after it starts.

First, we will have the HPP staff provide their presentation. Next, I will invite the property owner and their representatives to speak. After that, I will invite any of our public speakers who have signed up to speak. After all public comments have been made, the item will be before the Board and discussed only by them. We will not be taking any more public comments unless the HALRB asks as a question.

Mr. Davis asked staff to provide their report. Ms. Tawney presented the staff report as follows:

I am going to provide a brief presentation about the LHD application submitted for the property at 750 23<sup>rd</sup> Street South formerly known as the Nelly Custis Elementary School. First, I wanted to provide a brief overview of the LHD process that has occurred thus far. On April 14, 2024, HPP staff received the LHD nomination request for the Nelly Custis School. The application was submitted by a community member and not the property owners. Within the 45-day review period allotted per the Arlington County Zoning Ordinance (ACZO), HPP staff reviewed the submittal

and deemed the form complete on May 1, 2024. HPP staff then informed the property owners, Melwood Horticultural Training Center, Inc. about the nomination on May 2, 2024. On May 13, 2024, HALRB Chair Mr. Davis decided that the HALRB would consider the LHD nomination at the June meeting to determine if the LHD nomination for the Nelly Custis Elementary School should continue through the designation process. At the end of this presentation, I will provide more information about what the HALRB is considering at tonight's meeting and information about next steps in the LHD nomination process.

The proposed district is for the parcel at 750 23<sup>rd</sup> St. S. (the parcel with the former school located on it). That is the area outlined in red on the screen. The property is located in the Aurora Highlands National Register Historic District boundaries and is considered contributing to that district. It is also located in the Aurora Highlands Civic Association boundaries.

On the screen is a photo of the school that the nominator submitted as part of the application. The photo was taken in 1932 and shows the original central entrance to the school. The photo is part of the Charlie Clark Center for Local History collections.

According to the LHD nomination form that was submitted:

The Nelly Custis Elementary School was constructed in 1923 in the Classical Revival style, and it was one of the few buildings in the Aurora Highlands neighborhood that served a community function in early history. As noted earlier, it is a part of the Aurora Highlands National Register Historic District and is considered contributing.

Additional information that was presented in the nomination form include the following:

It was one of the elementary schools in the County that desegregated. It is believed to be the third school to be built in the County; however, this would need to be verified further with additional research. The Nelly Custis Park behind the school was once part of the school property before it became a public park; and there is a mature evergreen tree on the property that is used by the community.

Upon reading the National Register of Historic Places (NRHP) nomination form for Aurora Highlands that was provided by the nominator as a source of information for this application, HPP staff found this information and wanted to provide it for additional context:

The Hume School was the only public school in the area until the Nelly Custis School was constructed in 1923. At the time, the Nelly Custis School had a different address of 712 23<sup>rd</sup> St. S. The first classes were held in December 1924. The school included two rooms for four grades. It was named after Eleanor Park "Nelly" Custis, the grandchild of Martha Custis Washington.

The building was enlarged in 1931 with the addition of a room at each end of the school. Other additions were added in the mid-to-late 20<sup>th</sup> century. In the 1950s, a playground was built for the school. This eventually became the Nelly Custis Park when the playground transferred to the County's Department of Parks and Recreation in the late 1970s. A decline in the number of elementary-age children and the opening of nearby Oakridge Elementary School in 1951 forced the Nelly Custis School to close at the end of the 1978 to 1979 school year.

After Ms. Tawney shared various photographs of the building, Ms. Farris continued the presentation by mentioning the following:

The Melwood Horticultural Training Center, known as Melwood, submitted a request for their property at 750 23<sup>rd</sup> St. S. to change the General Land-Use Plan (GLUP) designation from “Public” to “Low-Medium” Residential in December 2021.

To explain, GLUP studies are requested in instances where there is insufficient planning guidance for a site. The property owner is interested in redeveloping the former Nelly Custis School building to construct a new, primarily residential building of approximately five stories that would house the Melwood operations on the first two floors and provide affordable housing on the upper floors with some units reserved for residents with disabilities.

The Tier I Initial Review for this GLUP Study occurred in May 2022. Omari Davis served as the HALRB representative on the Long Range Planning Committee of the Planning Commission (LRPC) for the Special GLUP Study during the Tier I. The Tier I determined that the project could move forward to a full Tier II Special GLUP Study review, which would consider potential building height, density, building form and scale, transitions, and use mix; this included historic preservation as well. The Tier II Review occurred in October and November 2023, which resulted in developing a Draft Study Document that received public feedback between February and March 2024. On May 21, 2024, the County Board accepted the Special GLUP Study document for this property.

The historic preservation recommendation in the GLUP Study was for the historic façade of the original 1923 building to be retained or interpreted in situ, or if necessary, relocated or interpreted closer to the sidewalk.

This was the recommendation because there was limited policy guidance for not only this building type, but also the project area. School buildings or institutional buildings are not identified in the HRI; the property is not protected as an LHD or through an exterior easement, and there is limited guidance for historic properties in the Crystal City Area.

During my preliminary review of this building, I took into consideration its architectural integrity and noted that it had been extensively altered, including the replacement of the windows, alterations to the fenestration pattern, the replacement of doors, and the construction of a northwest addition and a full-width one-story rear addition. Based on those alterations, I felt that architectural integrity of the building was too compromised to argue for full building preservation.

The recommendation for either façade preservation or portions of the building to be used with the new construction was seen as a way to accomplish educational interpretation in a creative way.

And lastly, the recommendation would assist with urban design goals while also providing educational interpretation.

Ms. Tawney then continued the presentation:

In summation, the HALRB’s task for the evening for this preliminary hearing of this LHD nomination are as follows:

To review the nomination form as submitted; to determine if the property may *potentially* meet two of the eleven designation criteria as outlined in the Arlington County Zoning Ordinance; and to determine if the proposed nomination should continue through the designation process.

I’ve included a snapshot of the LHD process flowchart we have online that shows where in the process we are currently at for this nomination. If the HALRB finds that they would like to

request HPP staff to complete further study, the LHD nomination will be added to the queue. If the HALRB finds that the nomination does not warrant further study, then the process will end.

As a reminder, here are the 11 criteria as outlined in the ACZO. Again, the HALRB should determine if the nominated property potentially meets 2 of the 11 listed here.

Mr. Woodruff asked if the property met Criterion A, written as “the property is listed or is eligible for inclusion in the National Register of Historic Places,” of the LHD Designation Criteria. Ms. Tawney confirmed that it was part of the Aurora Highlands National Register Historic District and was contributing to it. Ms. Daileader, a member of the property owner’s representative team from EHT Traceries, noted that being contributing to a NRHP district is different than being listed individually on the NRHP. Mr. Woodruff then asked for further clarification about how to interpret Criterion A of the LHD Designation Criteria. Ms. Daileader said it was likely up to their interpretation, but that she interpreted it to mean that the property was eligible to be individually listed on the NRHP. Mr. Davis paused the discussion to allow the property owner’s representative, Ms. Puskar, speak.

Ms. Puskar of Walsh Colucci Lubeley & Walsh introduced herself and stated she was there on behalf of her client, the property owners, Melwood Horticultural Training Center Inc. She said that the property owners do not support the nomination of the property as a LHD. She outlined that Melwood acquired the property in question in 2018 as part of a land exchange agreement entered by the Arlington County Board and the sheltered occupational center in 1981. This land exchange agreement provided a developable parcel of land in Ballston to the County in exchange for a developable parcel on 23<sup>rd</sup> Street South, the property in question. Ms. Puskar continued by stating that the agreement between the County and Melwood stipulated that a portion of the parcel, Parcel B, retain an easement over it for a public park and open space purposes, but did not preclude it from utilizing the Parcel B density in the development of the subject property. Based on the agreement language, according to Ms. Puskar, the 1981 County Board anticipated redevelopment of the property. She also stated it was clear that the 2024 County Board anticipated redevelopment of the site considering the recommendations outlined by the Special GLUP Study for the parcel which was accepted by the County Board in May 2024.

Ms. Puskar continued by stating that the original school building had little physical integrity due to the presence of additions and the removal of the original entrance; she also noted that the evergreen tree, which was mentioned as notable in the LHD application, was not an original tree because the location of the tree is different than where the tree is in the historic photograph presented. She also noted that the original windows had been replaced and the window openings had been made smaller with infill brick. She said it was one of many schools built in the 1920s in the Classical Revival style in Arlington County. It was also true, she stated, that it was one of the last schools to integrate in the 1970s; however, it is not the first and best example of either the Classical Revival style or the desegregation of schools in Arlington County.

Ms. Puskar offered that the Barcroft School was a better example of a Classical Revival school building in Arlington. Regarding desegregation, she shared other schools with a similar history that she felt had strong architectural integrity. She said it was ironic and unfortunate that the history of being one of the last schools to support one of Arlington’s most vulnerable residents at that time through desegregation is now being held up as the reason to designate the building as a LHD in order to thwart the property owner’s desire to redevelop the site into a meaningful, financially viable, inclusive, affordable housing project with community service use to support today’s most vulnerable residents. She concluded by stating the owner intended to continue to pursue the project with its partner Wesley Housing, that they did not support the LHD nomination, and that they requested the HALRB not seek further study for its designation.

Mr. Davis thanked Ms. Puskar for speaking and noted the following:

Now, I would like to invite the public speakers to speak. Organizations have 5 minutes; individuals have 3 minutes. HPP staff will be timing you. Please wrap up any comments after HPP staff have stated your time is up. A reminder that you cannot yield your speaking time to other speakers.

Ms. Tawney shared on the screen the speaker order and invited Ms. Braun of the Aurora Highlands Civic Association to speak, noting she had five minutes since she was speaking on behalf of an organization. Ms. Braun introduced herself and reiterated that the building was located within the same community that her civic association represents. She mentioned the character of her neighborhood and how the Nelly Custis School building was a part of the character and how the neighborhood feels; she mentioned that it provided some open space too. She continued to describe the neighborhood by saying it had single-family homes mostly built in the mid-20<sup>th</sup> century, that it was a historically designated area, and that the school was the only historic landmark on their portion of 23<sup>rd</sup> Street. She noted that the areas around the neighborhood had been largely urbanized and developed. She shared that the building has been used by the community for several years: some attended the school while others have voted there or play on the playground. She expressed the civic association's desire to keep the low-rise feel of the neighborhood. She then mentioned the goals of the HRI and questioned why the Nelly Custis School had not already been designated. She also mentioned that the evergreen tree at the front is used for tree lightings around the holidays. She shared that the neighborhood, or areas around it, was once known as "Brick Haven" because of the brick production which took place there. She said that the brick façade of the school ties directly to that history of the area. She also noted that the building was the third oldest school building in the County. She closed by saying again that she did not understand why it was not already designated, that she was in full support of it being so, and that the civic association had voted almost unanimously to support this designation.

Mr. Davis thanked her for her time and then invited the next public speaker, Mr. Giacobbe, to share his remarks. Mr. Giacobbe shared the following:

Good evening. I am Nicholas Giacobbe, a long-time resident of Aurora Highlands and I live around the corner from Nellie Custis School.

Arlington likes to hold itself up as a model of sustainability and a leading warrior in the fight against climate change. We dutifully recycle our paper and cans in one place, our glass in another, and even our organic materials in our green bins. But sadly, that's where it ends.

When it comes to the built environment, Arlington takes a completely different approach and defers to developers. Our built past is nothing more than a slate that is ready to be wiped clean in favor of the next shiny thing. Preservationists, fear not, the County often requires interpretation of what once was, maybe a plaque with a brick or a cartoonish commemoration such as the Peck building in Ballston.

We completely lost sight of the fact that the greenest building is the one that is already built. The embodied carbon and energy are there and ready for adaptive reuse, rather than being trucked to a landfill. Schools like Nellie Custis, and especially the original century-old core, are practically built for reuse as housing. There are literally hundreds, if not thousands, of examples all across the United States of successful school conversion projects. Nellie Custis could very easily join those ranks.

Let me be clear. I'm not here to question the merits of Melwood and Wesley's proposal nor the need for affordable housing or the need for client housing. Let's be honest, those are simply not the issues before you. The very narrow question, you, the honorable members of the HALRB, are charged with considering is whether or not the Nellie Custis School merits study – only a study – for eventual consideration as a Local Historic District. I urge you to look at the convincing facts before you as prepared by my neighbor, the architect Stacy Meyer, and to support moving forward with this study.

I'll close with an observation from former First Lady Jackie Kennedy who was a big fan of preservation. Mrs. Kennedy said, "Americans care about their past, but for the short term gain they ignore it and tear down everything that matters." We can actually paraphrase that: Arlingtonians care about their past, but for the short term gain they ignore it and tear down everything that matters. You have an opportunity to do the right thing tonight and break that trend.

Mr. Davis then invited Ms. Meyer, the third and final public speaker, to speak. Ms. Meyer introduced herself and passed around a printed handout she brought to the meeting. Ms. Meyer mentioned the written comments she had shared with Ms. Tawney, which had been shared with the full HALRB prior to the meeting, and referenced "the alternate envelope" or alternate redevelopment design for the building that would also include the preservation of the building that she and others had created in response to the proposed redevelopment design. She mentioned the Aurora Highlands Civic Association also voted to support that alternate envelope. She noted the loss of history in the area and cited specific examples of demolished neighborhoods, historic areas, and buildings. She responded to HPP staff's findings for the GLUP Study that the architectural integrity of the building had been compromised and that it did not warrant preservation by stating it was incorrect given her experience with preservation projects. She opined that the building was structurally sound, and that the brickwork was in excellent shape. She then noted that County staff, in a meeting with the Aurora Highlands Civic Association, shared that they could only present options that Melwood would accept and that Melwood would not accept any option for the preservation of the school. She continued by sharing information about the potential architect of the Nelly Custis School, Percy Adams, which she and others had discovered in research of their own. She noted that Mr. Adams had designed many schools in Arlington in that period. Mr. Davis at this time shared that her three minutes to speak were over but allowed her to finish her sentence. Ms. Meyer concluded by saying Mr. Adams was likely the architect given the style of the building, but that more research would need to be done to confirm.

The item was then before the HALRB for discussion. Prior to discussing it, Mr. Davis made note that four written public comments had been submitted prior to the meeting and had been circulated by staff, but that there were printed copies available if people wanted to review them at that time. The following are the submitted public comments for the record:

- Submitted by Mr. Bernard Berne:

[Click here](#) to see Plate 51 in Volume 1 of the August 1954 issue of the Sanborn Fire Insurance Map of Arlington County, Virginia. The Plate illustrates the "*Nellie Custis Public School*" at approximately [712 23rd Street South](#), which Plate 30 in the Franklin Survey Company's 1943 map of Arlington County identifies as the address of the "*Nellie Custis School*". In contrast, the local historic district application that you are considering identifies this school as the "*Nelly Custis School*" at [750 23rd Street South](#). This address is west of the approximate address in the Sanborn map. The Sanborn map shows that [750 23rd Street South](#) contained a frame building used as a dwelling, as shown by the yellow color of the building and the letter "D" within the building. The address of the school in the application therefore appears to be incorrect. The map

shows that the school had three sections. The map states that these were built in 1923, 1926 and 1930. The local historic district application states on page 2: "*The existing building was constructed in 1923 as the Nelly Custis Elementary School ...*". The name "Nelly Custis" in the application therefore appears to be incorrect.

At its June 20 meeting, the HALRB will conduct a preliminary consideration session for a proposed local historic district designation application for a so-called "Nelly Custis School". Please note that the name, address and construction date of the school in the application appear to be incorrect. The application states on page 1 that the historic property name of the proposed local historic district is "*Nelly Custis School*" and that its street address is "750 23rd Street South". The application states on page 2: "*The existing building was constructed in 1923 as the Nelly Custis Elementary School ...*".

The following historical resources provide different information:

[Click here](#) to see Plate 30 in the 1943 map of Arlington County, published by Franklin Survey Company. Note that the "*Nellie Custis School*" is located at 712 23rd St. South. Both the name and address of the school are different from "*Nelly Custis School*" and "750 23rd Street South" in the local historic district application.

[Click here](#) to see an October 1999 article in the Arlington Historical Magazine entitled "Arlington School Closings: 1970-1984 And The Aftermath". A sentence on page 29 states: "*Nellie Custis School was closed several years after it had been rehabilitated in 1975.*" Note the spelling of the word "Nellie".

[Click here](#) to read historian Charlie Clark's July 7, 2015 "Our Man in Arlington" article in the Falls Church News Press. The article describes a 1935 map of Arlington County. The article states: "*Most noticeable were the long-shuttered schools. Nellie Custis Elementary (near today's Crystal City); ....*" Note the name and spelling of "*Nellie Custis Elementary*".

[Click here](#) to see a brochure entitled "The Historic Hume School" (located at 1805 S. Arlington Ridge Road) that the Arlington Historical Society distributed in 2020. The fifth page in the brochure contains a sentence that states: "*Nellie Custis Elementary School was built a few blocks away in 1928 and held almost 300 students.*" Note the spelling of the word "Nellie". Also note the words "*Elementary School*". Note the construction date of 1928, which is different from the 1923 date in the local historic district application.

Historic Preservation Program staff will therefore need to perform research to determine the actual name, address and construction date of the school before the HALRB can proceed any further in its consideration of this local historic district application.

- Submitted by Mr. Ben D'Avanzo:

Dear Mical Tawney,

Please pass on these comments to the Historical Affairs and Landmark Review Board on the agenda item for today's meeting's agenda item regarding the Proposed Local Historic District Preliminary Consideration of the Nelly Custis School.

I encourage the Review Board to decline pursuit of designating the Nelly Custis School as a historic district. As a nearby resident, I have an interest in the local history of the 22202 area, and did a fair amount of research on the area in preparation for the Livability 22202 Housing report (available [here](#)). Until Melwood proposed turning the school into affordable housing, I never heard any reference to the school being of historical significance. For example, a pamphlet written by Kathy Holt, images of which are attached to this email, of an Aurora Hills walking tour makes no mention of it. This may be due to the fact that the building has, with minimal inspection, clearly undergone many changes over the years and does not reflect the original architecture or design. On a personal level, I would find it disturbing to use the reasoning of preserving the history of a previously segregated school to prevent affordable housing from moving forward in an affluent neighborhood. While some recognition of the original facade would benefit the final building on the site, I encourage you to not allow this request to proceed.

Thank you.

The image referenced in Mr. D'Avanzo's comment as well as the comments submitted via a written report by Ms. Stacy Meyer and the letter submitted on behalf of the Aurora Highlands Civic Association by President Rachel Hicks can all be found as appendices of the minutes. Please scroll to the end of this document to view them.

Mr. Davis asked about a written public comment submitted by Mr. Berne which essentially stated that the LHD nomination could not be processed as submitted because the address and name of the school were different from his own research. Ms. Tawney shared that the name of the school seemed to be used interchangeably, but that further study would need to be done to understand what name was used the most; she also noted this was more a technicality than a procedural issue. Mr. Woodruff asked Ms. Meyer about the potential architect of the building; Ms. Meyer shared the name again, Percy Adams, and the reasons for why she believed he may be the architect of the building.

*It was at this point in the conversation that a technical difficulty occurred and the audio from the room cut out and therefore, is missing from the recording, from 1:50:56 to 1:52:53. Based on notes taken during the meeting the following discussion occurred during that time:*

*Mr. Woodruff asked if there were other LHDs in the neighborhood; HPP staff confirmed that there were not. Mr. Laporte asked staff for a relative estimate of how long the study for the building would be completed. HPP staff stated that given the HPP's current workload and staffing capacity, the typical timeline for the development of a LHD designation report is about six to twelve months to do the research and the report writing. Ms. Puskar noted that this would not fit with the property owner's cycle to apply for Low Income Housing Tax Credits in Virginia.*

Ms. Liccese-Torres asked Ms. Puskar to explain that process for the HALRB. She shared, assuming the County Board approved the site plan and use permit for the redevelopment, her project team would file for Virginia Low Income Housing Tax Credits to help finance the construction of the affordable housing units that are proposed for the site. Their plan would be to have 100% affordable housing with 30% of those units reserved for people with disabilities. Mr. Woodruff asked if that was an annual process which Ms. Puskar confirmed it was; Mr. Woodruff followed up with a few other questions about the process to which Ms. Puskar responded. Mr. Laporte asked if there was a design in place for the structure already and asked if they had thought about whether they could accommodate a LHD in the design. Ms. Puskar said that they did not think they could accommodate an LHD, but that what they could accommodate are the recommendations and principles in the GLUP Study completed for the property which included an interpretation of the historic façade or the inclusion of the historic façade either in situ or in another location. She continued by saying their new design does interpret the historic design via the materials,



window openings, and other design elements. Mr. Laporte asked if the new design reflected the historic building; Ms. Puskar confirmed that it would and that that follows one of the recommendations of the GLUP Study. Ms. Dreher asked if the plan was to demolish the entire building; Ms. Puskar confirmed that it was.

Mr. Woodruff, speaking directly to Mr. Davis, noted that he did not feel that the developer's timetable was relevant to the conversation about whether the building was historic. Mr. Davis agreed that that was not the topic at hand and redirected the conversation to discussing whether the building could meet two of the eleven criteria outlined in the Zoning Ordinance. Ms. Tawney clarified that it was whether the building could potentially meet two of the eleven criteria. Mr. Laporte offered that the first criterion, Criterion A: the property is listed or is eligible for inclusion in the NRHP, was given because the property must be at least 50 years or older to be eligible for inclusion on the NRHP, and then stated that the HALRB would need to find another criterion. Mr. Woodruff said he looked at Criteria A, C, D, H, and K. Ms. Dreher asked if the park was separate from the parcel; Ms. Tawney confirmed that the park was operated as a County park. Mr. Fackler asked if the park was included in the proposed LHD boundary; Ms. Tawney confirmed that it was not included. Mr. Davis, in looking at the screen where Ms. Tawney had pulled up a map of the property, asked if the historic core was the northeast portion of the property. Ms. Tawney confirmed that it was and that the other sections were later additions.

Mr. Handley asked, in the work that staff had already done, how much more staff felt they would be able to uncover in their research. He noted that it felt like there was a lack of real information about the property, but that it had a similar history and design to other buildings in the County. He asked if studying it further would render a report that would not share more than what was being shared at the meeting currently. He offered the idea that, while consideration of the building is occurring, perhaps the HALRB could be presented with a design plan by the Melwood team that took into consideration what is known about the historic attributes of the property. He continued to reiterate that what was shared thus far was uncertain; he acknowledged the community's value in the property but opined that the value in the tree and the space the building provides were not historic attributes.

Ms. Tawney answered the question in two parts. She first noted that it was difficult to determine, at that time, how much more information she would be able to uncover in her research of the building. She said that, per the process, what staff could share that evening was what had been shared with them via the LHD application. She then noted that the design of the building was considered as part of the GLUP Study and that there would be staff involvement in future iterations of the project, such as with the site plan process. Mr. Woodruff asked for staff's GLUP Study recommendations again. Ms. Farris reiterated that the GLUP Study recommendations included a support for façade preservation, either in situ or somewhere else on the site, and the exploration of educational interpretation via the utilization of tangible elements of the site. She also shared that, ideally, there would be a historic marker to provide context. She reiterated that the GLUP Study included high-level recommendations, but that further refining of those recommendations would occur as part of the site plan process. Mr. Woodruff asked if that recommendation was subject to reinterpretation as the process moved forward. Ms. Farris stated that it could shift as the process proceeds. Ms. Dreher expressed that she felt that interpretation via façade preservation versus keeping a few bricks from the original building in a box in the lobby were not equal methods of interpretation. She continued saying that it would be best if the HALRB could endorse the use of façade preservation over other forms of interpretation. Ms. Farris said that, during the site plan process, the HALRB could have a HALRB representative participate in that process and advocate for what is outlined in the GLUP Study and partake in those conversations.

Mr. Laporte brought the conversation back to the criteria. He noted that Criterion A was certain because of the age of the building (Ms. Dreher also noted that the property is contributing to the Aurora Highlands Historic District on the NRHP). He also offered Criterion K, the property is suitable for preservation or

restoration, as another option. He noted that he would not be prepared tonight to designate the property as a LHD based on the information shared. Mr. Woodruff noted his interest in the integration history of the school. Mr. Laporte shared that that was not of interest to him because it could apply to many schools in Arlington that were in use at that time and that it was not unique. Mr. Woodruff asked the applicant, Ms. Meyer, what was unique about that history to them. Ms. Meyer shared that the Aurora Highlands neighborhood and the surrounding area of Arlington was a notably Black area and that it was a working-class area. Per records about school integration, she shared that there were several students that were integrated from that area of Arlington. As she began to describe her experience with integration as a student, Mr. Woodruff noted that his question had been answered and Ms. Puskar interjected to share that she had a report, created by EHT Tracerics, the project team's cultural resource management consultants, that would be submitted to the County with their site plan application. Ms. Meyer expressed frustration that Ms. Puskar was answering the question asked of her; Mr. Davis noted that it was a rebuttal and allowed Ms. Puskar to continue. Mr. Woodruff asked what the EHT Tracerics study said about integration. Ms. Puskar read aloud a portion of the report that pertained to the history of school integration in Arlington; Mr. Davis interjected to move the conversation forward. Ms. Puskar continued by sharing another sentence of the report which pertained directly to the history of the Nelly Custis School and its integration, noting it was not the only example of a Classical Revival school building standing today among the elementary school buildings that were the last to integrate. Mr. Woodruff asked her to repeat the last sentence again which she did.

Mr. Laporte said, assuming the HALRB felt that Criteria A and K were the ones the proposed LHD could potentially meet, that the HALRB would need to then make a determination about whether or not they would like staff to move forward with the study. He asked what the standard would be for deciding whether to move forward or not with the study. Ms. Tawney sought clarification about the question. Mr. Laporte repeated it to which Ms. Liccese-Torres and Ms. Tawney noted it was the criteria that the HALRB would utilize to make that determination. Mr. Laporte offered that it sounded like the HALRB had two separate determinations to make: one on the criteria and one on whether to move forward. Ms. Tawney re-explained what is written in the Zoning Ordinance and the LHD designation process, but there was still a question about process. Mr. Fackler clarified the point Mr. Laporte was making by asking a question; he said if the HALRB finds that the LHD potentially meets two criteria, would it automatically move forward into the next step in the process? Ms. Liccese-Torres shared that in previous preliminary hearings for LHD designations, the HALRB has opted not to send requests forward that have met a minimum of two criteria in the HALRB's opinion based on the information presented. She noted that it was determined on a case-by-case basis based on whether the HALRB felt the information presented was accurate and sufficient to warrant further study and if they felt compelled, based on whichever reason they as a board decided, to ask for further study. She offered an example to illustrate this point further; while thinking of the example, Mr. Laporte shared a past example of a church along Columbia Pike that the HALRB had decided not to ask for further study. Ms. Liccese-Torres confirmed this example and shared some additional context. The HALRB, in this instance, made a motion that noted they felt the building met certain criteria enumerated in the Zoning Ordinance but because of other specific reasons, that they decided not to send it forward for further study thereby ending the process. She reiterated that it was up to the HALRB's discretion, but that they needed to have a rationale as to why they were or were not supporting the LHD nomination moving forward in the process.

Mr. Davis asked a question about whether there was something that could stop the process from continuing if the HALRB decided to ask for the building to be studied. Ms. Liccese-Torres said that once the process began it had to keep going until it reached some type of resolution, favorable or not. She recommended that if the HALRB had doubts that they should discuss them now. Mr. Handley noted that this was a difficult case. He said he felt they could all agree on the need for the facilities and housing that was being proposed as part of the redevelopment of the site, but he noted that he had to set that aside in his thinking about the nomination because that was not what was being considered. He also shared that he

felt reluctant to delay something for a year if it meant they would end up in the same place with little information. Mr. Handley then asked how long the queue was for LHD nominations, specifically asking if it really was going to take a year for them to study the building. Ms. Liccese-Torres said that staff could not give an exact timeline. Ms. Dreher noted it was unfortunate that it seemed there was an absence of concrete information on the property. Mr. Fackler noted that his immediate concern is that a study had already been completed by EHT Tracerics; Ms. Dreher agreed and noted that the HALRB had not seen it. Ms. Tawney stated that, at this point in the process, the responsibility is on the nominator to share as much accurate and complete information as possible about the property they are nominating to become an LHD. Ms. Tawney recommended that the HALRB not consider the EHT Tracerics report that was shared at the meeting because it was not submitted as part of the application materials and read by the HALRB prior to the meeting.

Mr. Woodruff offered, given the circumstances, that the HALRB postpone their decision about the LHD study to allow the applicant more time to complete further research. Ms. Liccese-Torres cautioned the Board that they would need to provide specific examples for the property owners as to what additional information the HALRB needed to make this decision. Ms. Tawney noted that this was not something staff could deliver that it would have to be completed by the nominator. Mr. Handley clarified that Mr. Woodruff meant providing the nominator (the applicant) more time to complete research. Ms. Liccese-Torres said there needed to be a mutual understanding about what information the HALRB needed to make this decision. Mr. Woodruff offered some specifics, such as if the nominator could track down the architect, if they could make further arguments about why the building was worthy of preservation even with the additions, and if they could make further arguments about why the community recognizes it as an important structure. He then also offered that the applicant could make the argument for each criterion as to why the building meets each of them. Ms. Liccese-Torres noted that in her experience with the HPP, the HALRB has not made the decision to defer a request before; she noted it was not impossible, but that it had not occurred in the past and that the HALRB would need to explicitly state what other information they needed and why. Mr. Woodruff said that he would prefer to vote tonight to ask staff to complete the study, but he noted a recognition of the time constraints and current workload of the team. He said it was problematic for the HALRB and for the County that the study was going to take a long time to complete. He said the HPP team did not have enough staff or resources for their work.

Mr. Davis noted that he appreciated the idea of deferring a decision but opined that it was on the nominator to bring the LHD application to the HALRB complete the first time. Mr. Laporte offered again that the property met Criteria A and K from the ACZO but did not feel that arguments for the others were strong enough. He asked if those two criteria would be enough to make it a historic district; Ms. Liccese-Torres said, based on how the ACZO was written, it only needed to satisfy a minimum of two criteria to be designated and protected. She reiterated that it would not need to meet all eleven criteria or half of the criteria; it only needed to meet a minimum of two. Mr. Laporte offered that he felt it should at least meet a minimum of three because it would be virtually impossible for a nomination from to meet the minimum standards for staff acceptance without meeting at least two standards.

Ms. Puskar asked to speak and said there had been a suggestion for the property owners to come back with more information about the property and offered to read a portion of the EHT Tracerics report to answer some of their questions at that time. Mr. Davis asked her to kindly not read the report. Mr. Woodruff asked if the HALRB had that report; Mr. Davis said the board did not. Mr. Woodruff asked Ms. Puskar to ensure the HALRB had a copy of the report. Ms. Puskar said it would be submitted as part of their site plan application and noted that the conclusion of the report was that the building did not meet the standards to be listed on the NRHP as an individual property. Ms. Puskar then continued by saying the information the HALRB noted as wanting earlier was the same information she had at that moment in the report. Mr. Woodruff clarified that he was not suggesting that the property owner come back with more information, but rather that he wanted the applicant to return with more information. Mr. Davis also

reiterated that it would be the applicant who would return with more information. Ms. Meyer spoke, as the applicant, sharing that she had only recently learned about the LHD as a preservation tool and the process, shared some of her confusion about the process, noted that she had been completing more research on the property since submitting the nomination, and expressed that she would be happy to do more if that was the request. She said she thought it was staff who would do that research work. Ms. Liccese-Torres asked to share a thought with the HALRB; she noted that the current process was not how it had always occurred. She said there had not always been the use of an application form, but that that was established to make ensure that nominators were submitting as much detailed information as they possibly could to help staff not have to begin researching properties from scratch. She said that the HALRB would need to decide if the application has sufficient information in it that could serve as the starting point for staff's research.

Mr. Davis was about to make a motion, but Ms. Meyer had one more point she wanted to make. She reiterated that the Lee Arts Center in north Arlington was going to be preserved and it was the same style and from the same period; Mr. Woodruff interjected to say that that building was likely going to be demolished too. Ms. Meyer corrected him by saying there was money in the County budget to preserve the building; Ms. Liccese-Torres confirmed there had been money placed in the CIP for that building. Ms. Meyer continued by saying that the Lee Arts Center and the Nelly Custis Building were both similar and that one was slated to be preserved and the other, in south Arlington, was on the table before them. Ms. Puskar then shared that EHT Traceries was telling her that even if a building is at least 50 years old, it does not make it automatically eligible for the NRHP. Ms. Daileader, of EHT Traceries, confirmed and said that there was a difference between being eligible and being formerly determined eligible. She then said that the 50-year mark is in place to ensure that buildings being nominated for the NRHP that are less than 50 years old must meet Criterion G to be nominated. She reiterated that just because a building is 50 years old does not make it automatically eligible for the NRHP per the Secretary of the Interior's Standards. Ms. Braun interjected to say that it was not just a random building, but that it was a part of their community and had been for 100 years. Some back-and-forth between different attendees began to which Mr. Davis asked to stop and called on Mr. Fackler. Mr. Fackler noted that, in his professional experience, if something is listed as contributing to a historic district, that it is on the National Register, even if not individually listed, and would argue that it does meet Criterion A from his viewpoint.

Having heard these final points, Mr. Davis offered the following motion:

Whereas the HALRB has 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 750 23<sup>rd</sup> Street South, Arlington, VA. Whereas the HALRB has reason to believe the property shall meet at least two of the eleven qualifying criteria enumerated in ACZO Section 11.3.4.A.6. Be it resolved that the HALRB, pursuant to its authority under ACZO Section 11.3.4.A.4 requests the Historic Preservation Program staff to undertake further study of the property located at 750 23<sup>rd</sup> Street South with a future recommendation as to whether the property meets the historic designation requirements enumerated in ACZO Section 11.3.4.A.6.

Mr. Woodruff seconded the motion. Mr. Wenchel asked for the motion to be read aloud again. Ms. Tawney read the motion again. Ms. Dreher made a point of clarification about the section related to a future recommendation from staff and asked if that would be dependent on the results of the study. Ms. Tawney confirmed that that was the case. Mr. Woodruff seconded the motion again. Mr. Davis asked staff to call the roll. Ms. Liccese-Torres called the roll and the motion passed 5-3 with Mr. Handley, Mr. Laporte, and Mr. Wenchel voting against the motion.

#### **CHAIR'S REPORT**

Mr. Davis shared that there was nothing to report in this portion of the meeting tonight.

**STAFF REPORT**

Ms. Liccese-Torres provided a summary about an event hosted at Fort Ethan Allen for the dedication of the Civil War Trails marker dedicated to the history of the United States Colored Troops (USCT), a marker that the HALRB had reviewed in the past. She encouraged the HALRB to stop by and see the marker. She also announced that the HPP had hired John McNair as the new historic preservation specialist and expressed excitement about his joining the team.

The Chair adjourned the meeting at 9:38 pm.