

EXHIBIT NO. 1
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11-15-08

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Docket Item #
BAR CASE # 2007-0240

City Council
June 24, 2008

ISSUE: Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria, approving an after-the-fact Certificate of Appropriateness to painting previously unpainted brick

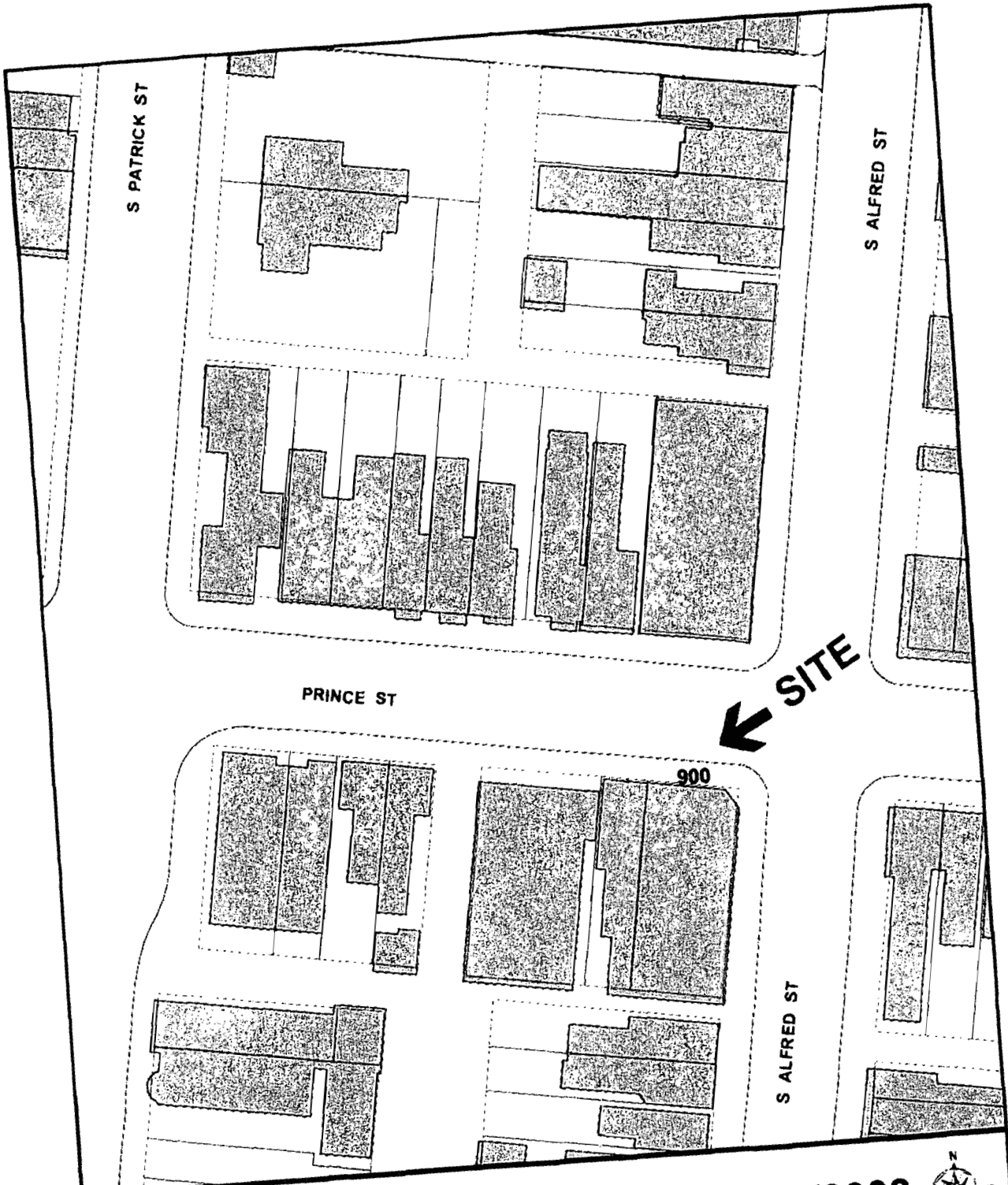
APPLICANT: PMA Properties 900 LLC

APPELLANT: Old Town Civic Association, Inc, Townsend A. Van Fleet, President, on behalf of petitioners


LOCATION: 900 Prince Street

ZONE: CL/Commercial Low

BAR CASE #2007-0240
June 24, 2008



BAR CASE #2007-0240

06/24/2008 

I. EXECUTIVE SUMMARY

Issue:

- The decision of the Old & Historic Alexandria District Board of Architectural Review was appealed on April 2, 2008 by a group of at least 25 citizens, in accordance with Section 10-309 of the zoning ordinance.
- The appellants are appealing a Certificate of Appropriateness for after-the-fact approval to paint a previously unpainted brick structure at 900 Prince Street. The appellants believe that the applicant should restore the building to its previously unpainted state and pay a reasonable fine.
- The decision before the Council is whether the proposed alteration to paint this previously unpainted brick structure is appropriate for this historic commercial building in the Old and Historic Alexandria District.
- At the March 5, 2008 BAR hearing, a motion by Dr. Fitzgerald, seconded by Mr. Neale to approve the application with the condition that the building be painted a color to be approved by staff failed on a tie vote of 3-3. Three members of the Board believed that the building was a candidate for painting but that the color should be changed, while three other members of the Board believed that the paint should be removed and that a fine should be levied. Zoning Ordinance Section 10-104(F)(1) requires that "the Board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting...the failure of the board to vote within the required time...shall constitute approval of the application." The BAR tie vote on March 5th with no further action by the Board at its March 19th meeting effectively resulted on March 19, 2008 in approval of the requested application for after-the-fact Certificate of Appropriateness for painting previously unpainted brick.

Recommendation: Staff recommends that Council support the intent of the zoning ordinance and the design guidelines and require the applicant to contract with a qualified masonry expert to remove the paint to the extent possible, and that if after attempting to remove the paint removal is not feasible, that the applicant pay a fine of \$100,000 which approaches the cost of removal of the paint.

II. BACKGROUND

The applicant submitted an application on September 17, 2007 for BAR Case #2007-0203 for alterations including new exterior light fixtures and a glass transom above the main entrance, but not including painting of the building. While the applicant was in the process of BAR review and consideration for Certificate of Appropriateness for the alterations proposed in Case #2007-0203, it came to the attention of staff that the

applicant painted the previously unpainted brick facades along South Alfred and Prince Street.

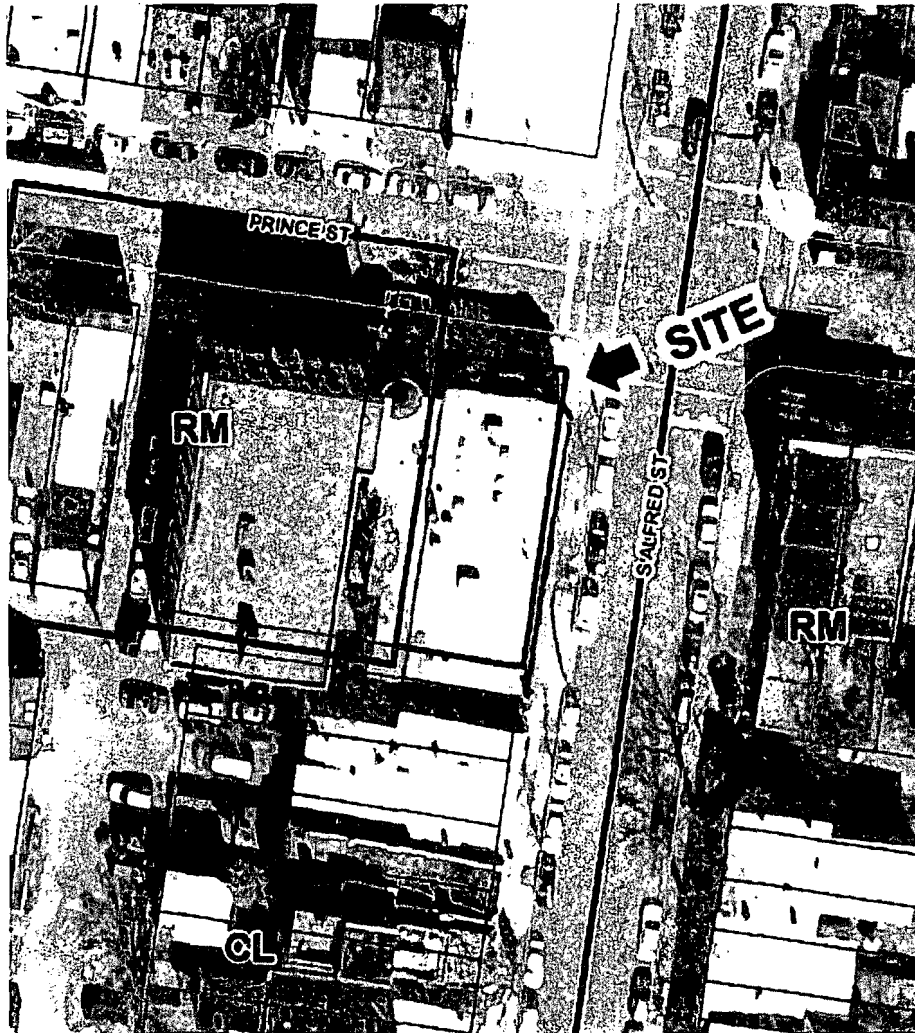


Figure 1: Aerial view of 900 Prince Street.

Staff issued a Stop Work Order on October 22, 2007 to stop the painting of the brick façades, along with a notice of violation. A second notice of violation was issued on October 23rd when painting continued despite posting of the Stop Work Order on the building façades, and painting was stopped.

900 Prince Street is a two story, flat roofed commercial building that was originally constructed in 1915 as the Mount Vernon Dairy and was subsequently modified on a number of occasions and by 1958 was an automobile sales and service building. In the period 1975-1980 the Board approved a number of alterations to the building including additions.

The applicant requested approval of an after-the-fact Certificate of Appropriateness for painting the previously unpainted masonry building at 900 Prince Street. The building has been painted a greenish color.

The Board was split in its decision with three members stating that they would support approval of painting of the building and three members opposing the motion to approve the painting of the unpainted masonry building. Per zoning ordinance section 10-104(F), the BAR tie vote on March 5 effectively resulted on March 19, 2008 in approval of the application request for after-the-fact Certificate of Appropriateness for painting unpainted masonry. Zoning Ordinance Section 10-104(F)(1) requires that “the Board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting...the failure of the board to vote within the required time...shall constitute approval of the application.” Failure of the Board to announce a decision on March 19th resulted in approval of the application.

On April 2, 2008, the approval of the Old & Historic Alexandria District Board of Architectural Review was appealed by a group of at least 25 citizens, in accordance with Section 10-309 of the zoning ordinance. The appellants state in their appeal: “The applicant requested an “after the fact approval” to paint a previously unpainted brick structure. The BAR did not require the applicant to restore the masonry to its original state nor did they fine him for his unauthorized painting of the building. The applicant needs to restore the building to its original state and pay a reasonable fine.”

III. DISCUSSION AND ANALYSIS

The purview of the Board and the Council on appeal for the Certificate of Appropriateness is the following.

Zoning Ordinance Section 10-105(A)(1) states that “The Old and Historic Alexandria District board of architectural review or the city council on appeal shall limit its review of the proposed construction, reconstruction, alteration, or restoration of a building or structure to the building’s or structure’s exterior architectural features specified in section 10-105(A)(2)(a) through (2)(d) below which are subject to view from a public street, way, place, pathway, easement or waterway...”

Section 10-105(A)(2) describes the Standards used in rendering a decision. Of these Standards, (b), (d), and (g) are the most relevant to the alterations requested by the applicant to paint unpainted masonry:

- (b) “Architectural details including, but not limited to, original materials and methods of construction, the pattern, design, and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of building or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained.”

- (d) "Texture, materials, color, and the extent to which any new architectural features are historically appropriate to the existing structure and adjacent existing structure."
- (g) "The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city."



Figure 2: Photograph of 900 Prince Street prior to painting.



Figure 3: Photograph of 900 Prince Street after initial painting.

Section 10-109(B)(4) requires that "the painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior

feature having historic and/or architectural significance requiring a certificate of appropriateness.”

Additionally, the *Design Guidelines* for the Historic District, Chapter 2 Building Alterations, Paint Colors, page 1, state that “the boards discourage the painting of previously unpainted masonry surfaces.”

In reviewing the proposed alterations to paint the previously unpainted brick, the Board and the Council on appeal are to use these standards set forth in the zoning ordinance regarding a Certificate of Appropriateness, as well as the *Design Guidelines* to determine if approval of the Certificate of Appropriateness is warranted.

For this building in particular, the brick used for the Prince Street and South Alfred Street facades is a textured brick that had its own distinguishing character and that created a distinct character for this building. The original brick provided more color variation and visual interest than a smooth finish common brick. The brick patterning and resulting mortar joints were thoughtfully designed and constructed to create the appearance of pillars on either side of the main corner entrance, and created horizontal banding wrapping the building and capping the windows and doors and in combination with vertical banding on either side of all windows and doors created window and door surrounds. The unique and distinctive brick texture, color variation and patterning are almost entirely lost by painting this formerly unpainted brick facade.

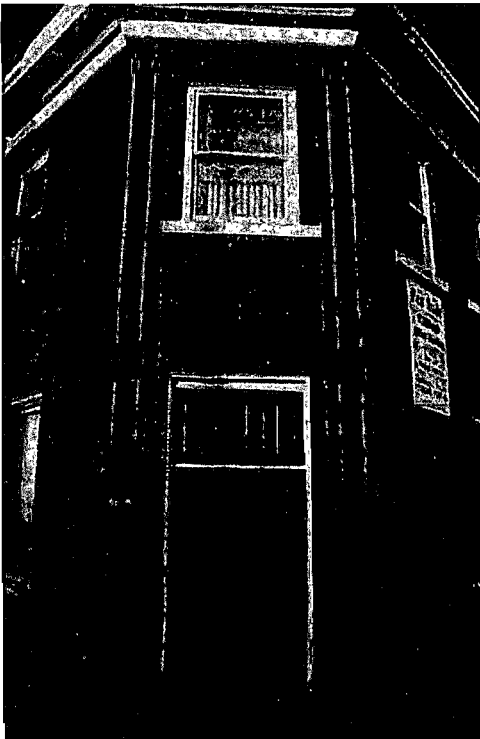


Figure 4: View of front entrance prior to painting showing distinctive brick patterning.

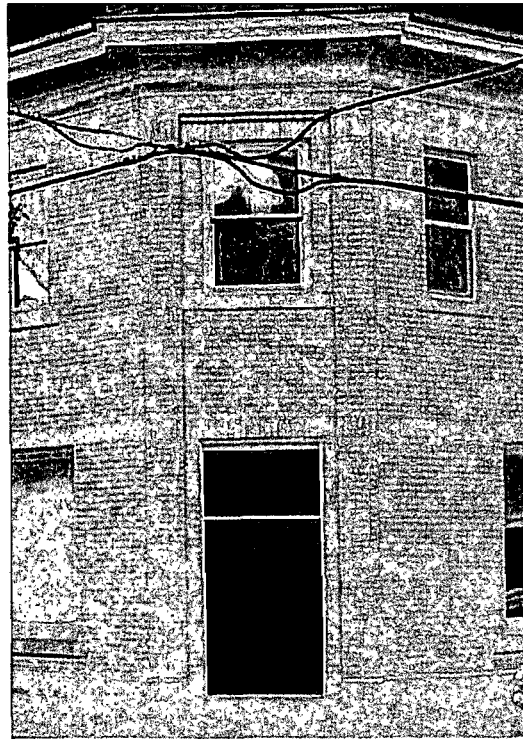


Figure 5: View of front entrance after painting showing loss of detail.

In addition to the loss of distinct character that has occurred due to the painting of the brick, painting of brick creates otherwise unnecessary maintenance requirements and results in a façade that will often appear to be in some stage of deterioration and requires unnecessary use of resources. One of the best qualities of solid brick masonry is that it requires little to no maintenance. Brick of the fine quality and density that was used at 900 Prince Street will maintain its appearance and function in perpetuity. A brick masonry wall such as the one at 900 Prince will usually require that portions of the mortar be repaired by repointing once every 50 to 100 years, but is otherwise maintenance free. Paint on masonry brick walls begins to deteriorate from the time it is applied and often needs to be cleaned and repainted entirely every 5 to 10 years. Often the paint that is applied at the base of the wall deteriorates at a faster rate than the remainder of the wall due to the increased moisture conditions at the base of the building. Property owners often address this problem by painting only the base of the building, often resulting in a mismatch of paint colors between the new paint at the base and the paint on the remainder of the building. Particularly in this time of greater environmental awareness, the City should not support painting of the unpainted brick façade which creates a situation that converts a brick wall that is relatively maintenance free into one that will appear to be in some form of deterioration over much of its life and will require relatively frequent unnecessary use of resources to maintain.

Paint Removal Assessments and Estimates

At the first public hearing before the BAR on December 6, 2007, the Board deferred the case and advised the applicant to contact qualified contractors to determine the efficacy of removing the paint, to estimate the cost to remove, and to include staff in the process. The applicant did not include staff in the evaluation process but did provide two letters from cleaning professionals who advised that the high pressure wash that they would use to attempt to remove the paint would cause damage to the brick and mortar. High pressure wash is often damaging to brickwork and should not be used for wholesale paint removal. Therefore Staff contracted a qualified masonry expert to conduct an evaluation. The estimate that Staff secured from Vaughan Restoration Masonry, Inc. indicated that the majority of the paint could be removed from the building surface, but because of the striated surface of the brick, that removal of "100 percent of paint from the building is likely not possible." The proposed paint stripping would involve two applications of chemical stripper to get to a point where "a significant amount of paint" would be removed. The estimate for this work to achieve the stated level of paint removal is \$108,500 not including any associated masonry repair costs or temporary utility line protection.

Recent Requests to the BAR to Paint Unpainted Masonry

In the past few years, the Board has reviewed several after-the-fact requests for painting previously unpainted masonry. Most recently, the Board reviewed a case for 727 South Pitt Street where one of the original Yates Garden brick houses that was intended to remain unpainted had been painted without approval of the Board (BAR Case #2005-00130, 9/7/2005) and ordered that the paint be removed. To date the paint has not

occurred. The City has been in discussions with the property owner who has stated that she intends to comply and remove the paint. The City had not pursued legal action because of the property owner's statements of intent to comply. However, the City has prepared documents and will soon file suit against the homeowner to compel removal of the paint. The Board has also reviewed similar cases at 715 Princess Street where all but one side of the building had been previously painted. The Board approved the after-the-fact painting of the remaining wall (BAR Case #2005-0100, 5/18/05). In several other cases, the Board has denied the painting and ordered that the paint be removed. Examples of this include 305 Duke Street. (BAR Case #2002-0140, 6/19/02), 428 South Washington Street (BAR Case # 2001-00312, 1/16/02), and 629 South Fairfax Street (BAR Case #98-0093, 6/17/98).

Recent Fines For Unauthorized Work in the Historic Districts

The most recent case within the historic districts to receive a fine was for demolition of a canopy over a loading dock for the former ice house at 200 Commerce Street. In that case BAR Case #2006-0281, Staff recommended most importantly that the canopy be reconstructed to match the original canopy to the extent possible as reflected on the original building permit plans. Staff additionally recommended a \$10,000 fine which was increased by the BAR to \$25,000 at its hearing on May 2, 2007 and subsequently decreased by City Council on appeal to \$6,500 on June 16, 2007.

On October 26, 2005, the Parker-Gray Board approved case BAR2005-0238 for 1018 Queen Street for after-the-fact Permit to Demolish for the removal of the rear and side walls of the entire main block and rear ell. The unapproved demolition constituted a class one violation of section 10-203(B) of the zoning ordinance which carried a civil penalty of \$1,500 (section 11-207(C)(1)). A penalty of \$7,500 was assessed for the case to be used exclusively for the purpose of promoting historic preservation within the city. The board also required that the front facade be carefully restored.

On March 20, 2002, the Old and Historic Board approved case BAR2005-0238 for 522 Queen Street for after-the-fact Permit to Demolish for the demolition of a rear portion of the building with a penalty of \$7,743 representing the cost of reconstruction that portion of the building that was demolished without permission using historically correct building materials and techniques and that the applicant could build the second floor of the structure in the manner that he deemed most expeditious.

Each of the three most recent cases that incurred fines involved demolition and required reconstruction of portions of the structures in addition to the fines that were levied.

Conclusion

Staff does not support the painting of the building and continues to advocate removal of the paint. However, staff realizes the difficulty that is presented in removing the paint from this building. Therefore, if the Council determines to approve the after-the-fact Certificate of Appropriateness for painting this previously unpainted brick building, staff

recommends that a monetary fine that is approximately equal to the cost of paint removal be levied against the applicant, as a condition of the certificate, in order to vindicate the requirements of the ordinance as they pertain to this case, and to deter similar unauthorized work and after-the-fact applications by others.

IV. RECOMMENDATION

Staff recommends that Council support the intent of the zoning ordinance and the design guidelines and require the applicant to contract with a qualified masonry expert to remove the paint to the extent possible, and that if after attempting to remove the paint removal is not feasible, that the applicant pay a fine of \$100,000 which approaches the cost of removal of the paint.

Attachment: BAR Staff Report and Supporting Materials, March 5, 2008

STAFF: Faroll Hamer, Director, Department of Planning and Zoning
Richard Josephson, Deputy Director, Planning and Zoning
Stephen Milone, Division Chief, Zoning and Land Use Services
Lee Webb, Preservation Manager, Boards of Architectural Review

Docket Item # 4
BAR CASE # 2007-0240

BAR Meeting
March 5, 2008

ISSUE: After-the-fact approval of previously unpainted masonry
APPLICANT: PMA Properties, 900 LLC
LOCATION: 900 Prince Street
ZONE: CL/Commercial

BOARD ACTION, MARCH 5, 2008: A motion by Dr. Fitzgerald, seconded Mr. Neale to approve the application with the condition that the building be painted a color to be approved by staff failed on a tie vote of 3-3 (Chairman Hulfish, Mr. Keleher and Ms. Neihardt were opposed).

REASON: The Board did not agree with the staff recommendations. Several members believed that the paint should be removed and that a fine should be levied. Other members believed that the building was a candidate for painting but that the color should be changed.

SPEAKERS: Robert Kaufman, applicant, spoke in support
Townsend Van Fleet, President, Old Town Civic Association, spoke in opposition
Poul Hertel, 1321 Michigan Court, spoke in opposition

STAFF RECOMMENDATION: Staff recommends denial of the application with the additional direction to the applicant to remove the paint that has been applied to the building within 90 days.

In the alternative, if the Board determines to approve the application staff recommends the following conditions:

1. That the applicant be fined \$100,000 for painting the unpainted masonry building without a Certificate of Appropriateness, to be paid to the City within 90 days of this decision;
2. The western section on the second level be painted to match the rest of the building;
3. The brick parapet remain unpainted and that the paint on the southern end of the parapet that is painted be removed;
4. All other exterior masonry surfaces of the building to remain unpainted.

BOARD ACTION, FEBRUARY 6, 2008: On a motion by Mr. Smeallie, seconded by Dr. Fitzgerald the Board deferred the application for restudy. The vote on the motion was 7-0.

REASON: The Board believed that the applicant should continue to explore all remaining options for removing the paint and suggested that a new contractor be hired to attempt to remove a section and that the City and Mr. Kauffman work together to monitor the outcome.

SPEAKERS: Robert Kaufman, applicant, spoke in support
Townsend Van Fleet, President, Old Town Civic Association, spoke in opposition

BOARD ACTION, DECEMBER 6, 2007: On a motion by Dr. Fitzgerald, seconded by Mr. Keleher the Board deferred the application for restudy. The vote on the motion was 6-1 (Mr. Keleher was opposed).

REASON: The Board believed that the applicant should explore removing the paint and suggested that a contractor be hired to attempt to remove a section and that the City monitor the outcome.

SPEAKERS: Robert Kaufman, applicant, spoke in support
Jeff Stone, 1420 Roberts Lane, spoke in support
Thomas Silis, 113 South Alfred Street, spoke in support
John Hynan, representing the Historic Alexandria Foundation, spoke in opposition
Mark Stevenson, 917 Prince Street, spoke in support
Poul Hertel, 1217 Michigan Court, spoke in opposition

STAFF RECOMMENDATION: Staff recommends denial of the application with the additional direction to the applicant to remove the paint that has been applied to the building within 90 days.

(Insert sketch here)

Update: Since the last public hearing on this application in February, staff has been able to obtain a cost estimate for removal of the paint from the building. That estimate from Vaughan Restoration Masonry, Inc. indicated that while the majority of the paint could be removed from the building surface, because of the striated surface of the brick that removal of "100 percent of paint from the building is likely not possible." The proposed paint stripping would involve two applications of chemical stripper to get to a point where "a significant amount of paint" would be removed. The estimate for this work to achieve the stated level of paint removal is \$108,500 not including any associated masonry repair costs or temporary utility line protection.

I. ISSUE:

The applicant is requesting approval of an after-the-fact Certificate of Appropriateness for painting the previously unpainted masonry building at 900 Prince Street. The building has largely been painted a greenish color. This application is before the Board as a result of a Stop Work Order issued by the Department for the unapproved work. The order was issued before the entire building was painted.

II. HISTORY:

900 Prince Street is a two story, flat roofed commercial building that was originally constructed in 1915 as the Mt. Vernon Dairy and was subsequently modified on a number of occasions and by 1958 was an automobile sales and service building. In the period 1975-1980 the Board approved a number of alterations to the building including additions.

III. ANALYSIS:

The proposed alterations, other than the painting of the unpainted masonry, comply with the Zoning Ordinance requirements.

As staff has previously discussed, tests regarding the removal of the paint were carried out by firms retained by the applicant as well as by a City crew. The results of these paint removal tests were poor. All of these efforts involved similar paint removal approaches which included applying a solvent to the building surface for a relatively short period of time and then mechanically washing the surface. No tests have yet been performed with slow acting chemical paint removers. The Vaughan Restoration Masonry estimate regarding removal included a possible sample panel to determine effectiveness. However, the cost of that test was \$1,500 and staff has not advocated its conduct to date.

The *Design Guidelines* are explicit on the issue of painting unpainted masonry. They state that "as a general rule, brick and masonry buildings should not be painted" and that "the Boards strongly discourage the painting of a previously unpainted masonry surface." Underlying this principle is the belief that red brick buildings are one of the chief distinguishing characteristics of the historic district. Section 10-109(B)(4) of the Zoning Ordinance expressly provides "The painting of a masonry building which was previously unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness."

In the past few years, the Board has reviewed several after-the-fact requests for painting previously unpainted masonry. Most recently, the Board reviewed a case for 727 South Pitt

Street where one of the original Yates Garden brick houses that was intended to remain unpainted had been painted without approval of the Board (BAR Case #2005-00130, 9/7/2005) and ordered that the paint be removed. The Board has also reviewed similar cases at 715 Princess Street where all but one side of the building had been previously painted. The Board approved the after-the-fact painting of the remaining wall (BAR Case #2005-0100, 5/18/05). In several other cases, the Board has denied the painting and ordered that the paint be removed. Examples of this include 305 Duke Street. (BAR Case #2002-0140, 6/19/02), 428 South Washington Street (BAR Case # 2001-00312, 1/16/02), and 629 South Fairfax Street (BAR Case #98-0093, 6/17/8). In the case of 727 South Pitt Street, the Board denied the approval of the painting and ordered the paint to be removed with 90 days. To date this has not occurred and the City has prepared documents and will file suit against the homeowner to compel removal of the paint.

Generally, in cases where Staff supports the painting of masonry, there have either been substantial alterations to the building or the brick is mismatched or of poor quality. This is not the case with this building. For this structure in particular, the brick used for the Prince and S. Alfred Street facades is a textured brick characteristic of buildings constructed in the first half of the twentieth century and provides more color variation and visual interest than a common smooth finish brick. The brick patterning and resulting mortar joints were thoughtfully designed and constructed. The brick texture, color variation and patterning are almost entirely lost by painting this formerly unpainted brick facade.

Staff does not support the painting of the building and continues to advocate its removal. However, staff realizes the difficulty that is presented in removing the paint from this building. Therefore, if the Board determines to approve the after-the-fact Certificate of Appropriateness for painting this previously unpainted brick building, staff recommends that a monetary fine that is approximately equal to the cost of paint removal be levied against the applicant, as a condition of the certificate, in order to vindicate the requirements of the ordinance as to this applicant, and deter similar after-the-face applications by others.

IV. STAFF RECOMMENDATION:

Staff recommends denial of the application with the additional direction to the applicant to remove the paint that has been applied to the building within 90 days.

In the alternative, if the Board determines to approve the application staff recommends the following conditions:

1. That the applicant be fined \$100,000 for painting the unpainted masonry building without a Certificate of Appropriateness, to be paid to the City within 90 days of this decision;
2. The western section on the second level be painted to match the rest of the building;
3. The brick parapet remain unpainted and that the paint on the southern end of the parapet that is painted be removed;
4. All other exterior masonry surfaces of the building to remain unpainted.

CITY DEPARTMENT COMMENTS

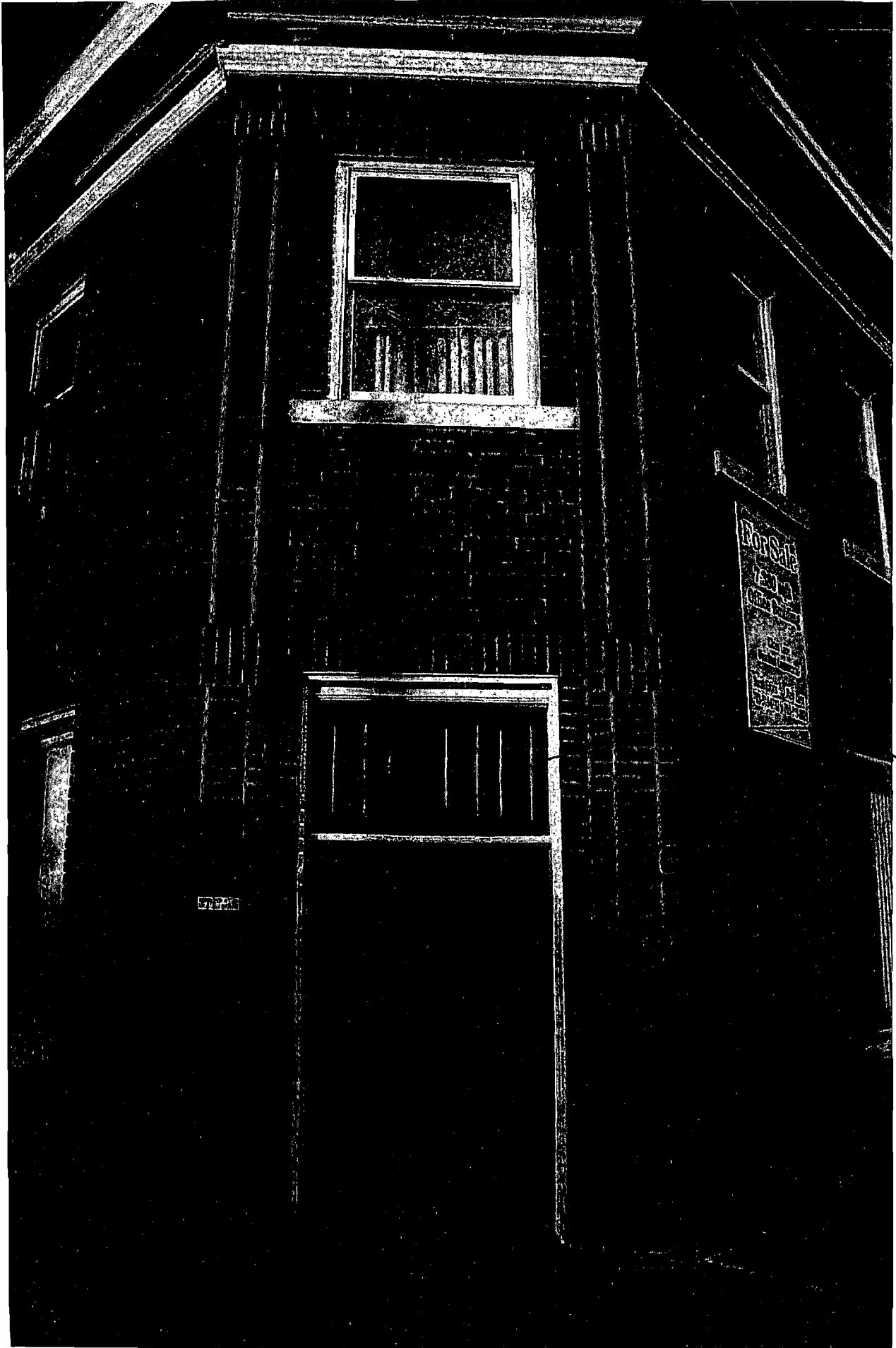
Legend: C - code requirement R - recommendation S - suggestion F- finding

Code Enforcement:

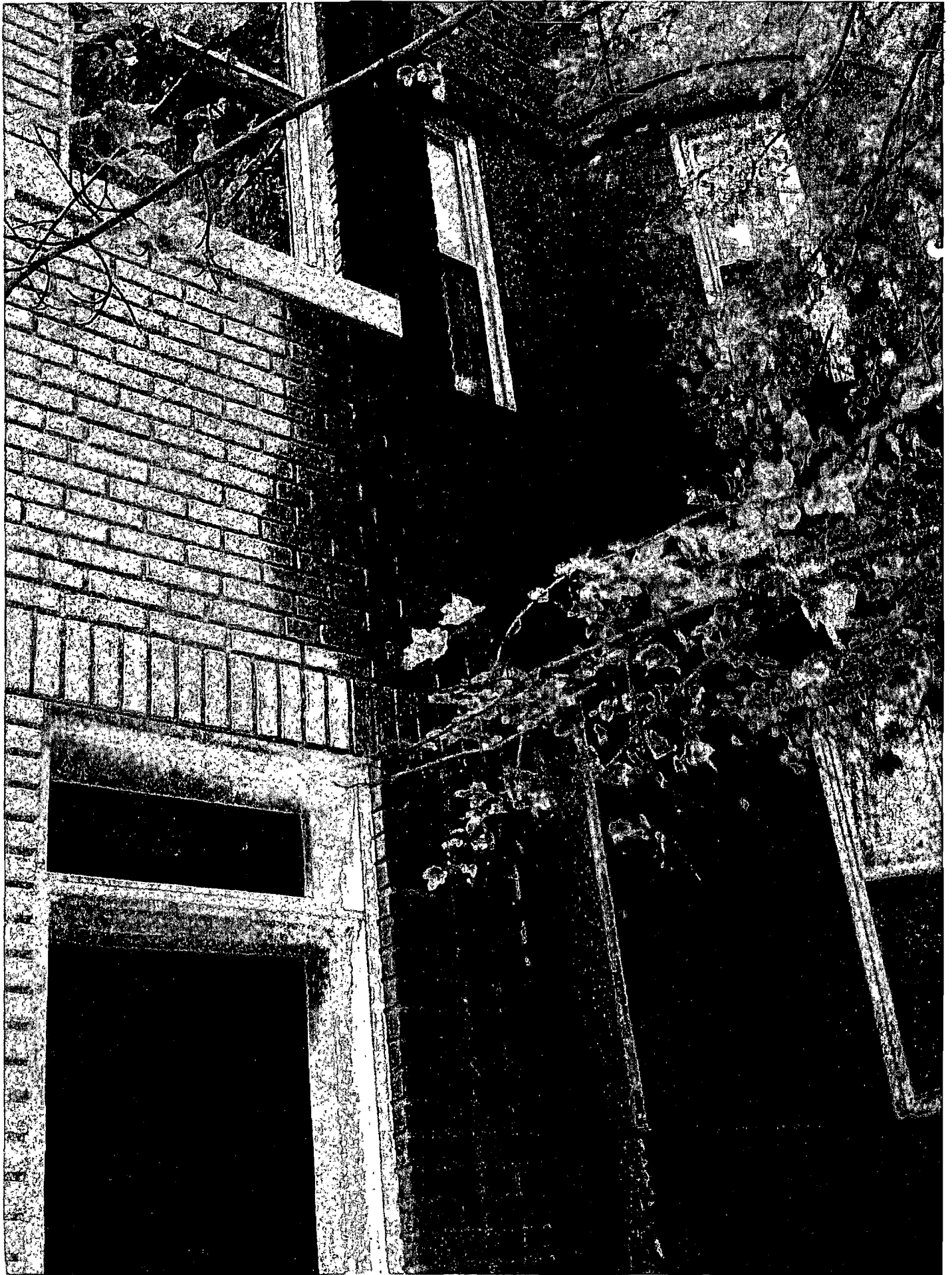
No comment.

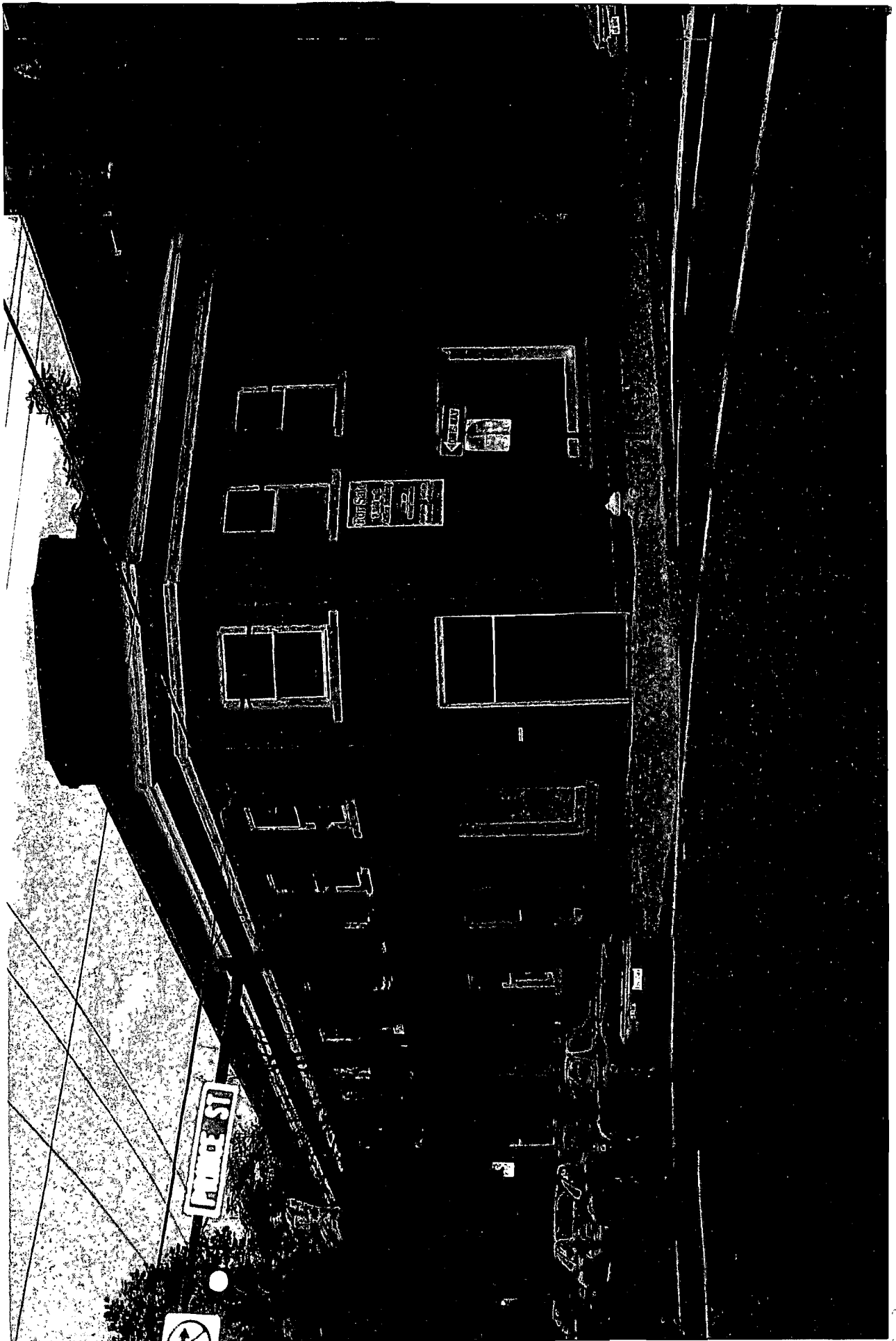
Historic Alexandria:

No comments received.



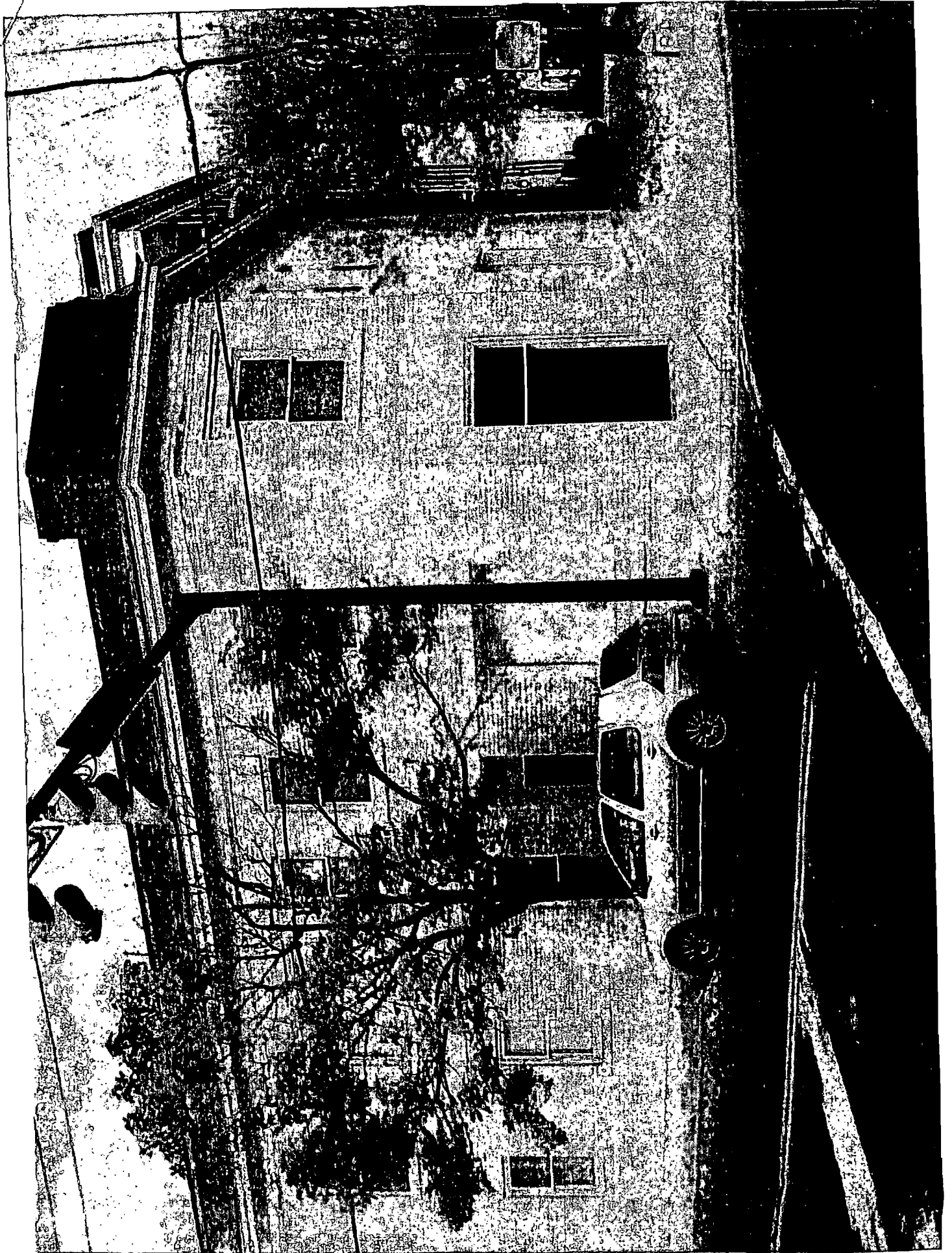
GLAS







WALL LAMINATED



MITCHELL PETERSEN INC



803 Prince Street
Alexandria, Virginia 22314-3006

www.mitchellpetersen.com

Ph. 703/518-4700
Fax. 703/518-8495

January 16, 2008

City of Alexandria
Board of Architectural Review
Department of Planning and Zoning
301 King Street
Room 2600
Alexandria, VA 22314

FEB - 5 2008

RE: 900 Prince Street
Docket # BAR2007-024

To the Board:

Rob Kaufman of PMA Properties has made neighbors of his building at 901 Prince St aware of the issue regarding exterior paint now before you.

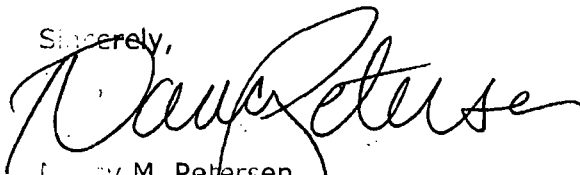
Initially, my reaction was to not support his wish to retain the exterior paint. As the owner of 803 Prince St., I spent \$100,000 cleaning and repointing my exterior brick and remaking wood window sashes complete with historic glass. In general, I think there's a risk that too many buildings will be painted in Old Town, cheapening the appeal of our beautiful town.

But after taking the time to walk around Mr. Kaufman's property on three separate occasions, I changed my mind. He had some pretty ugly brick to deal with there, and the paint is an improvement. After acquainting myself with Mr. Kaufman's other work in Alexandria, I can see he does good quality work, is creative and has the intention of renovating buildings to maximize their usefulness. I think he does a nice job.

*Sorry -
out of
tone!*

I am aware of the restrictions on exterior modifications in the historic district and applaud BAR's diligent work to enforce them. However, in this case, I think requiring Mr. Kaufman to remove the paint is both too harsh a remedy and aesthetically the wrong choice. I hope you will allow the current treatment to stand.

Sincerely,


Timothy M. Petersen
Owner, MP Realty
803 Prince Street
Alexandria, VA 22314
571-426-3203

VAUGHAN RESTORATION MASONRY, INC.
3917 WHEELER AVENUE
ALEXANDRIA, VA 22304
PHONE (703) 823-5944
FAX (703) 823-5946

RECEIVED FEB 0 2 2008

MEMORANDUM

To: Richard Blerce
From: Vaughan Restoration Masonry
Re: Paint Stripping at 900 S. Alfred Street

Richard,

Please find the attached estimate for paint stripping at 900 South Alfred Street. At first glance the job appears to be straightforward. However, after careful review a number of issues become apparent.

- This estimate covers two (2) applications of stripper. Due to the coarseness of the masonry surfaces, stripping and removing 100 percent of paint from the building is likely not possible. While two applications will remove a significant amount of paint, the final product will need to be approved by someone using a standard unknown to VRM at this time.
- The estimate does not cover repairs to masonry that may be needed due to excess cleaning. The attached picture shows current joint profile with large "chunks" of lime. This lime may become dislodged after excess cleaning. Again, amount of cleaning is an unknown at this time.
- Utility lines at southeast corner of building may be in the way of scaffolding. Resolution (either line protection or diversion) is unknown at this time and is not reflected in this estimate.

In addition to the estimate, we've included a stripper spec sheet and a couple of pictures showcasing the current masonry condition. As always, feel free to contact us if you have any questions or concerns.

Vaughan Restoration Masonry

Vaughan Restoration Masonry, Inc.
3917 Wheeler Avenue
Alexandria, VA 22304
(703) 823-5944 Phone
(703) 823-5946 Fax

Estimate

| |
|------------------|
| DATE |
| 1/30/2008 |

| |
|--|
| NAME / ADDRESS |
| Richard Bierce 121 S. Royal Street Alexandria, VA 22314-3327 |

| | |
|-------------------|----------------|
| ESTIMATE # | PROJECT |
| 922 | RBO1 |

| DESCRIPTION | QTY | COST | TOTAL |
|--|-----|---------------|------------|
| <p>VRM will provide two sample panels demonstrating stripping products, techniques and ultimately, effectiveness.</p> <p>NOTE: Existing brick is an extraordinary coarse and grainy brick that provides numerous small openings and spaces for paint infiltration. Additionally, the mortar is also extremely coarse. Due to the coarseness of the masonry surfaces, stripping and removing 100 percent of paint from the building is likely not possible.</p> | 1 | 1,500.00 | 1,500.00 |
| <p>VRM will apply two (2) applications of a non-caustic and environmentally friendly masonry paint stripper. The two applications will remove a significant amount of paint. However, as noted above, stripping 100 percent of the paint will not be possible. Additional paint removal beyond 2 applications is not covered by this estimate.</p> <p>VRM's estimate includes all labor, materials and scaffolding (including permits). VRM will be responsible for removing all waste from jobsite. VRM will collect all paint stripping residue and provide proper disposal. VRM will protect all public space</p> | 1 | 107,000.00 | 107,000.00 |
| | | TOTAL= | |

aughan Restoration Masonry, Inc.

3917 Wheeler Avenue
 Alexandria, VA 22304
 (703) 823-5944 Phone
 (703) 823-5946 Fax

Estimate

| |
|------------------|
| DATE |
| 1/30/2008 |

| |
|--|
| NAME / ADDRESS |
| Richard Bierce 121 S. Royal Street Alexandria, VA 22304 0041 |

| | |
|-------------------|----------------|
| ESTIMATE # | PROJECT |
| 922 | RDU1 |

| DESCRIPTION | QTY | COST | TOTAL |
|--|-----|---------------|-------|
| <p>(sidewalks and streets) from stripping residue, runoff and debris.</p> <p>All scaffolding will meet OSHA requirements. Additionally, walkthrough scaffolding will be erected to allow pedestrian access to sidewalks during the entire job (as required by the City of Alexandria). Plastic sheets and plywood will protect pedestrian access area. Semi-rigid plastic and plastic sheets will protect all building windows and doors.</p> <p>Stripping paint is a relatively loud (due to use of pressure washers) and a very wet process. Building occupants should expect to hear construction noise through the duration of the project. VRM will need access to water.</p> | | | |
| | | TOTAL= | |

Vaughan Restoration Masonry, Inc.
 3917 Wheeler Avenue
 Alexandria, VA 22304
 (703) 823-5944 Phone
 (703) 823-5946 Fax

Estimate

| |
|------------------|
| DATE |
| 1/30/2008 |

| |
|--|
| NAME / ADDRESS |
| Richard Bierce 121 S. Royal Street Alexandria, VA 22314-3327 |

| | |
|-------------------|----------------|
| ESTIMATE # | PROJECT |
| 922 | RB01 |

| DESCRIPTION | QTY | COST | TOTAL |
|-------------|----------------|---------------------|-------|
| | | | |
| | TOTAL=- | \$108,500.00 | |



Cathedral Stone Products, Inc.

STRIPPERS



S-301

Industrial & Architectural Paint Stripper

This water based paint remover is biodegradable, non-toxic, user friendly and environmentally safe. It is extremely effective in removing the toughest industrial coatings like epoxies and urethanes from metal and concrete. S-301 will effectively lift urethanes, latex, alkyd paints, lead based paints and varnish as well as most two-component epoxy coatings and fusion bonded epoxies from all types of substrates, including steel, aluminum, metal alloys, concrete, and masonry.

Features and Benefits

- Water Based
- Fully Biodegradable
- Non Flammable
- Contains no TAPs or HAPs (Toxic/Hazardous Air Pollutants)
- Non-carcinogenic, non-toxic
- Easy clean up with running water
- Low VOCs
- Non-ozone-depleting
- Not regulated by authorities for transportation / storage
- Not regulated by authorities for worker health and safety
- Low and inoffensive odor
- Will not burn skin
- Cost Effective:
 - Requires much less chemical to achieve desired results
 - Reduces man-hours
 - Reduces cost of waste disposal
 - Reduces down time since other work at site can continue while stripper does its job
 - Lowers insurance costs for worker safety and storage hazards

Application Procedures

Test Area

Always prepare a test area prior to full application. This will indicate the time required for project completion and suitability of product for the paint and the substrate.

Equipment and Tools

This product is engineered for airless spray application. Use only airless equipment with chemical resistant packing, such as a Titan 440i or larger pump. Even the smallest airless sprayer is capable of spraying this product. Equip the sprayer with a tip size of 0.019 inches or larger. (Example: a 519 or 425 tip). Other equipment: brushes, rollers, scraper, masking tape, plastic (polyethylene) sheet, pressure washer, electric drill with mixer, empty pails for clean-up, water. Roller application should be used ONLY for horizontal surfaces.

Preparation

MASKING: Cover / protect areas where stripping is not desired, including adjoining surfaces where over spray may travel. Plastic (polyethylene) sheets make a very effective barrier. If using masking tape, apply two layers of tape and remove the top layer immediately after application as the remover may soak through the tape, damaging paint under it. Plants should be covered or washed thoroughly before and during application.

MIXING: If on visual examination, water appears to have separated out of the product, thoroughly mix the stripper with a drill until it becomes homogeneous once again. DO NOT SHAKE. DO NOT DILUTE.

EQUIPMENT: Ensure application equipment is free of any previously applied products or chemicals or solvents (especially mineral spirits).

Application

Apply a thick, even layer of stripper onto the coating being removed. An airless sprayer is the most effective means of application. Always start the sprayer pump at the lowest pressure setting and slowly build up the pressure until an adequate fan pattern has been generated. The minimum wet film thickness should be 15 mils (300 microns). The stripper must be applied 30%-50% thicker than the coating to be removed, i.e., 10 mils of coating requires 13-15 mils of stripper to be removed effectively. High pressure is neither required nor

Cathedral Stone® Products, Inc. 7266 Park Circle Drive, Hanover Maryland 21076
(800) 884-0901 FAX: (410) 782-9155 WEBSITE: www.cathedralstone.com

desired. High pressure and narrow tip sizes will break the stripper's emulsion and will reduce its effectiveness. When trying to build up films thicker than 30 mils (800 microns), it is advisable to build the stripper film in two separate applications. First apply a light coat of approximately 10 mils (250 microns), allow it to dwell for about 30 minutes and then build the rest of the stripper film thickness in the second application. Once applied, leave the stripper alone, as agitation slows down penetration. Brushing and rolling should be avoided because these methods produce a lower film build and inconsistent thickness of stripper.

Dwell Time

The time required for penetration varies according to the type of paint, and the temperature. Most paint systems require 1 to 6 hours. Leave the stripper overnight for best results.

Re-Application

When there are multiple layers of paint, it is quite likely that there is poor intercoat adhesion between some layers. Premature lifting may occur at this interface. If this happens, remove the lifted layers and reapply the stripper. Do not allow the stripper to dry out. The stripper is designed to remain wet and effective over extended periods of time (up to 48 hours), but excessive sunshine, windy conditions or insufficient stripper thickness can cause early drying. If the stripper starts to dry, reapply a light coating and allow extra time for completion.

Removal and Cleanup

Removal of lifted paint can be completed by scraper, squeegee, wet/dry vacuum suction system or by pressure wash. The stripped surface must be rinsed with water or denatured alcohol to remove all chemical residues before repainting. Collect lifted paint and dispose of in accordance with local government regulations. Do not collect and/or store removed paint and stripper waste residue in metal containers. Clean up spray equipment by running water or denatured alcohol through the equipment soon after the spraying has been completed.

Safety Requirements

Proper safety procedures should be followed at all times while handling this product. Refer to the Material Safety Data Sheet for important health/safety information before use.

Limitations

Surface temperatures should be 65° to 95°F (20° to 32°C). The product performs effectively at lower

temperatures (even at 32°F, 0°C), but the dwell time increases.

Packaging and Coverage

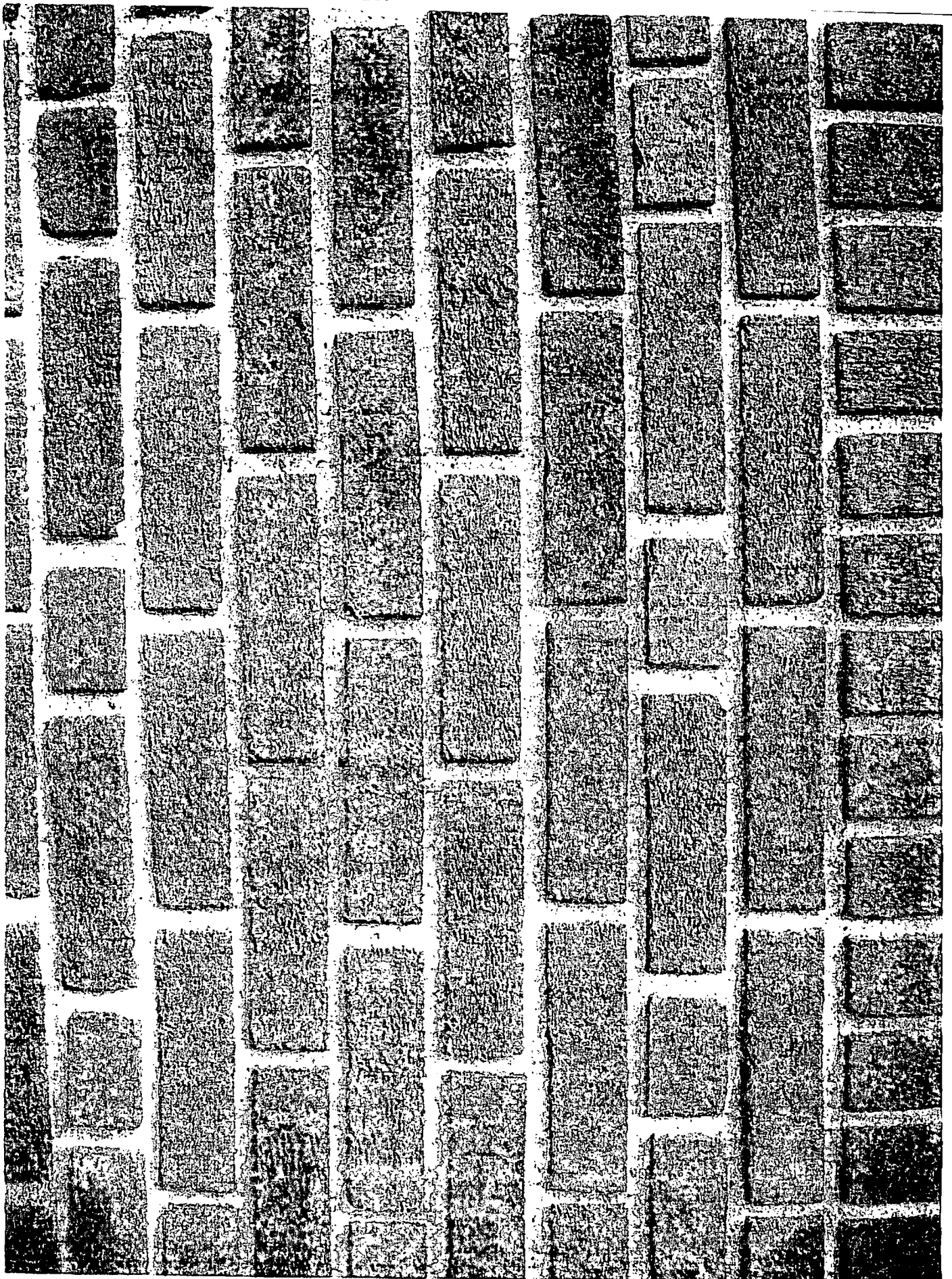
Packaging: 5-gallon pails

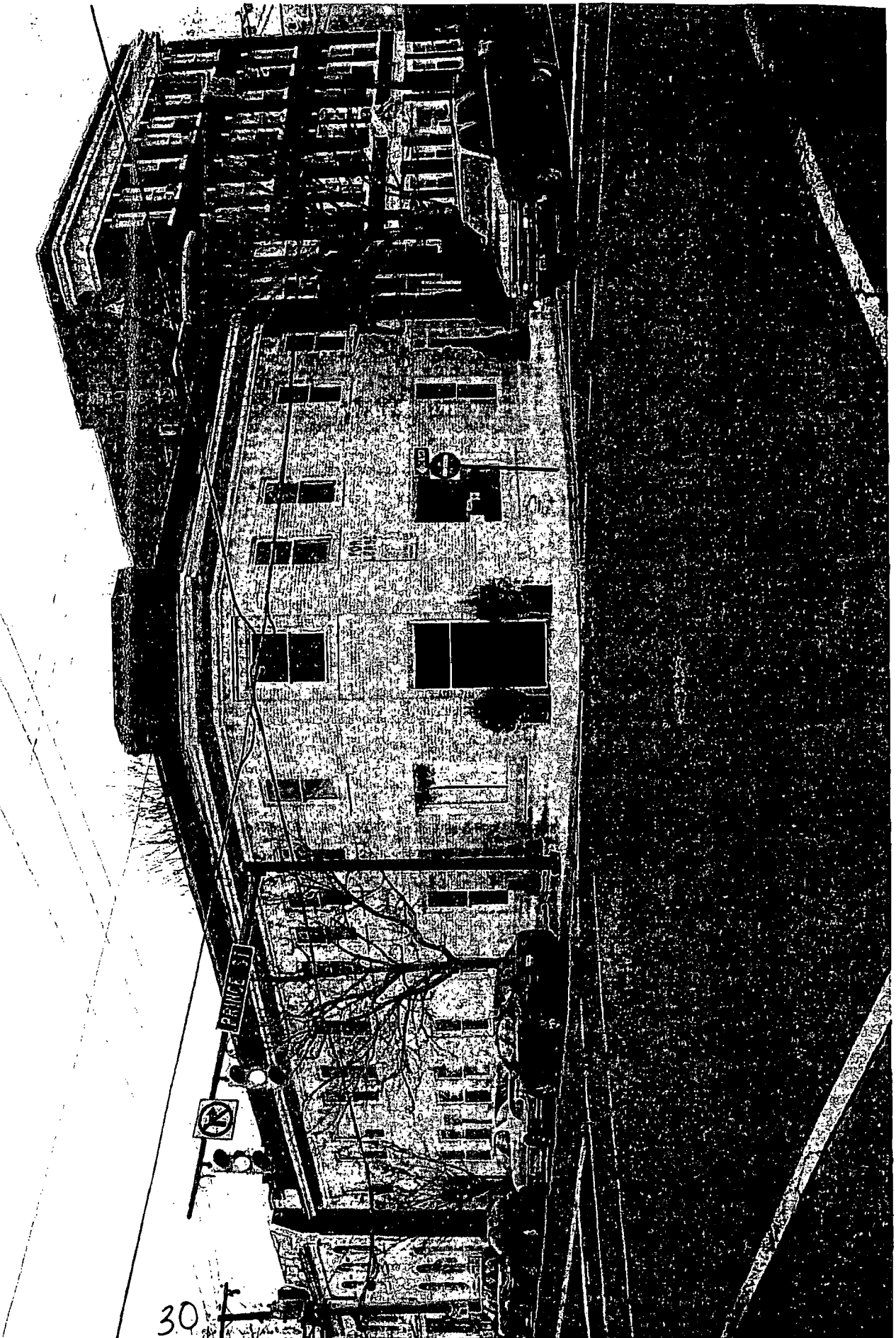
The product is engineered for thick film build up on vertical and overhead surfaces. The desirable wet film thickness of stripper is approximately one and a half times the dry film thickness of the paint. Minimum wet film thickness should be 15 mils (300 microns). The stripper must be applied 30%-50% thicker than the coating to be removed, i.e., 10 mils of coating requires 13-15 mils of stripper to be removed effectively. Typically, coverage is approximately 40 to 90 sq. ft./ US gallon (1 to 2.2 sq. m/L)

Technical Data

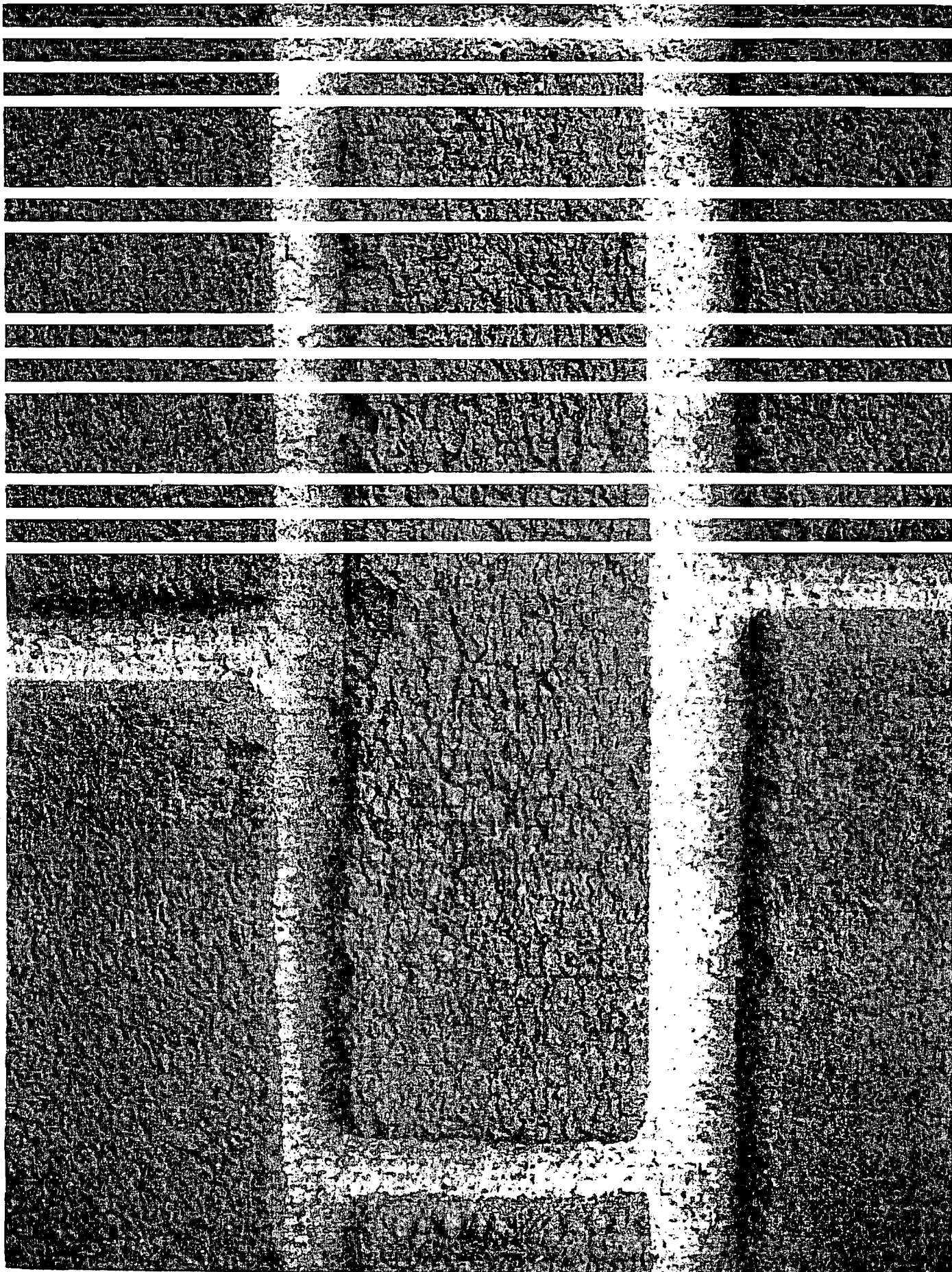
| | |
|---------------------|------------------------|
| Appearance | Orange foamed emulsion |
| Specific Gravity | 1.01 |
| Boiling Point | 100°C•212°F |
| Freezing Point | 0°C•32°F |
| pH (direct reading) | 2.0 - 3.0 |
| VOC content | 121g/L•1.01 lbs./gal |
| Flash point | >176°F |
| Viscosity (cPs): | 5,000-15,000 |

DO NOT ALLOW STRIPPER TO FREEZE!





30



SUPPLEMENT
R.C.T.
2/04/08

Vaughan Restoration Masonry, Inc.
3917 Wheeler Avenue
Alexandria, VA 22304
(703) 823-5944 Phone
(703) 823-5946 Fax

Estim.

| |
|-----------|
| DATE |
| 1/30/2008 |

| |
|--|
| NAME / ADDRESS |
| Richard Bierce 121 S. Royal Street Alexandria, VA 22314-3327 |

RECEIVED FEB 0 2008

| DESCRIPTION | QTY | ESTIMATE # | PROJECT |
|---|-----|------------|----------|
| | | 922 | RBO1 |
| | | COST | TOTAL |
| <p>VRM will provide two sample panels demonstrating stripping products, techniques and ultimately, effectiveness.</p> <p>NOTE: Existing brick is an extraordinary coarse and grainy brick that provides numerous small openings and spaces for paint infiltration. Additionally, the mortar is also extremely coarse. Due to the coarseness of the masonry surfaces, stripping and removing 100 percent of paint from the building is likely not possible.</p> <p>VRM will apply two (2) applications of a non-caustic and environmentally friendly masonry paint stripper. The two applications will remove a significant amount of paint. However, as noted above, stripping 100 percent of the paint will not be possible. Additional paint removal beyond 2 applications is not covered by this estimate.</p> <p>VRM's estimate includes all labor, materials and scaffolding (including permits). VRM will be responsible for removing all waste from jobsite. VRM will collect all paint stripping residue and provide proper disposal. VRM will protect all public space</p> | | 1,500.00 | 1,500.00 |
| | 32 | TOTAL= | |

Vaughan Restoration Masonry, Inc.
3917 Wheeler Avenue
Alexandria, VA 22304
(703) 823-5944 Phone
(703) 823-5946 Fax

Estimate

| |
|------------------|
| DATE |
| 1/30/2008 |

| |
|--|
| NAME / ADDRESS |
| Richard Bierce 121 S. Royal Street Alexandria, VA 22314-3327 |

| | |
|-------------------|----------------|
| ESTIMATE # | PROJECT |
| 922 | RBO1 |

| DESCRIPTION | QTY | COST | TOTAL |
|--|-----|---------------|-------|
| <p>(sidewalks and streets) from stripping residue, runoff and debris.</p> <p>All scaffolding will meet OSHA requirements. Additionally, walkthrough scaffolding will be erected to allow pedestrian access to sidewalks during the entire job (as required by the City of Alexandria). Plastic sheets and plywood will protect pedestrian access area. Semi-rigid plastic and plastic sheets will protect all building windows and doors.</p> <p>Stripping paint is a relatively loud (due to use of pressure washers) and a very wet process. Building occupants should expect to hear construction noise through the duration of the project. VRM will need access to water.</p> | | | |
| | 33 | TOTAL= | |

Vaughan Restoration Masonry, Inc.
 3917 Wheeler Avenue
 Alexandria, VA 22304
 (703) 823-5944 Phone
 (703) 823-5946 Fax

Estimate

| |
|-----------|
| DATE |
| 1/30/2008 |

| |
|--|
| NAME / ADDRESS |
| Richard Bierce 121 S. Royal Street Alexandria, VA 22314-3327 |

| DESCRIPTION | QTY | COST | ESTIMATE # | PROJECT |
|---|-----|-----------|---------------|---------------------|
| | | | 922 | RBO1 |
| | | | TOTAL | |
| Labor for paint stripping. Project oversight is also included. | 1 | 51,500.00 | | 51,500.00 |
| Stripping materials, including paint stripper, scrappers and brushes. | 1 | 10,000.00 | | 10,000.00 |
| Protection materials for building and public space, including plastic sheets, rigid plastic and plywood. | 1 | 2,500.00 | | 2,500.00 |
| Two (2) month scaffolding charge - including labor for scaffolding assembly and disassembly. Includes building and public space protection. | 1 | 43,000.00 | | 43,000.00 |
| | | | TOTAL= | \$108,500.00 |

34



To the Staff of Planning and Zoning and the Board of the BAR

I have been renovating and remodeling buildings in Old Town since the mid 1980's. Throughout the years I have made many BAR applications for minor and major changes to the exterior of the projects. Throughout these years I have always been careful not to alter anything without going through correct channels whether architectural or Code Enforcement. Somehow I have always been of the understanding that exterior painting was not within the scope of a BAR application.

I recently purchased a building at 900 Prince Street. In purchasing the building there were some issues with the appearance that I felt could be improved to the benefit of the building, the intersection and adjacent neighbors. I made application for some exterior lights and a transom change to light up the corner. One of the improvements was also to paint the exterior to make the building a bit softer. I felt that with a softer color coupled with some improved lighting it would look great. So I began to paint.

A day into painting I was made aware that painting previously unpainted masonry did in fact fall under the BAR guidelines. At this point I stopped painting, although unfortunately, after 98% of the masonry was already painted.

I apologize to all within the Planning and Zoning Department and the Board of the Architectural Review. This sort of issue is not one that I take lightly. I love Old Town, I work here and live here. I have worked hard to improve the elements of the City the best I can as a small investor. Please accept my apology for my lack of understanding.

The day after being made aware of my violation I have made application as should have been done initially.

Yours truly

A handwritten signature in black ink, appearing to read 'Rob Kaufman', with a large, stylized flourish at the end.

Rob Kaufman

35



Peter Smith
Board of Architectural review
City of Alexandria
305 King Street
Room 2100
Alexandria, VA 22314

Dear Peter

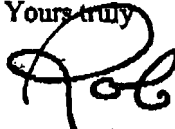
RE: Painting 900 Prince Street Case BAR2007-0240

I wanted to write with a bit of a recap as to what was accomplished since the BAR meeting of December 6, 2007.

I contacted three companies that were recommended as capable to undertake the task of removing the paint from the brick. The first company RENORR that does graffiti removal did a site visit December 14th and said that there would be no value in a test which they outlined in their letter in the file. The second Company CPI Restoration was able to provide a test on December 19th but stopped when they began to pull out too much grout. The third company was able to perform a test on December 31st and was able to accomplish a similar result to the first test. I was able to get two reports but was unable to obtain a third after a number of requests. If the Department has any other suggestions please let me know.

I was going to be out of town and asked my office to bring down the results hopefully with a third report. The report did not come and they forgot to get the paperwork in on time. That is why I brought it down this morning when I got back and realized they had not been submitted last week as planned. I will as a result send out notifications for the next BAR meeting. I am unfortunately out of the country for the February 3rd meeting but will make sure I am available for the February 20th meeting.

I am sorry for the mix up as I also wish to get this resolved.

Yours truly

Rob Kaufman

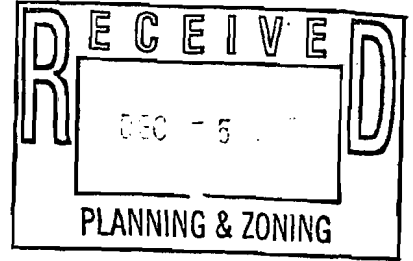
36

PANAGIOTIS SILIS

2103 Old Stage Road
Alexandria Virginia 22308

City of Alexandria
Planning & Zoning
301 King Street Room 2100
Alexandria, VA 22314

Re: 900 Prince Street



Dear Planning and Zoning Board,

My name is Panagiotis Silis and I am the owner of the property located at 113 S. Alfred Street. When I first purchased property in Old Town some thirty years ago, I was charmed and intrigued by the beauty of the area.


It has come to my attention that recently, Rob Kaufman purchased and painted a brick building located at 900 Prince Street. While I recognize that this violates a BAR regulation, I believe any punishment as a result of Mr. Kaufman's actions would be counterintuitive and run contrary to the purpose of any such regulation. First, and most importantly, the property's aesthetic is much more pleasing as a result of Mr. Kaufman's work. Secondly, he has assured me that his intentions were genuine, and he was unaware of the regulation at the time he completed the work. Aware of Mr. Kaufman's commitment to Old Town's beautification, I needed no reassurance to know that his efforts were being made to enhance Old Town's appeal.

However, precisely because I am dedicated to Old Town, I hope to communicate to you that despite Mr. Kaufman's mistake, his continued actions to beautify Old Town have only contributed to the area's aesthetic and commercial appeal.

Mr. Kaufman's dedication and passion for our neighborhood can not be questioned. Let us not forget his contribution of Christmas decorations, the addition of park benches, and hanging flower baskets on the 800 block of King Street. Each and every one of these improvements has not only improved the aesthetic appearance of this one block, but has inspired others in the area to value and maintain Old Town's beauty. It is imperative that this community recognize that it is not only the tangible improvements Mr. Kaufman has made to our community, but also the intangibles. The positive effect that Mr. Kaufman's passion and presence in our community has certainly played an immeasurable role in the rejuvenation of our Old Town neighborhood.

While I recognize that no single person is above the rules, it would be improper to not recognize the outstanding contribution Rob Kaufman has provided to our community. Hence, I strongly urge the Board that no action be taken against Mr. Kaufman as a result of this innocent mistake. Finally, and perhaps most importantly, I find the change of color to be far superior to the old red color.

Sincerely,


Panagiotis Silis



M O R T G A G E C O R P

October 30, 2007

City of Alexandria
Planning and Zoning
301 King Street, Suite 2600
Alexandria, Virginia 22314

Re: BAR Application – 900 Prince Street Painting

To Whom It May Concern;

It has come to my attention that there are concerns within the Zoning and Planning Commission of the City of Alexandria regarding the recent painting of 900 Prince Street. While I am not well versed in the guidelines of the Commission regarding the painting of commercial buildings within the City, as the new owner of the property immediately adjacent to 900 Prince Street, I can certainly say that the lighter and cleaner look of the building is a refreshing change from the dark and drab exterior that existed prior to said painting. This whole section of the street seems much brighter, cleaner and more vigorous than before and would certainly qualify to the uninitiated as an improvement.

This letter is not meant as an endorsement of the actions by any particular entity, be it the owner of the property or the Zoning and Planning Commission, but merely an honest appraisal of the effect the action of painting the building has had on those of us immediately adjacent to the property.

I would be happy to make myself available should anyone want to contact me. I appreciate your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory L. Kunding", written over a faint, larger version of the name.

Gregory L. Kunding
President / CEO

207 S. ALFRED STREET

ALEXANDRIA, VIRGINIA 22314

TEL: 703-549-3400

FAX: 703-549-5139

HOME PAGE ADDRESS: <http://www.homefirstmortgage.com>

Kelly Myers

216 S. Alfred Street
Alexandria, VA 22314

December 6, 2007

Board of Architectural Review
Department of Planning and Zoning
City of Alexandria
(Delivered via eMail to Julie Fuerth)

re: Docket Item # 7
BAR CASE # 2007-0240
Issue: After-the-fact approval of previously unpainted masonry @ 900 Prince Street

Dear Board Members,

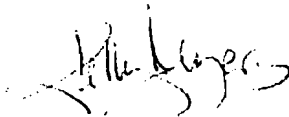
I hoped to attend the hearing this evening, but discovered late in the day that I may not be able to do so. To make sure my opinion is heard, I am providing my comments in writing.

I share the Staff's belief that "red brick buildings are one of the chief distinguishing characteristics of the historic district." Nine hundred Prince Street is not a narrow row house; it is on a corner and is quite large—considerable chunk of a city block of previously unpainted brick is now painted over. That is a significant loss which is hard to ignore.

I'm sure the owner thought he was improving the property by painting over the brick which he thinks is "unattractive and [does] little to enhance the corner of the neighborhood." Old Town Alexandria would certainly be a different place if everyone was allowed to do what they wanted to "enhance" their properties. Though the rules are sometimes hard to swallow, the good guidance of the BAR continues to protect the historic value of our neighborhood.

I ask that you deny this application.

Sincerely yours,



Kelly Myers



October 30, 2007

City of Alexandria
Planning and Zoning
301 King Street
Suite 2600
Alexandria, VA 22314

Re: BAR Application - 900 Prince Street Painting

Dear BAR,

As the owner of four properties in Old Town, Rosemont and Del Ray (including 917 Prince Street), I am writing to express my support of the painting of the 900 Prince Street Building. I believe the painting adds to the appearance of the building and to the 900 block of Prince Street. The paint color chosen is tasteful and consistent with the period, as well as complementary to the other painted buildings in Old Town.

I think it should be noted that Mr. Kaufman's efforts to beautify Old Town have always been done with great taste and appreciation of the historical standards of the Old Town district. Please contact me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Stevenson", with a horizontal line extending to the right.

Mark Stevenson

Smart HR, Inc.
917 Prince Street • Alexandria, VA 22314
T: 703.739.0909 P: 703.739.2497
www.smarthrinc.com



PAINTING & GENERAL CONTRACTING

15300 Spencerville Court, Suite 102
Burtonsville, MD 20866
P: (301) 384-3175
F: (301) 384-8227

November 5, 2007

Painting

PMA Properties
815 King Street, Suite 203
Alexandria, VA 22314

Staining

Caulking

ATTN: Rob Kauffman

Carpentry

RE: 900 Prince Street

Drywall

Rob,

Wallcovering

We want to apologize for the break in communication with our men that occurred last week on the painting project at 900 Prince Street.

Powerwashing

Siding

As discussed in the beginning of the project, we needed to finish this work quickly due to the cold weather that was coming soon. You agreed that we should immediately move forward, so as per your instruction, we did so. After painting roughly 90% of the brick façade, we ran out of paint due to shortage with the supplier. In the interim you instructed us not to continue with the final 10% of the work due to a work stoppage issued by the city. We communicated that instruction to our job foreman, however it appears that our explicit instructions were not passed along to his workers.

Roofing

Gutters

Concrete

We again apologize and assure you that this will not happen again. Thank you.

Sealcoating

Sincerely,

Paving

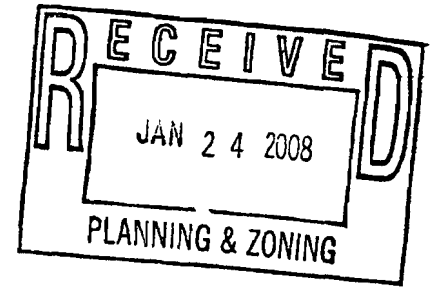
Striping

Joshua Middledorf

Windows



41



THOMAS HULFISH, III, CHAIRMAN
PETER SMITH
OSCAR FITZGERALD
ARTHUR KELEHER
WAYNE NEALE
LYNN NEIHARDT
PETER SMEALLIE
JAMES SPENCER

City of Alexandria
305 King Street
Room 2100
Alexandria, VA 22314

RE: BAR Case 2007-
900 Prince Street

Mr. Chairman and Members of the Board of Architectural Review:

In November I purchased the property 900 Prince Street with the intention of renovating the building into a first-class commercial space. To do so, I believed I needed to do two things: 1) renovate the interior, and 2) make the exterior more attractive and consistent with the character of the Old and Historic District.

In accordance with #2 above, I chose to paint the exterior of the building. After exploring whether the masonry could be cleaned in an appropriate manner, I was advised the results would not be satisfactory owing to the texture of the brick and state of the mortar joints.

There are many painted masonry buildings in the Historic District, and in fact, over the years I have painted many buildings in the Historic District, though none with unpainted brick. I was not aware that the City's regulations distinguished between a masonry building that had been previously painted and one that had never been painted.

On November 5 I applied for BAR approval for all of my proposed exterior changes to 900 Prince, such as light fixtures and altered transom above the main front doors. At that time I discussed with BAR Staff changing the front doors either by replacement or restaining and understood that either way was fine as long as the same style of doors remained. These doors had not been used in many years but I felt they should again constitute the main entrance of the building. I felt that by stripping or replacing the doors and using a lighter stain along with the new light fixtures and fresh paint on the outside

42

the building, the refreshed exterior would be a wonderful addition to both the intersection and the neighborhood in general. However, based on my prior experiences with painting masonry buildings, I did not discuss those plans with Staff.

Painting brick is something I don't take lightly. I love the look of fine brick and when it is painted the paint is next to impossible to take back. After looking at all my options I became comfortable with the fact that the building should be painted to make it truly come alive. I organized the painting with our subcontractor to begin on a Friday and be completed on Saturday.

On the following Monday I discovered a Stop Work order on the window. I immediately went to Planning and Zoning to find out what the problem was. This is when I learned about the regulation on the painting of unpainted brick. It is something I should have known. I have done a lot of properties, I consider myself a professional, and I should be up to date on the rules.

But I was not, and for this I am truly embarrassed. There is no excuse for making this type of mistake. I deeply apologize. As you know, I don't make mistakes like this and I wish when I had discussed other exterior modifications with the BAR I had said something about painting. But I didn't – truly it didn't even enter my mind.

As requested at the BAR meeting, I was able to find three companies with a history of paint or graffiti removal. I met with them on site to discuss removing the paint on the brick. One of the companies suggested there was no reason to attempt it at all and explained this in a letter to me. The second two companies made an attempt to remove the paint but were unsuccessful. One of these companies provided a letter summarizing their undertaking, and the second did not. I have given Peter Smith photographs of the attempts and the summary letters from the two companies.

PMA Properties has been renovating and restoring buildings in Alexandria for a long time. If you look at the buildings we have restored you will see that we take our work very seriously. Every time we purchase a building we pour through all the records we can find at Lloyd's House in an attempt to discover what the original building looked like so as to guide us in our planned renovations. 725 King Street was empty except for a CVS Pharmacy on the 1st floor with virtually no main-floor windows and a bank of phones across the 45-degree corner of the building. With our research we were able to restore it to very close to its original intention. 814 and 816 King Street as well as 815 King Street were in similar poor condition, empty and substantially changed over the years. Today they are full of people and restored to the original vision of the builder and architect. We start with a beat up building and in most cases, because the original building had stature, all we have to do is remove the years of improper remodeling and restore the original. You may have noticed that we even put benches on the sidewalks, planters on the light poles, and not only decorate every building every Christmas but also decorate all the light poles in the 800 block of King Street.

There are times when an accurate restoration is neither possible nor practical. When we purchased 810/ 812 King Street -- the old Hopkins Furniture store -- these two fabulous Art Deco townhouses had been marred with a filigree of metal ironwork across the entire front. Here we made application to the BAR to demolish the filigree front in order to see if we could salvage anything of the original. When we discovered the original façade had been removed, we presented our vision for the new facade.

900 Prince Street was built in 1915 and altered slightly in 1926. In 1975 an addition was added over the rear of the building, garage doors removed, apartments converted to offices and most windows replaced with vinyl replacements. Since the 1970's the building has also had minimum maintenance and repairs, as evidenced by the shape of the exterior doors and trims. It was in need of attention.

Since the time we painted the brick at 900 Prince Street we have received to date 16 letters from neighbors saying how delighted they are with the improvement to the building and what a nice change it has made to the neighborhood. And this is before these letter-writers have even seen the light fixtures that will be added to the exterior or the planting of the tree wells.

In closing I would like to say that I am extremely upset that I painted the brick on the building without following the proper procedures. I do, however, feel that the exterior enhancements I made for the building and the neighborhood were totally within the spirit of the BAR mission and will benefit the neighborhood for years to come. The building is fresh and alive again as the neighbors have so well attested. When you compare the 800 block of King Street in the early 1990's to its aura today I believe you will understand my dedication to the visual excellence of Old Town.

I love this town and it has been a wonderful town for me in which to live and raise a family. In this letter I merely wanted to explain that I don't simply break the rules. Admittedly, I made a mistake, but I am comfortable that the end result is a major benefit to the neighborhood.

Thank you for your time and consideration.

Yours truly

Rob Kaufman

City of Alexandria
Planning & Zoning Department
301 King Street, Room 2100
Alexandria, VA 22314

230 - 1

28 Nov 07

Dear Staff:

This is in regards to the property at 900 Prince St., and your objection to the owner's application of paint. As residents of the block, and the first to attempt a recent renovation in what was clearly a deteriorating situation, we are pleased that the owners are actually making improvements, including the paint. We both like the change in color, it always seemed far too institutional and out-of-place in the original dark brick and the color change makes it fit much nicer in this transitioning block. We only wish the City was as aggressive in requiring owners to maintain property as they are in objecting to investments that enhance values and appearance. What, for example, have you done about the continuing deterioration of the Brawner House or the commercial properties on South Patrick?

We would also point out that while that building is in the Historic District, it does not appear to contribute in the same way to the character of the neighborhood as other adjacent properties. It clearly has a distinctly modern appearance – with only minimal concessions to the architecture of the neighborhood. We understand it was originally a car dealership – and it certainly looks like that was possible. Insisting on retaining the historic red brick on a building that appears of a different era and purpose in what was originally a residential neighborhood makes little sense to us – as people who actually live on this block. We believe the improvements actually enhance its integration into this block – giving it a softer, less institutional look.

Please note our support of the efforts of the new owner.



Derry & Tamara Fivehouse
910 Prince St.
Alexandria, VA 22314



<VMGtheHill@aol.com>
12/06/2007 03:18 AM

To <peter.smith@alexandriava.gov>,
<steve.milone@alexandriava.gov>

cc

bcc

Subject Fwd: BAR Meeting on the 6th of December

Peter/Steve:

This is what we sent to the BAR Members a few minutes ago

From: VMGtheHill
To: Oscarfitzgerald, Tomhulfish, akeleher@comcast.net, wneale@nelearach.com,
nelhardt@comcast.net, smeallie@bellatlantic.net, jspencer@fox-architects.com
Sent: 12/6/2007 3:15:03 A.M. Eastern Standard Time
Subj: BAR Meeting on the 6th of December

***THE OLD TOWN CIVIC ASSOCIATION
P.O. Box 1213
ALEXANDRIA, VIRGINIA 22313***

Dear Chairman Hulfish and Members of the BAR:

As you are well aware, on Thursday, 6 December, the BAR will meet. I have a previous commitment that evening and therefore cannot be present to address several issues of concern to the Old Town Civic Association. However, we would like to present some comments relative to three of the docket items you will consider.

Docket Item # 7

The "After the Fact Approval" of painting over the brick structure at 900 Prince Street. The Owner is Rob Kaufman. Staff recommends denial of the application with directions to remove the paint. Mr. Kaufman should have been aware that this and in my conversation with him he fully admits that he is at fault. The BAR has recently been in receipt of OTCA's "After the Fact Approval Letter" we sent to the Council and the BAR. We fully agree with the staff's position on this application. A chemical stripper can be used to remove the paint rather than a sand blaster that will harm the mortar. A competent conservation firm ought to be hired to do it. In addition, appropriate fines should be levied.

Docket Items #10 and #11

Demolition/encapsulation and the approval to build an addition at 113 South Lee Street. The building was originally constructed in 1803 and the last major addition to the building

was made in 1907. The applicant has proposed to separate the main historic block from his addition by 6 inches. Staff points out that the main historic portion of the house cannot be seen from the public right away. However that is not really a consideration for approving this project. This sets a bad prescient. The hiding of the historic wall in fact constitutes visual demolition of the house. When is an encapsulation not an encapsulation; in this case 6 inches is not equal to a mile! We recommend disapproval.

Docket Item# 12

The Demolition and encapsulation of 500 Jefferson Court. This house was built in 1966. Although not historic, the building was built with the stipulation that it would subscribe architecturally to the other buildings in its neighborhood. This alteration will make it totally different from the surrounding houses. That's why only #5 of the zoning ordnance is applicable. The applicant wants to demolish the roof to make way for a third story and a change in roof design. The original roof design by itself is significant as it fit into the fabric of the community and its removal would jeopardize that fit, regardless of the age of the building. The Old Town Civic Association agrees with the staff's position to defer this application.

Sincerely,

**OLD TOWN CIVIC ASSOCIATION, INC.
Board of Directors
Townsend A. "Van" Van Fleet, President**

Check out AOL Money & Finance's list of the hottest products and top money wasters of 2007.

Check out AOL Money & Finance's list of the hottest products and top money wasters of 2007.

Submitted to Board
For 2/6/08 hearing

R. L. KANE, INC.

REALTORS SINCE 1922

311 SOUTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314

ROBERT L. KANE (1893-1975)
SCOTT C. HUMPHREY
PRESIDENT

(703) 549-2800

SALES
APPRAISALS
MANAGEMENT

January 14, 2008

Mr. Rob Kaufman
PMA Properties
815 King Street – Suite 203
Alexandria, Virginia 22314

Dear Mr. Kaufman:

On behalf of the Humphrey Family LP and the King Family LP, owners of 818 Prince Street, I appreciate the opportunity to respond to your dilemma concerning the painting the brick of 900 Prince Street.

818 Prince Street, which we own, has the greatest exposure to your building since our building is the Southeast corner of Prince and Alfred Street.

Your difficulty is one more example of how difficult it is to do business in Alexandria. The bureaucracy which attempts to control all phases of our life is most discouraging.

I have inspected your partially painted building and wish to compliment you on the improved appearance. I have also noted there are ten (10) or more painted buildings in the 200 block of South Alfred Street.

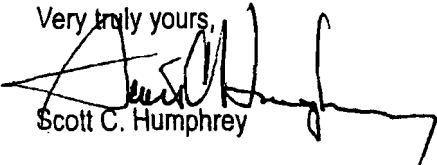
It is regrettable that you were unaware that the painting needed BAR approval. There should be a system where City staff could approve owner's choice of color unless staff felt it did not meet generally accepted standards of the community. (Example – purple/black/orange, etc.)

Your choice of a soft green color enhances your building by softening the harsh red brick.

You certainly can use this letter in support of your position if you feel it will be helpful.

Your commitment to improving properties is to be commended and I do so with regret that this current problem may be discouraging.

Very truly yours,


Scott C. Humphrey

SCH:bp

January 16, 2008

City of Alexandria
Board of Architectural Review
Department of Planning and Zoning
301 King Street
Room 2600
Alexandria, VA 22314

RE: 900 Prince Street
Docket # BAR2007-024

To the Board:

Rob Kaufman of PMA Properties has made neighbors of his building at 901 Prince St aware of the issue regarding exterior paint now before you.

Initially, my reaction was to not support his wish to retain the exterior paint. As the owner of 803 Prince St., I spent \$100,000 cleaning and repointing my exterior brick and remaking wood window sashes complete with historic glass. In general, I think there's a risk that too many buildings will be painted in Old Town, cheapening the appeal of our beautiful town.

But after taking the time to walk around Mr. Kaufman's property on three separate occasions, I changed my mind. He had some pretty ugly brick to deal with there, and the paint is an improvement. After acquainting myself with Mr. Kaufman's other work in Alexandria, I can see he does good quality work, is creative and has the intention of renovating buildings to maximize their usefulness. I think he does a nice job.

I am aware of the restrictions on exterior modifications in the historic district and applaud BAR's diligent work to enforce them. However, in this case, I think requiring Mr. Kaufman to remove the paint is both too harsh a remedy and aesthetically the wrong choice. I hope you will allow the current treatment to stand.

Sincerely,

Nancy M. Petersen
Owner, MP Realty
803 Prince St
571 426 3203

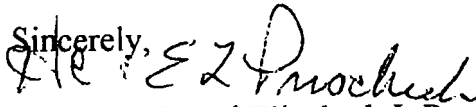
HERBERT C. PUSCHECK 8106 WEST BOULEVARD DRIVE ALEXANDRIA, VIRGINIA 22308
(703) 768-2380

January 16, 2008

Mr. Rob Kaufman
PMA Properties
815 King Street
Alexandria, VA 22314

Dear Mr Kaufman:

This is to inform whomever it may concern that we are the owners of three buildings on Prince Street (508, 810 and 913 Prince) and we have no objection to the building at 900 Prince retaining its painted brick. In fact we think it looks rather nice.

Sincerely,

Herbert C. and Elizabeth L. Puscheck
H&BI Investments



I. G. ASSOCIATES, INC.

MAIL PROCESSING SYSTEMS
ENGINEERS/CONSULTANTS

October 31, 2007

City of Alexandria
Planning and Zoning
301 King Street
Suite 2600
Alexandria, VA 22314

Reference: 900 Prince Street

To Whom it May Concern:

I have been owner of property at North Pitt, South Pitt, 1600 Prince St, 421 S. St. Asaph, and lately of 900 Prince Street, since the 1980's. During which time Alexandria has always taken a negative outlook at anything that a business owner endeavored to accomplish. We opened the door for business at 900 Prince Street in 1974 and have seen a considerable change on our street and the Alexandria and now all my associates in the Alexandria area are complementing me on the improvement of my building. I have to tell them that I cannot take credit for the improvement because I sold the building. I must add that since 1974 the building has not looked that impressive, a building worthy of Alexandria.

Sincerely,



M. LaFont
CFO

51

MORRISON
House

January 14, 2008

City of Alexandria,

I am writing in regards to the 900 Price Street property.

It is my understanding that PMA has acquired this property and in an effort of beautification to this building has applied a much needed layer of fresh paint. It is in my opinion that the painting of the exterior of this building has improved the overall visual appearance of not only the building itself, but the perception of the neighborhood and particularly the corner of Prince and Alfred.

Regards,

James Adamson
General Manager
Morrison House
116 S. Alfred St.
Alexandria, Va. 22314

CHRISTOPHER M. CAMPAGNA
816 DUKE STREET
ALEXANDRIA, VIRGINIA 22314

December 5, 2007

VIA EMAIL & HAND DELIVERY

Mr. Tom Hulfish, Chairman
Board of Architectural Review - Old and Historic District

Dear Mr. Hulfish & Members of the Board of Architectural Review:

I am writing in regard to **BAR CASE # 2007-0240** originally on the docket for Thursday the 6th of December 2007 to support the applicant Mr. Robert Kaufman. I am a neighbor of the property and very familiar with **900 Prince Street**. I was very pleased to discover Mr. Kaufman purchased the property knowing his successful track record in restoring old buildings. He has a superb talent for bringing old buildings back to life and highlighting each property's individual character.

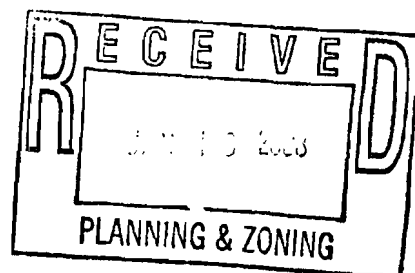
I have read the staff report and support the Design Guidelines that say "as a general rule, brick and masonry buildings should not be painted". As a general rule – not an absolute prohibition. In this instance I believe painting the previously unpainted brick does not diminish the overall character of the property. Instead it has enhanced the character of this property and brightened the previously dingy corner.

I remain a strong supporter of the BAR and protection it provides the precious historic assets in my hometown. And, I have witnessed firsthand Mr. Kaufman's work on other properties and find him to be very sympathetic to historic preservation principals. I hope you will approve the application.

Very truly yours,

Christopher M. Campagna/bhs

cc: Dr. Peter Smith/P&Z – City of Alexandria



53



January 7, 2008

Mr. Rob Kaufman
PMA Properties
815 King Street, #203
Alexandria, VA 22314

Dear Mr. Kaufman:

This letter is in reference to your letter dated December 31, 2007, regarding the appearance of 900 Prince Street. The improvements you have made to the property look wonderful. If you should have any questions, please contact our office at 703-549-6103.

Sincerely,

Cheryl C. Monno, CPM®
Property Manager

54

November 15, 2007

City of Alexandria
Planning and Zoning
301 King Street
Suite 2600
Alexandria, VA 22314

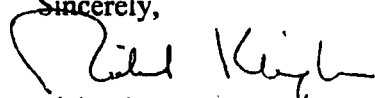
Re: BAR Application for 900 Prince Street Painting

City Officials:

We write to communicate our approval and support of Rob Kaufman's efforts to improve 900 Prince Street, which we can prominently see from our residence at 811 Prince Street. We believe that the recent painting of 900 Prince Street's exterior significantly improved the building's appearance and made the building more consistent with the surrounding area. The unpainted brick was undistinguished and contributed to the building's dilapidated appearance. We look forward to additional improvements that Mr. Kaufman proposes to undertake.

We understand that Mr. Kaufman may have inadvertently failed to secure certain BAR pre-approvals, but we hope that this will not weigh against City action that would allow improvement of 900 Prince Street, including painting of the exterior. Please take into account Mr. Kaufman's very significant contributions to improving our immediate neighborhood, extending considerably beyond 900 Prince Street, and to the detrimental effect on the entire neighborhood caused by any regulatory measures that increase costs or otherwise impair such improvements that are entirely consistent with the area's historical character.

Sincerely,



Richard Klingler and Jane Slatter

811 Prince St.
Alexandria, VA 22314

cc: Rob Kaufman

55

JEANNE M. HAUCH
219 South Alfred Street
Alexandria, Virginia 22314
Tel: 202-514-5776

October 30, 2007

City of Alexandria
Planning and Zoning
301 King Street
Suite 2600
Alexandria, VA 22314

Fax: 703-838-6393

Reference BAR Application: 900 Prince Street Painting

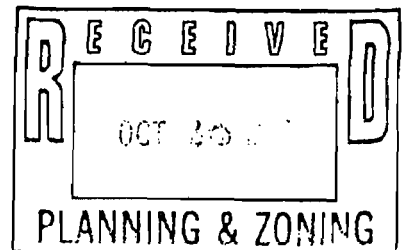
Dear BAR:

I live at 219 S. Alfred Street. Recently I noticed that the exterior of 900 Prince Street has been painted. I understand that further alterations are contemplated, including landscaping.

As a resident of the block, I pass by 900 Prince Street very often. In my opinion, the painting of the 900 Prince Street building is attractive and an improvement to that corner. The building looks much better and I support leaving it painted rather than returning it to the original brick.

Sincerely,


Jeanne M. Hauch



Shirley & Banister
PUBLIC AFFAIRS

October 31, 2007

City of Alexandria
Department of Planning & Zoning – BAR
301 King Street
Suite 2600
Alexandria, VA 22314

To Whom It May Concern: (BAR application: 900 Prince Street Painting)

Rob Kaufman is a citizen of Alexandria, proprietor of PMA Properties and contributor to the greater benefit of Old Town, Alexandria through the "adopt-a-block" program at the 800 block of King Street.

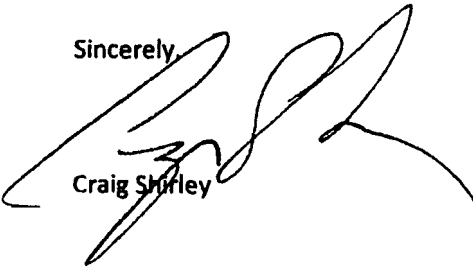
Alexandria's outstanding and effective "adopt-a-block" program permits Rob Kaufman to have a partnership with the City of Alexandria and the residents in assisting and maintaining a litter-free neighborhood. The initiative put forth by Mr. Kaufman in Old Town illustrates his willingness and desire to "create a vision for the future of Alexandria through a proactive community planning effort;" such as the mission statement for The City of Alexandria's department of planning and zoning states.

A strong dedication for the last 30 years, Mr. Kaufman and his company, PMA Properties, will continue their devotion to the development and preservation of Alexandria.

Please do not hesitate contacting me with further questions regarding Rob Kaufman's attribution to the City of Alexandria.

As always, I remain

Sincerely,


Craig Shirley

57

J Brown and Company
1119 King Street
Alexandria, VA 22314

City of Alexandria
Planning & Zoning
301 King Street
Room 2100
Alexandria, VA 22314

To The Board of Architectural Review
RE: 900 Prince Street Painting

I am a decorator and the Owner of two shops in the 1100 block of King Street. As such I am always aware of and keeping an eye open for people in the City of Alexandria who go out of their way to attempt to improve the overall appearance of the City.

I recently ran across another building being redone by Rob Kaufman of PMA Properties at 900 Prince Street. I have been aware of that building for many years but when I saw it after it had been painted I had to call him to say how wonderful it looked. He explained to me that he had erred in painting it without BAR approval as he had misunderstood the regulation.


Rob Kaufman and PMA Properties have a long history of renovating properties in the City. I have yet to see one that hasn't been done to exceptional standards of care and consideration. I look at 725 King Street, 815 King Street, 814 King Street and 816 King Street and remember when they were virtually vacant and in horrible shape prior to his involvement. You look at them now and they have given life to a part of King Street that offered so little to Alexandrians or visitors prior. I further look at the hanging baskets of flowers, the park benches and the Christmas greens throughout the block, all done by Rob Kaufman. In fact a lot of the Christmas decorations in the 1100 block were initially promoted and inspired by him.

It may well be that he did the painting inappropriately by not making prior application but the end result has once again given a fresh life to what was otherwise a dismal intersection.

I certainly do hope that you look at the history of what this man has done and the tastefulness with which he has done it throughout the City when you review the painting of 900 Prince Street. His impact has done a lot for Old Town Business.

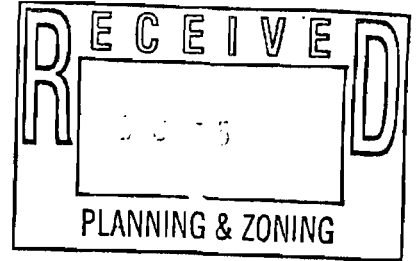
Yours truly

John Brown



PANAGIOTIS SILIS

2103 Old Stage Road
Alexandria Virginia 22308



City of Alexandria
Planning & Zoning
301 King Street Room 2100
Alexandria, VA-22314

Re: 900 Prince Street

Dear Planning and Zoning Board,

My name is Panagiotis Silis and I am the owner of the property located at 113 S. Alfred Street. When I first purchased property in Old Town some thirty years ago, I was charmed and intrigued by the beauty of the area.

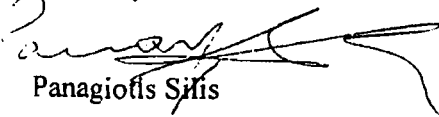
It has come to my attention that recently, Rob Kaufman purchased and painted a brick building located at 900 Prince Street. While I recognize that this violates a BAR regulation, I believe any punishment as a result of Mr. Kaufman's actions would be counterintuitive and run contrary to the purpose of any such regulation. First, and most importantly, the property's aesthetic is much more pleasing as a result of Mr. Kaufman's work. Secondly, he has assured me that his intentions were genuine, and he was unaware of the regulation at the time he completed the work. Aware of Mr. Kaufman's commitment to Old Town's beautification, I needed no reassurance to know that his efforts were being made to enhance Old Town's appeal.

However, precisely because I am dedicated to Old Town, I hope to communicate to you that despite Mr. Kaufman's mistake, his continued actions to beautify Old Town have only contributed to the area's aesthetic and commercial appeal.

Mr. Kaufman's dedication and passion for our neighborhood can not be questioned. Let us not forget his contribution of Christmas decorations, the addition of park benches, and hanging flower baskets on the 800 block of King Street. Each and every one of these improvements has not only improved the aesthetic appearance of this one block, but has inspired others in the area to value and maintain Old Town's beauty. It is imperative that this community recognize that it is not only the tangible improvements Mr. Kaufman has made to our community, but also the intangibles. The positive effect that Mr. Kaufman's passion and presence in our community has certainly played an immeasurable role in the rejuvenation of our Old Town neighborhood.

While I recognize that no single person is above the rules, it would be improper to not recognize the outstanding contribution Rob Kaufman has provided to our community. Hence, I strongly urge the Board that no action be taken against Mr. Kaufman as a result of this innocent mistake. Finally, and perhaps most importantly, I find the change of color to be far superior to the old red color.

Sincerely,


Panagiotis Silis



M O R T G A G E C O R P

October 30, 2007

City of Alexandria
Planning and Zoning
301 King Street, Suite 2600
Alexandria, Virginia 22314

Re: BAR Application – 900 Prince Street Painting

To Whom It May Concern;

It has come to my attention that there are concerns within the Zoning and Planning Commission of the City of Alexandria regarding the recent painting of 900 Prince Street. While I am not well versed in the guidelines of the Commission regarding the painting of commercial buildings within the City, as the new owner of the property immediately adjacent to 900 Prince Street, I can certainly say that the lighter and cleaner look of the building is a refreshing change from the dark and drab exterior that existed prior to said painting. This whole section of the street seems much brighter, cleaner and more vigorous than before and would certainly qualify to the uninitiated as an improvement.

This letter is not meant as an endorsement of the actions by any particular entity, be it the owner of the property or the Zoning and Planning Commission, but merely an honest appraisal of the effect the action of painting the building has had on those of us immediately adjacent to the property.

I would be happy to make myself available should anyone want to contact me. I appreciate your time and consideration.

Sincerely,

Gregory L. Kunding
President / CEO

207 S. ALFRED STREET

ALEXANDRIA, VIRGINIA 22314

TEL: 703-549-3400

FAX: 703-549-3139

HOME PAGE ADDRESS: <http://www.homefirstmortgage.com>

60



October 30, 2007

City of Alexandria
Planning and Zoning
301 King Street
Suite 2600
Alexandria, VA 22314

Re: BAR Application - 900 Prince Street Painting

Dear BAR,

As the owner of four properties in Old Town, Rosemont and Del Ray (including 917 Prince Street), I am writing to express my support of the painting of the 900 Prince Street Building. I believe the painting adds to the appearance of the building and to the 900 block of Prince Street. The paint color chosen is tasteful and consistent with the period, as well as complementary to the other painted buildings in Old Town.

I think it should be noted that Mr. Kaufman's efforts to beautify Old Town have always been done with great taste and appreciation of the historical standards of the Old Town district. Please contact me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stevenson", with a horizontal line extending to the right.

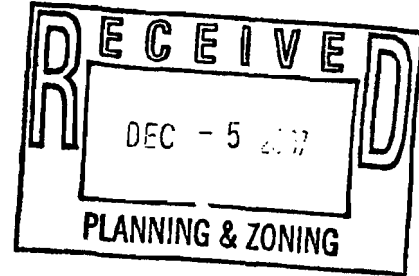
Mark Stevenson

Smart HR, Inc.
917 Prince Street • Alexandria, VA 22314
T: 703.739.0909 F: 703.739.2497
www.smarthrinc.com

61

SILIS & ASSOCIATES

ATTORNEYS AT LAW



City of Alexandria
Planning & Zoning
Attn: Board of Architectural Review
301 King Street
Room 2100
Alexandria, VA 22314

Re: 900 Prince Street Paint

To The Board of Architectural Review

I am the owner of Silis & Associates, a general practice law firm which occupies the building located on 113 Alfred Street. In addition, my family also owns the 113 Alfred Street property, a historic, 19th century home currently zoned for commercial use.

Given the close proximity of my family's building to Prince Street, I walk past the property located at 900 Prince Street on a daily basis. I was recently struck by the tremendous improvements which have been performed to the building, specifically, the change in color. At the time I first noticed the change, I did not know that Rob Kaufman owned the building nor was I aware that he had been responsible for the improvements. All I knew at the time was that a building which I had never really taken notice of, had suddenly been brought to life by the improvements and change in color.

To my dismay, I recently discovered that, when Mr. Kaufman painted the building located at 900 Prince Street, he unintentionally violated a BAR regulation. To my greater dismay, I also discovered that the Board of Architectural Review is considering ordering Mr. Kaufman to return the building to its original color.

As many who work and live in the Old Town community, I am very aware of Mr. Kaufman's deep commitment to Old Town and his passionate mission to beautify its streets and buildings. Despite Mr. Kaufman mistake, this action is only a small part of a long list of actions undertaken by Mr. Kaufman to beautify and improve Old Town. I have watched over the years as Mr. Kaufman has renovated what were once unsightly buildings located at 725 King Street, 814 King Street, and 816 King Street. I have been inspired as Rob Kaufman has almost single-handedly enlivened areas of Old Town that seemed to have been forgotten.

62

City of Alexandria
Planning & Zoning
Attn: Board of Architectural Review
December 4, 2007 Letter
Page 2

As I walk down the 800 block of King Street, I am reminded of the tireless efforts of Mr. Kaufman to improve the city by admiring the Christmas greens, park benches and hanging flower baskets put in place by Mr. Kaufman. These additions have not only improved the aesthetic appearance of this one block, but have inspired others in the area to value and maintain Old Town's beauty.

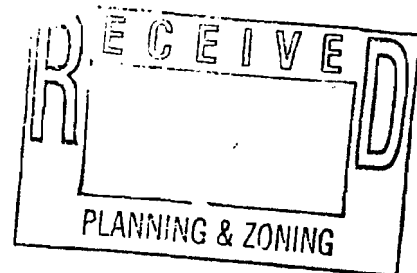
I have had occasion to discuss this matter with other business owners and landowners in the vicinity and the overwhelming feeling is that change in color to the 900 Prince Street property is a tremendous improvement. In fact, I find the original brick color to be drab and unappealing. Mr. Kaufman's renovations to the building have brought the entire intersection to life.

I hope this Board will take into account Mr. Kaufman's unparalleled record of improving the beauty of Old Town as it makes its decision. Many people talk about their contributions to Old Town, but few are willing to take action as Mr. Kaufman has. I hope that you will consider the many wonderful contributions Mr. Kaufman has made to Old Town when you review the recent painting of 900 Prince Street. Without these contributions, fewer people and businesses would have been drawn to the area and been able to appreciate Old Town's beauty and historical richness.

Sincerely,



Thomas P. Silis





PAINTING & GENERAL CONTRACTING

15300 Spencerville Court, Suite 102
Burtonsville, MD 20866
P: (301) 384-3175
F: (301) 384-8227

Painting

November 5, 2007

Staining

PMA Properties
815 King Street, Suite 203
Alexandria, VA 22314

Caulking

ATTN: Rob Kauffman

Carpentry

RE: 900 Prince Street

Drywall

Rob,

Wallcovering

We want to apologize for the break in communication with our men that occurred last week on the painting project at 900 Prince Street.

Powerwashing

Siding

As discussed in the beginning of the project, we needed to finish this work quickly due to the cold weather that was coming soon. You agreed that we should immediately move forward, so as per your instruction, we did so. After painting roughly 90% of the brick facade, we ran out of paint due to shortage with the supplier. In the interim you instructed us not to continue with the final 10% of the work due to a work stoppage issued by the city. We communicated that instruction to our job foreman, however it appears that our explicit instructions were not passed along to his workers.

Roofing

Gutters

Concrete

We again apologize and assure you that this will not happen again. Thank you.

Sealcoating

Sincerely,

Paving

Striping

Joshua Middledorf

Windows



A Company You Can Trust!

GM



January 28, 2007

Board of Architectural Review
Room 2600
301 King Street
Alexandria, VA 22314

To The Board

RE: Painting 900 Prince Street

At the original BAR meeting in December the agenda item of painting the brick at 900 Prince Street was deferred to give me the opportunity to determine if the paint that had been applied could be removed.

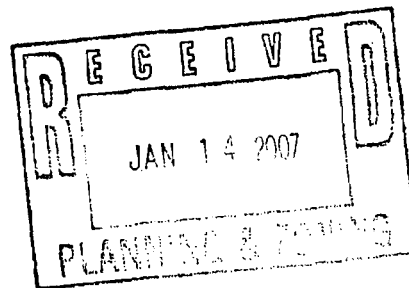
I was able to contact three contractors that deal with paint removal of this type. After an initial inspection two of the contractors made an attempt to remove the paint and one declined as explained in his letter to me. I asked the two who did the test to follow-up with a letter outlining the chemicals and power wash tips used in their attempt. As of when I am writing this overview I have not received the follow-up letters.

The photographs attached reveal the results of their attempts.

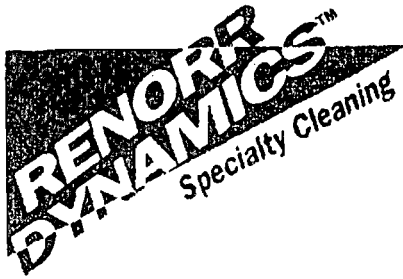
Yours truly

A handwritten signature in black ink, appearing to read 'Rob Kaufman', written in a cursive style.

Rob Kaufman



65



5549 Halwis Street
Alexandria, VA 22303-1138

703-960-5041 • Fax 703-960-4158

December 14, 2007

PMA Properties
815 King Street
Ste. 203
Alexandria, VA 22314

Attention: Robert Kaufman

RE: 900 Prince Street
Alexandria, VA

Dear Mr. Kaufman,

Thank you for contacting Renorr Dynamics to review your project of removing the paint from the recently painted exterior masonry.

We visited the site and after close review, it is our opinion that in order to remove the paint from the brick there would be damage to the brick and mortar. The paint is well penetrated into the very porous surface and due to the age and condition of the brick, we have concluded that the brick and or mortar would not withstand the stresses associated with the process of stripping of the paint completely from the surface. We do believe that we can get 75% to 80% without much difficulty but the last 25% is where the damage will be done.

As a result of our inspection we have decided that a test patch would be unnecessary and counterproductive to the integrity of the brick and mortar.

Sincerely,

Greg Reveles

Exterior Pressure Washing

- Aluminum & Vinyl Siding
- Wood Decks • Fences
- Sealing • Sanding/Refinishing
- Brick Cleaning • Concrete Cleaning
- Patios • Sidewalks • Driveways
- Awnings • Lawn Furniture

Commercial & Specialty Cleaning

- Low Rise & Mid Rise Buildings
- Parking Lots • Shopping Centers
- Drive Throughs • Heavy Equipment
- Historic Restoration of Brick & Masonry
 - Limestone • Sandstone • Granite
- Parking Lot Seal Coating & Restriping
- Graffiti Removal • Paint Stripping
- Environmental Clean-Up

Interior

- Carpet Cleaning
- Upholstery Cleaning
- Drapery Cleaning
 - Oriental Rugs
 - Water Removal
- Air Duct Cleaning

Licensed

Insured

CLEAN &
POLISH



CPI RESTORATION

a Clean & Polish company

December 27, 2007

Rob Kaufman
PMA Properties
815 King Street
Suite 203
Alexandria, VA 22314

Re: Paint Removal Findings at 900 Prince Street

Dear Rob:

Clean and Polish performed a power washing sample to remove the paint applied to the brick façade at 900 Prince Street, Alexandria, Virginia on December 19, 2007. We used a biodegradable product manufactured by HydroClean, HT-626 and HT-907 with a 1800 psi, the highest pressure we could use. In order to prevent damage to the mortar we had to stop the process when the mortar began to break up. Unfortunately, we were not able to successfully remove the paint on the façade at 900 Prince Street. If you have any questions please feel free to give me a call.

Sincerely,

Holly Star
Senior Account Executive
Clean & Polish, Inc.
301.424.1516, x.305

WASHINGTON, D.C. • MARYLAND • VIRGINIA

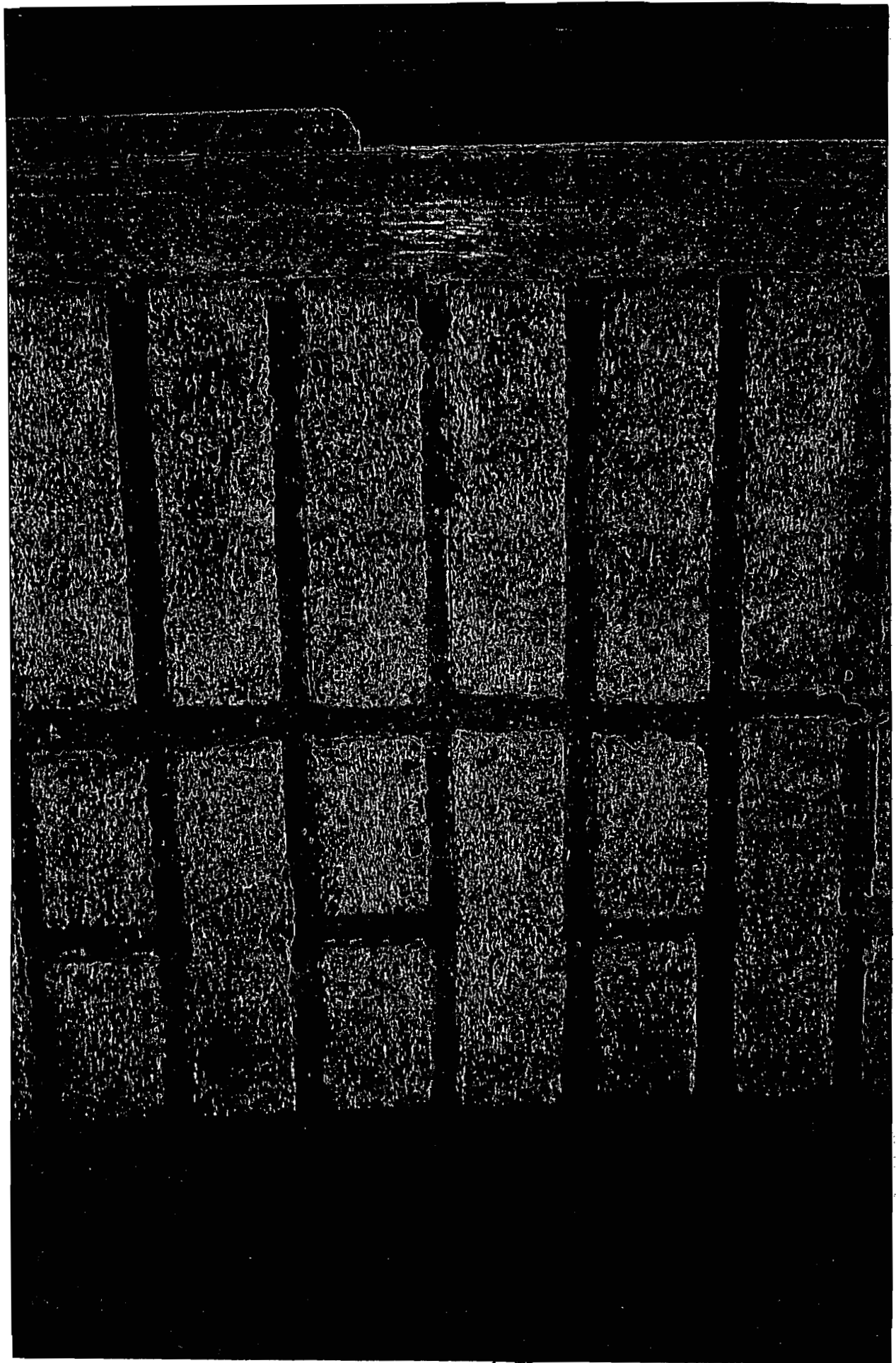
1 RESEARCH PLACE
SUITE 230
ROCKVILLE, MARYLAND 20850
T: 301.424.1516 B00 811.4589
F: 301.424.7415

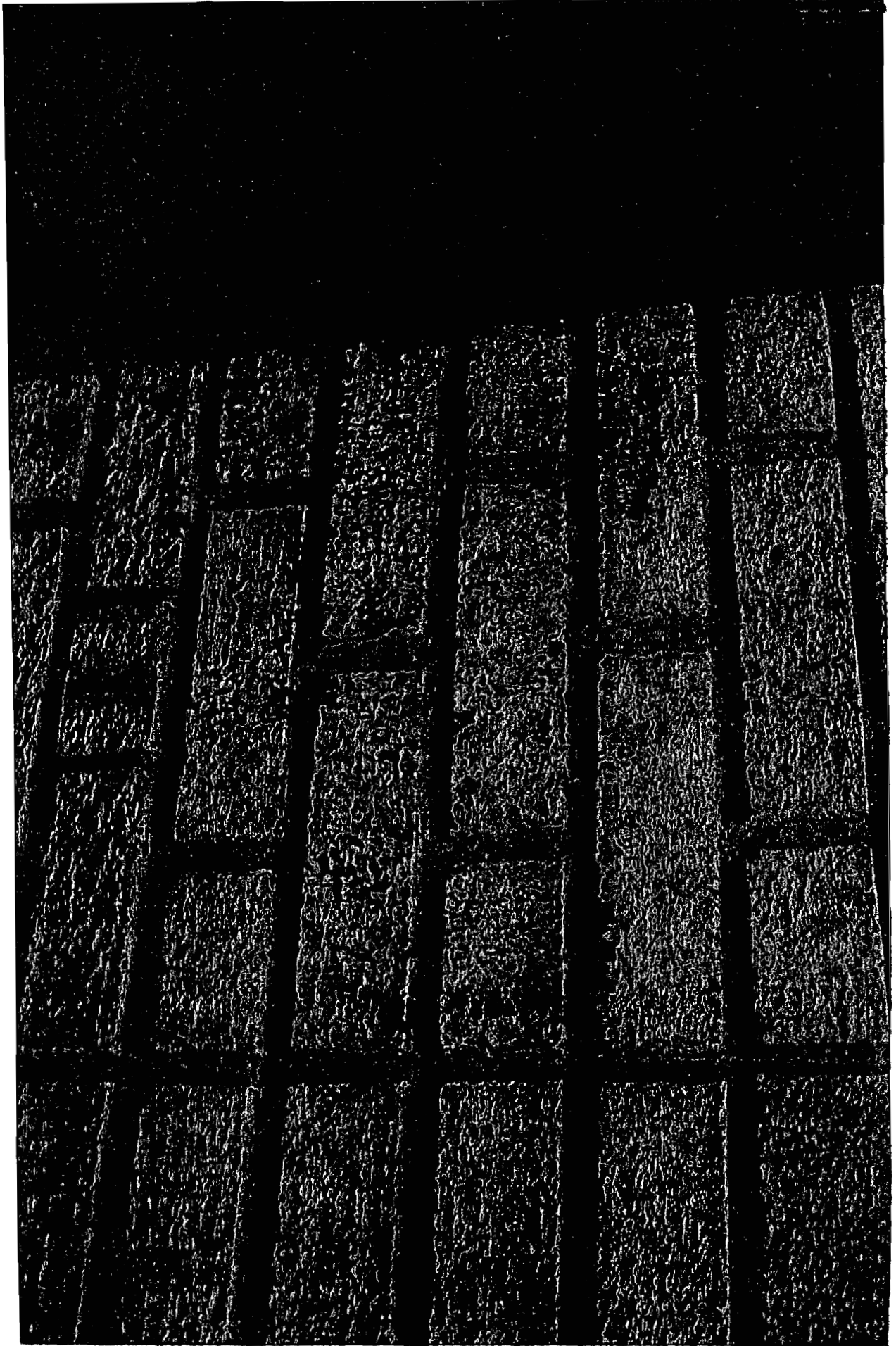
www.cleanandpolish.com
www.cpirestoration.com

67

DELAWARE • PENNSYLVANIA • NEW JERSEY

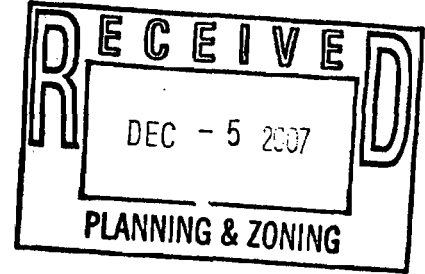
2504 WEST 31ST STREET
WILMINGTON, DELAWARE 19805
T: 302.426.9878 B00 647.3364
F: 302.426.9848





SILIS & ASSOCIATES

ATTORNEYS AT LAW



City of Alexandria
Planning & Zoning
Attn: Board of Architectural Review
301 King Street
Room 2100
Alexandria, VA 22314

Re: 900 Prince Street Paint

To The Board of Architectural Review

I am the owner of Silis & Associates, a general practice law firm which occupies the building located on 113 Alfred Street. In addition, my family also owns the 113 Alfred Street property, a historic, 19th century home currently zoned for commercial use.

Given the close proximity of my family's building to Prince Street, I walk past the property located at 900 Prince Street on a daily basis. I was recently struck by the tremendous improvements which have been performed to the building, specifically, the change in color. At the time I first noticed the change, I did not know that Rob Kaufman owned the building nor was I aware that he had been responsible for the improvements. All I knew at the time was that a building which I had never really taken notice of, had suddenly been brought to life by the improvements and change in color.

To my dismay, I recently discovered that, when Mr. Kaufman painted the building located at 900 Prince Street, he unintentionally violated a BAR regulation. To my greater dismay, I also discovered that the Board of Architectural Review is considering ordering Mr. Kaufman to return the building to its original color.

As many who work and live in the Old Town community, I am very aware of Mr. Kaufman's deep commitment to Old Town and his passionate mission to beautify its streets and buildings. Despite Mr. Kaufman's mistake, this action is only a small part of a long list of actions undertaken by Mr. Kaufman to beautify and improve Old Town. I have watched over the years as Mr. Kaufman has renovated what were once unsightly buildings located at 725 King Street, 814 King Street, and 816 King Street. I have been inspired as Rob Kaufman has almost single-handedly enlivened areas of Old Town that seemed to have been forgotten.

City of Alexandria
Planning & Zoning
Attn: Board of Architectural Review
December 4, 2007 Letter
Page 2

As I walk down the 800 block of King Street, I am reminded of the tireless efforts of Mr. Kaufman to improve the city by admiring the Christmas greens, park benches and hanging flower baskets put in place by Mr. Kaufman. These additions have not only improved the aesthetic appearance of this one block, but have inspired others in the area to value and maintain Old Town's beauty.

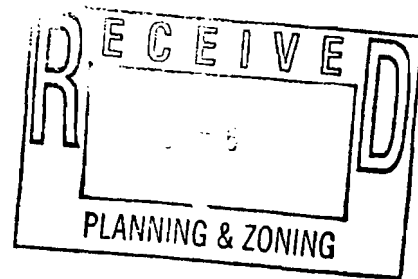
I have had occasion to discuss this matter with other business owners and landowners in the vicinity and the overwhelming feeling is that change in color to the 900 Prince Street property is a tremendous improvement. In fact, I find the original brick color to be drab and unappealing. Mr. Kaufman's renovations to the building have brought the entire intersection to life.

I hope this Board will take into account Mr. Kaufman's unparalleled record of improving the beauty of Old Town as it makes its decision. Many people talk about their contributions to Old Town, but few are willing to take action as Mr. Kaufman has. I hope that you will consider the many wonderful contributions Mr. Kaufman has made to Old Town when you review the recent painting of 900 Prince Street. Without these contributions, fewer people and businesses would have been drawn to the area and been able to appreciate Old Town's beauty and historical richness.

Sincerely,



Thomas P. Silis



11
11-15-08

Motion by Vice Mayor Pepper:

Mr. Mayor, I move that City Council find that the unlawful painting of this building has resulted in the loss or diminution of historic fabric, and is incompatible with the Historic District.

I further move that:

- (1) City Council reverse the decision of the Board of Architectural Review, and
- (2) Remand this matter to the Director of Planning and Zoning and City Attorney, with direction to secure the test removal of the paint under staff supervision as described in the staff report, and report thereon to the Council, with a recommendation for further action consistent with this decision, and that
- (3) Failing the conduct of such test to the satisfaction of the Director, within such reasonable period of time as the Director determines, the City Attorney is directed to file suit to compel the property owner to remove the paint.

11
11-15-08

Stephen Milone/Alex
11/14/2008 12:10 PM

To Faroll Hamer, Jim Hartmann/Alex@Alex, Ignacio Pessoa/Alex,
Jackie Henderson/Alex@Alex
cc Richard Josephson/Alex@ALEX, Mark Jinks/Alex@Alex, Michele
Evans/Alex@Alex, Lee Webb/Alex, Michele Oaks/Alex@ALEX,
Jill Schaub/Alex@Alex
bcc
Subject Fw: 900 Prince Street

FYI, Attached letter sent to Council from Old Town Civic recommending "maximum fine level."

----- Forwarded by Stephen Milone/Alex on 11/14/2008 12:00 PM -----



"poul hertel"
<poulh@erols.com>
11/14/2008 11:31 AM

To <Stephen.Milone@alexandriava.gov>, "Justin Wilson"
<Justin.Wilson@alexandriava.gov>, "Ludwig Gaines"
<Councilmangaines@aol.com>, "Mayor Bill Euille"
<alexvamayor@aol.com>, "Paul Smedberg"
<smedbergpc@aol.com>, "Rob Krupicka" <Rob@Krupicka.com>,
"Timothy Lovain" <timothylovain@aol.com>, "Vice Mayor Del
Pepper" <delpepper@aol.com>
cc
Subject 900 Prince Street

Dr Mr. Mayor and Members of the City Council

Please find attached the OTCA board position.

Sincerely



Poul 900prince nov08.doc

**Old Town Civic Association, Inc.
P.O. Box 1213
Alexandria, Virginia 22313**

Dear Mayor and members of the City Council

Although he may not have intended to do so, the property owner has broken laws enacted to protect historic buildings, and he may have done so irrevocably, it would appear.

Figures 4 and 5 in the Staff Report, along with the accompanying commentary on page 7, clearly demonstrate that this is no mere discoloration. The painting of the bricks results in the wholesale removal of the very characteristic that made the building incomparable.

"For this building in particular, the brick used for the Prince Street and South Alfred Street facades is a textured brick that had its own distinguishing character and that created a distinct character for this building. The original brick provided more color variation and visual interest than a smooth finish common brick. The brick patterning and resulting mortar joints were thoughtfully designed and constructed to create the appearance of pillars on either side of the main corner entrance, and created horizontal banding wrapping the building and capping the windows and doors and in combination with vertical banding on either side of all windows and doors created window and door surrounds. The unique and distinctive brick texture, color variation and patterning are almost entirely lost by painting this formerly unpainted brick facade."

Historic preservation, as suggested by the nomenclature, requires due diligence and observance to historic precepts, lest the historic be lost forever. Today's trendy architectural details may beckon, just as ridiculous hairdos of the 70's did then, but a hairdo can and will always change, but removal of historic characteristics is permanent.

This is why we cannot allow incongruous and unapproved alterations to occur without consequence to the property owner. It is important to uphold the law, since the consequences are serious and long lasting if the City does not take any action. However, the adjudication of these individual improprieties needs far more consistency and emphasis than witnessed at the BAR level, especially when contrasted to other cases.

The penalty structure should reflect a well publicized range of fines designed to discourage future violators. Furthermore, the property owner should be required to restore the historic characteristics of the property. If the damage cannot be addressed, and the historic nature is gone forever, compensation at the maximum fine level should be assessed.

Sincerely



Poul Hertel, President OTCA Board

11
11-15-08



Jonathan Cohen
<jcohen@Randalaw.com>

11/12/2008 03:30 PM

To Jonathan Cohen <jcohen@Randalaw.com>,
"Stephen.Milone@alexandriava.gov"
<Stephen.Milone@alexandriava.gov>, Lou Aronson
cc "alexvamayor@aol.com" <alexvamayor@aol.com>,
"Councilmangaines@aol.com" <Councilmangaines@aol.com>,
"delpepper@aol.com" <delpepper@aol.com>,
bcc

Subject 900 Prince Street BAR Appeal

Attached please find a letter concerning the BAR Appeal for 900 Prince Street. Please contact Lou Aronson in our office to discuss at your convenience.

Sincerely,

Jonathan

Jonathan S. Cohen
Ruben & Aronson, LLP
4800 Montgomery Lane
Suite 150
Bethesda, MD 20814
Direct Dial: (301) 986-4206
Fax Number: (301) 951-9636
Main Number: (301) 951-9696

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Ruben & Aronson, LLP

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.549 / Virus Database: 270.8.4/1749 - Release Date: 10/27/2008 7:57 AM

No virus found in this outgoing message. Checked by AVG. Version: 7.5.549 / Virus Database:



270.9.2/1783 - Release Date: 11/12/2008 10:01 AM Ltr Mayor 11.12.PDF

LAW OFFICES

RUBEN & ARONSON, LLP

4800 Montgomery Lane • Suite 150
Bethesda, MD 20814
(301) 951-9696 • Facsimile (301) 951-9636

November 12, 2008

DELIVERED BY EMAIL

Hon. William D. Euille
Mayor of the City of Alexandria
City Hall
Alexandria, Virginia 22314

James Hartmann
City Manager
City Hall
Alexandria, Virginia 22314

Re: 900 Prince Street – BAR CASE # 2007-0240 (the “BAR Case”)

Dear Mayor Euille and Mr. Hartmann:

This firm represents PMA Properties, 900 LLC (“PMA”) the owner of 900 Prince Street in Alexandria, Virginia (the “Property”) and the holder of a Certificate of Appropriateness that the Old Town Civic Association., Inc., a Virginia nonstock corporation, has appealed to the City Council.

We have reviewed the Memorandum, dated November 11, 2008, from James K. Hartmann, City Manager to the Honorable Mayor and Members of the City Council in regards to the BAR Case (the “Staff Report”). The errors, mischaracterizations and misstatements in the Staff Report are too numerous to refute specifically. The actual record of events is illustrated in its entirety by the written record. For the City Council’s ease of review, I have attached copies of all correspondence in this case since the June 24 City Council hearing. None of these letters were included in the staff report. The following are all of the communications between PMA and the City of Alexandria since the June 24 City Council hearing (which include the paint removal studies of the Property):

1. June 27, 2008 letter from M.Berman to I. Pessoa
2. August 1, 2008 letter from M.Berman to Hon. W. Euille and J. Hartmann
3. September 16, 2008 letter from M.Berman to Hon. W. Euille and J. Hartmann
4. September 17, 2008 letter from I. Pessoa to L. Aronson
5. September 18, 2008 letter from M.Berman to I. Pessoa (with attachments)
6. October 24, 2008 letter from F.Hamer to L.Aronson
7. October 27, 2008 letter from M.Berman to F.Hamer

This letter is sent in furtherance of PMA’s rights, all of which are expressly reserved.

Mayor William D. Euille
November 12, 2008
Page 2

Very truly yours,

A handwritten signature in black ink that reads "Marshall F. Berman". The signature is written in a cursive, flowing style.

Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: Members of the Alexandria City Council
Jackie M. Henderson, City Clerk & Clerk of Council
Faroll Hamer, Director, Department of Planning and Zoning
Lee Webb, Supervisor, Urban Planner, Department of Planning and Zoning
Steve Milone, Division Chief, Department of Planning and Zoning
Ignacio B. Pessoa, City Attorney, City of Alexandria
Robert Kaufman

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RUBEN & ARONSON, LLP

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June 27, 2008

DELIVERED BY EMAIL

Ignacio B. Pessoa
City Attorney
City Attorney's Office
301 King Street
City Hall, Room 1300
Alexandria, Virginia 22314


Re: 900 Prince Street – BAR CASE # 2007-0240

Dear Ignacio:

As you know this firm represents PMA Properties, 900 LLC ("PMA") the owner of 900 Prince Street in Alexandria, Virginia (the "Property"). PMA is the holder of a Certificate of Appropriateness that the Old Town Civic Association, Inc., (the "OTCA") has attempted to appeal to the City Council. In light of the confusion surrounding the presentation of the appeal at the City Council meeting dated June 24, 2008 and the direction of the parties to attempt to settle this matter in advance of next September's City Council meeting, we hereby request that all settlement communications be made in writing. Accordingly, we would ask that you provide written confirmation of the last settlement offer that we received from you on June 24, 2008. In addition, we would request that you provide confirmation that any settlement offers are made with due authority to resolve the matters before the parties. Lastly, as to matters of repainting and color selection, please advise if you are the proper party to discuss matters with.

We look forward to receipt of the pending settlement offer in writing and to future correspondence with you regarding final resolution of this matter. This letter is sent in furtherance of PMA's rights, all of which are expressly reserved. Please contact our firm promptly to discuss this matter.

Very truly yours,



Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: Robert Kaufman

LAW OFFICES

RUBEN & ARONSON, LLP

4800 Montgomery Lane • Suite 150
Bethesda, MD 20814
(301) 951-9696 • Facsimile (301) 951-9636

August 1, 2008

DELIVERED BY HAND

Hon. William D. Euille
Mayor of the City of Alexandria
City Hall
Alexandria, Virginia 22314

James Hartmann
City Manager
City Hall
Alexandria, Virginia 22314

Re: 900 Prince Street – BAR CASE # 2007-0240

Dear Mayor Euille and Mr. Hartmann:

This firm represents PMA Properties, 900 LLC (“PMA”) the owner of 900 Prince Street in Alexandria, Virginia (the “Property”) and the holder of a Certificate of Appropriateness that the Old Town Civic Association., Inc., a Virginia nonstock corporation, has appealed to the City Council (the “Appeal”). Pursuant to the direction of the City Council at its June 24, 2008 meeting, we have made multiple attempts to contact the City of Alexandria (the “City”) to discuss resolution of the Appeal. We have not received any response to our letter dated June 27, 2008, (the “June 27 Letter”) attached hereto, nor have our phone calls been returned.

PMA has tried to pursue every avenue to resolve this matter. PMA and the City have tried to remove the offending paint using several different contractors, who have attempted all types of remediation measures. PMA has attempted to contact the City to discuss a possible settlement of the Appeal. Our office, on behalf of PMA, called Mr. Pessoa on July 2, 2008 and again on July 7, 2008 to follow up on the June 27 Letter and discuss possible resolution of the Appeal. As we indicated above, we have never received any return phone calls or correspondence from the City.

The City’s actions, or more accurately, inactions have prevented any resolution of the Appeal. It is now August and PMA continues to act in good faith regarding attempting to resolve this matter prior to the next City Council meeting. Mr. Robert Kaufman, owner of PMA, is largely unavailable during the month of August, due to prior commitments that cannot be rescheduled. Therefore, PMA respectfully requests that any further communications regarding this matter be directed to Louis M. Aronson at Ruben & Aronson, LLP. Be advised that absent a prompt favorable

Mayor William D. Euille and James Hartmann
August 1 , 2008
Page 2

resolution of the proceedings against the Property, PMA has no choice but to vigorously pursue all actions available at law and in equity. This letter is sent in furtherance of PMA's rights, all of which are expressly reserved. Please contact our firm to discuss resolution of this matter.

Very truly yours,

A handwritten signature in black ink that reads "Marshall Berman". The signature is written in a cursive, flowing style.

Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: Jackie M. Henderson, City Clerk & Clerk of Council
Faroll Hamer, Director, Department of Planning and Zoning
Lee Webb, Supervisor, Urban Planner, Department of Planning and Zoning
Steve Milone, Division Chief, Department of Planning and Zoning
Ignacio B. Pessoa, City Attorney, City of Alexandria
Robert Kaufman

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(301) 951-9696 • Facsimile (301) 951-9636

September 16, 2008

DELIVERED BY HAND

Hon. William D. Euille
Mayor of the City of Alexandria
City Hall
Alexandria, Virginia 22314

James Hartmann
City Manager
City Hall
Alexandria, Virginia 22314

Re: 900 Prince Street – BAR CASE # 2007-0240

Dear Mayor Euille and Mr. Hartmann:

This firm represents PMA Properties, 900 LLC (“PMA”) the owner of 900 Prince Street in Alexandria, Virginia (the “Property”) and the holder of a Certificate of Appropriateness that the Old Town Civic Association., Inc., a Virginia nonstock corporation, has appealed to the City Council.

As you may recall, at the City Council public hearing of June 24, 2008 (the “Hearing”) PMA and the City Manager and staff of the City of Alexandria (the “City”) were directed to discuss an amicable resolution to the referenced BAR Case. In accordance with this directive, PMA made numerous attempts to resolve matters with the City only to have such efforts ignored. PMA communicated with the City by letters dated June 27, 2008 and August 1, 2008 (together the “PMA Letters”), attached hereto. And, PMA made repeated calls to the City to discuss this matter. None of these letters was answered and none of the phone calls was returned.

We heard nothing for almost three months. Then on Saturday, September 13, Robert Kaufman drove by the Property and found a sticker affixed to the building indicating that a hearing date was set for September 23, 2008. That was the first communication of any kind in any form from the City in regard to the BAR Case since the June Hearing. Virginia encourages its lawyers to act with a certain amount of civility and respect for the City and its citizens; the City should also be held to this standard. We expected the City Manager, the staff or the City Attorney to contact us to discuss the BAR Case, as directed at the Hearing and to discuss the schedule for a follow up to the Hearing. Instead, we were ignored and then served with a notice posted on the Property.

Prior to the Hearing, PMA, through this Firm, made approximately ten (10) telephone calls to and left messages with Ignacio Pessoa, Esquire, City Attorney. As with the post-hearing efforts, none of these calls was returned. Since the Hearing, PMA has tried to pursue every avenue to

resolve this matter. PMA immediately sent a letter to Mr. Pessoa regarding reopening discussions of a possible settlement. We received no response to the letter and no communication from the City. Follow up calls and messages on two separate occasions were, likewise, ignored. In order to remain duly diligent, PMA sent another letter dated August 1, 2008 to the Honorable William D. Euille, Mayor of the City of Alexandria, and Mr. James Hartmann, City Manager. We never received any response from the City manager or the staff. On August 8, 2008 Mayor Euille's office called the undersigned to say that "they had received the letter and that Mr. Pessoa would be contacting us shortly to discuss the matter." To date, no further communication has been received from the Mayor's office or, for that matter, anyone from the City.

PMA now faces another public hearing of the City Council, despite its best good faith efforts at resolution which have taken significant time and money and which the City has ignored, notwithstanding the directive from the City Council for the City Manager and the staff to work with us toward resolution. PMA hereby asserts that the City has acted in bad faith and contrary to the specific instructions of the City Council at its June 24, 2008 meeting. The BAR Case is on the agenda for the next City Council public hearing of Tuesday the 23rd, and in light of the City's complete lack of responsiveness over the last three months, PMA submits that the BAR Case cannot be resolved in a fair and final way. The expense to PMA over the last year has been great not just monetarily but also to the reputation of its principal, Robert Kaufman. Therefore, in light of the actions, or gross lack thereof of the City and time and expense that PMA has expended to date to resolve this matter, PMA requests that the BAR Case be dismissed with prejudice.

As we requested in earlier communications, we again respectfully request that any further communications regarding this matter be directed to Louis M. Aronson at Ruben & Aronson, LLP. This letter is sent in furtherance of PMA's rights, all of which are expressly reserved. Please contact our firm to discuss resolution of this matter.

Very truly yours,



Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: Members of the Alexandria City Council
Jackie M. Henderson, City Clerk & Clerk of Council
Faroll Hamer, Director, Department of Planning and Zoning
Lee Webb, Supervisor, Urban Planner, Department of Planning and Zoning
Steve Milone, Division Chief, Department of Planning and Zoning
Ignacio B. Pessoa, City Attorney, City of Alexandria
Robert Kaufman



OFFICE OF THE CITY ATTORNEY

301 KING STREET, SUITE 1300
ALEXANDRIA, VIRGINIA 22314

<http://alexandriava.gov>

(703) 838-4433

FACSIMILE
(703) 838-4810

IGNACIO BRITTO PESSOA
CITY ATTORNEY

JILL R. APPLEBAUM
SENIOR ASSISTANT CITY ATTORNEY

ASSISTANT CITY ATTORNEYS
CHRISTINA ZECHMAN BROWN
CATHERINE RICHARDS CLEMENT
GEORGE MCANDREWS
MARY A. O'DONNELL
KAREN S. SNOW
CHRISTOPHER P. SPERA

September 17, 2008

DELIVERED BY E-MAIL AND FACSIMILE

Louis M. Aronson
Ruben & Aronson, LLP
4800 Montgomery Lane
Suite 150
Bethesda, Maryland 20814

RE: 900 Prince Street – BAR CASE No. 2007-0240

Dear Mr. Aronson:

This letter is in response to Mr. Berman's letter of September 16, 2008, regarding the above referenced matter. First, I would like to apologize for the confusion surrounding the docketing of this case before City Council. The notice stating that this case would be heard on September 23, 2008 was published prematurely; in fact the matter has been docketed for the public hearing meeting on October 18, 2008.

On August 6th I was informed by the Mayor that he had received a letter from your firm dated August 1, 2008, a copy of which neither I nor the planning department had actually received. The week of August 11th I called the attorney in the firm with whom I had been dealing, Jonathan Cohen, and left a voice-mail asking that he call me at my vacation home in Maine, so that we could discuss a process to resolve, or at least narrow, the outstanding issues. I regret that, given the press of other business, no attempt at follow-up was made, but I heard nothing more until I received a copy of the September 16 letter.

To refresh our recollections, Council acted on June 24 to defer this BAR case, and directed the applicant and staff to work over the summer and return with a recommendation on the correct penalty, "and one of the things staff and the applicant should talk about is to come to closure on the issue of the removal question, and also the issue of the paint color be discussed."

In order conclusively to resolve the issue of whether the paint can successfully be removed, the City staff have proposed that a test removal, with staff approval and observation of the effort, be conducted by Vaughan Restoration. It is of course necessary that your client consent and participate in conducting this test. I would ask that you contact Steve Milone in Planning and Zoning at 703-838-4666 to schedule the test.

Once the paint removal question has been conclusively resolved, City staff and I will be in a position to formulate a recommendation to the Council in an attempt to settle this matter. You must understand, however, that only the Council has the authority to approve any settlement.

Please do not hesitate to contact me if you have any questions. In addition to my office number, you may call me on my cell phone at 703-407-3634.

Very truly yours,



Ignacio Pessoa
City Attorney

cc: The Honorable Mayor and Members
of City Council

James Hartman
City Manager

Jackie M. Henderson
City Clerk

Faroll Hamer
Planning Director

LAW OFFICES

RUBEN & ARONSON, LLP

4800 Montgomery Lane • Suite 150
Bethesda, MD 20814
(301) 951-9696 • Facsimile (301) 951-9636

September 18, 2008

DELIVERED BY EMAIL

Ignacio B. Pessoa
City Attorney
City Attorney's Office
301 King Street
City Hall, Room 1300
Alexandria, Virginia 22314

Re: 900 Prince Street (the "Property") – BAR CASE # 2007-0240

Dear Mr. Pessoa:

This letter acknowledges receipt of and responds to your letter of September 17, 2008, regarding the above referenced matter (the "Bar Case").

While we appreciate your eventual response to our numerous attempted communications we remain troubled by the continued lack of respect and professionalism shown by your office in the Bar Case. Your letter raises three main points: 1) the scheduling of the Bar Case; 2) your attempted communication to this office; and 3) an additional request to permit testing. We will address each of these points seriatim.

As mentioned in our prior correspondence we learned that the Bar Case is currently set for hearing on September 23, 2008 by having a notice affixed to the Property. Now we are told that hearing notice was sent in error and was attributable to "confusion" in the scheduling office. And, accordingly, the matter has been docketed for October 18, 2008. Suffice to say, until the posting of the Notice, that my client has gone almost four (4) months without any communication from your office or City Staff (the "City"). And, in light of this silence and the consistent pattern of both disregard of our communications and the direction of the City Council, we find the assertion of "confusion" to be somewhat incongruous. In light of the lack of responsiveness by the City in this matter, PMA is ready to proceed at the scheduled City Council hearing on September 23, 2008. Mr. Kaufman and the undersigned will both be traveling out of the country during the October 18 meeting and are therefore unavailable. If the City is not ready to move forward at the hearing next week, then we request scheduling this matter to the November 15 City Council Public Hearing.

While it serves no great purpose to engage in a discussion of whether calls or written correspondence were, in fact, returned we advise you that following the receipt of your letter we

Ignacio B. Pessoa, Esq.
September 18, 2008
Page 2

ran a check of our call logs at this firm. For the week of August 11, 2008 there is no record of any calls to this firm from Maine or the City of Alexandria.

The question of whether the paint can be removed from the Property has been conclusively resolved. Five different contractors, including Vaughan Restoration Masonry, Inc. ("Vaughn"), have concluded that the paint cannot be removed and that the process of attempting to remove the paint would likely cause significant damage to the Property.

The removal of paint issue has now become as troubling as the handling of communications to my client. I am reminded of my children who come running to me with the same question hoping not to get the answer they did receive when they previously asked my wife. Fortunately for all involved, this most recent, and belated, request to have Vaughan examine the feasibility of the paint removal from the Property is unnecessary since they have already investigated the Property and found it to not be feasible.

In December of 2007 PMA hired three different contractors, A&G Painting, Renorr Dynamics and Clean & Polish, Inc. to examine and test the paint to determine if it could be removed from the brick at the Property. All three concluded that removal of 100% or even close to 100% of the paint would be impossible and the process would likely cause irreparable and incalculable damage to the brick and the mortar. See letters from Renorr Dynamics and Clean & Polish, Inc. attached hereto and made a part hereof. Additionally, in December 2007, the City had its graffiti crew attempt to remove some of the paint from the Property. The graffiti crew concluded that they could not remove the paint and that their process might cause harm to the brick and masonry.

In January 2008, Vaughan inspected the Property and determined that, "stripping 100 percent of the paint will not be possible." Further, Vaughan indicated that there was no guarantee of success although there was a significant likelihood of unspecified and long term damage to the masonry. See Memorandum and Estimate from Vaughan Restoration Masonry, Inc. attached hereto and made a part hereof. As of August 4, 2008, the property was fully leased and occupied. Further, and notwithstanding the prohibitive cost of this imperfect solution the proposal indicated that the work, if undertaken, would be very noisy and disruptive to occupants of the building. Accordingly, there is no sound basis in law to require Mr. Kaufman to remove the paint. And, any further attempts to come up with an expert to support the City's desires or discussion or actions towards bringing in yet another "expert" would be a waste of time and money.

PMA has waited for the City to respond in good faith to its attempts to initiate discussion regarding resolution of this matter. And, to date there has been no response from the City. Mr. Kaufman has apologized both in writing and in person to the City Council and the BAR for painting the building prior to receiving the proper permit. He has consulted with five different

Ignacio B. Pessoa, Esq.
September 18, 2008
Page 3

contractors to attempt to remove the offending paint. In short, Mr. Kaufman's attempts to rectify this "alleged wrong" have been diligent and thorough almost to a fault since the City refuses to either discuss or resolve the matter with him. This process has been expensive to both his reputation and bank account. As we indicated in our prior letter, PMA requests that the City Council dismiss the appeal to the BAR Case with prejudice.

Be advised that this correspondence is sent in furtherance of Mr. Kaufman's rights all of which are expressly reserved. We respectfully request that any further communications regarding this matter be directed to Louis M. Aronson at Ruben & Aronson, LLP. Please contact our firm promptly to discuss this matter.

Very truly yours,



Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: The Honorable Mayor and Members of City Council
James Hartmann, City Manager
Jackie M. Henderson, City Clerk
Faroll Hamer, Director, Department of Planning and Zoning
Lee Webb, Supervisor, Urban Planner, Department of Planning and Zoning
Steve Milone, Division Chief, Department of Planning and Zoning
Robert Kaufman



5549 Halwis Street
Alexandria, VA 22303-1138

703-960-5041 • Fax 703-960-4158

December 14, 2007

PMA Properties
815 King Street
Ste. 203
Alexandria, VA 22314

Attention: Robert Kaufman

RE: 900 Prince Street
Alexandria, VA

Dear Mr. Kaufman,

Thank you for contacting Renorr Dynamics to review your project of removing the paint from the recently painted exterior masonry.

We visited the site and after close review, it is our opinion that in order to remove the paint from the brick there would be damage to the brick and mortar. The paint is well penetrated into the very porous surface and due to the age and condition of the brick, we have concluded that the brick and or mortar would not withstand the stresses associated with the process of stripping of the paint completely from the surface. We do believe that we can get 75% to 80% without much difficulty but the last 25% is where the damage will be done.

As a result of our inspection we have decided that a test patch would be unnecessary and counterproductive to the integrity of the brick and mortar.

Sincerely,

Greg Reveles

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- Air Duct Cleaning

Licensed

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CLEAN &
POLISH



CPI RESTORATION

a Clean & Polish company

December 27, 2007

Rob Kaufman
PMA Properties
815 King Street
Suite 203
Alexandria, VA 22314

Re: Paint Removal Findings at 900 Prince Street

Dear Rob:

Clean and Polish performed a power washing sample to remove the paint applied to the brick façade at 900 Prince Street, Alexandria, Virginia on December 19, 2007. We used a biodegradable product manufactured by HydroClean, HT-626 and HT-907 with a 1800 psi, the highest pressure we could use. In order to prevent damage to the mortar we had to stop the process when the mortar began to break up. Unfortunately, we were not able to successfully remove the paint on the façade at 900 Prince Street. If you have any questions please feel free to give me a call.

Sincerely,

A handwritten signature in black ink that reads "Holly Star".

Holly Star
Senior Account Executive
Clean & Polish, Inc.
301.424.1516, x.305

WASHINGTON D.C. • MARYLAND • VIRGINIA

DELAWARE • PENNSYLVANIA • NEW JERSEY

www.cleanandpolish.com
www.cpirestoration.com

**VAUGHAN RESTORATION MASONRY, INC.
3917 WHEELER AVENUE
ALEXANDRIA, VA 22304
PHONE (703) 823-5944
FAX (703) 823-5946**

RECEIVED FEB 04 2008

MEMORANDUM

**To: Richard Blerce
From: Vaughan Restoration Masonry
Re: Paint Stripping at 900 S. Alfred Street**

Richard,

Please find the attached estimate for paint stripping at 900 South Alfred Street. At first glance the job appears to be straightforward. However, after careful review a number of issues become apparent.

- This estimate covers two (2) applications of stripper. Due to the coarseness of the masonry surfaces, stripping and removing 100 percent of paint from the building is likely not possible. While two applications will remove a significant amount of paint, the final product will need to be approved by someone using a standard unknown to VRM at this time.
- The estimate does not cover repairs to masonry that may be needed due to excess cleaning. The attached picture shows current joint profile with large "chunks" of lime. This lime may become dislodged after excess cleaning. Again, amount of cleaning is an unknown at this time.
- Utility lines at southeast corner of building may be in the way of scaffolding. Resolution (either line protection or diversion) is unknown at this time and is not reflected in this estimate.

In addition to the estimate, we've included a stripper spec sheet and a couple of pictures showcasing the current masonry condition. As always, feel free to contact us if you have any questions or concerns.

Vaughan Restoration Masonry

Vaughan Restoration Masonry, Inc.
3917 Wheeler Avenue
Alexandria, VA 22304
(703) 823-5944 Phone
(703) 823-5946 Fax

Estimate

| |
|------------------|
| DATE |
| 1/30/2008 |

| |
|--|
| NAME / ADDRESS |
| Richard Bierce 121 S. Royal Street Alexandria, VA 22314-3327 |

| DESCRIPTION | QTY | ESTIMATE # | PROJECT |
|---|-----|---------------|------------|
| | | 922 | RB01 |
| | | COST | TOTAL |
| VRM will provide two sample panels demonstrating stripping products, techniques and ultimately, effectiveness. NOTE: Existing brick is an extraordinary coarse and grainy brick that provides numerous small openings and spaces for paint infiltration. Additionally, the mortar is also extremely coarse. Due to the coarseness of the masonry surfaces, stripping and removing 100 percent of paint from the building is likely not possible. | 1 | 1,500.00 | 1,500.00 |
| VRM will apply two (2) applications of a non-caustic and environmentally friendly masonry paint stripper. The two applications will remove a significant amount of paint. However, as noted above, stripping 100 percent of the paint will not be possible. Additional paint removal beyond 2 applications is not covered by this estimate. VRM's estimate includes all labor, materials and scaffolding (including permits). VRM will be responsible for removing all waste from jobsite. VRM will collect all paint stripping residue and provide proper disposal. VRM will protect all public space | 1 | 107,000.00 | 107,000.00 |
| | | TOTAL= | |

aughan Restoration Masonry, Inc.
 3917 Wheeler Avenue
 Alexandria, VA 22304
 (703) 823-5944 Phone
 (703) 823-5946 Fax

Estimate

| |
|------------------|
| DATE |
| 1/30/2008 |

| |
|--|
| NAME / ADDRESS |
| Richard Bierce 121 S. Royal Street Alexandria, VA 22314-3327 |

| | |
|-------------------|----------------|
| ESTIMATE # | PROJECT |
| 922 | RB01 |

| DESCRIPTION | QTY | COST | TOTAL |
|--|------------|---------------|--------------|
| <p>(sidewalks and streets) from stripping residue, runoff and debris.</p> <p>All scaffolding will meet OSHA requirements. Additionally, walkthrough scaffolding will be erected to allow pedestrian access to sidewalks during the entire job (as required by the City of Alexandria). Plastic sheets and plywood will protect pedestrian access area. Semi-rigid plastic and plastic sheets will protect all building windows and doors.</p> <p>Stripping paint is a relatively loud (due to use of pressure washers) and a very wet process. Building occupants should expect to hear construction noise through the duration of the project. VRM will need access to water.</p> | | | |
| | | TOTAL= | |



DEPARTMENT OF PLANNING AND ZONING

301 King Street, Room 2100

P.O. Box 178

Alexandria, VA 22313

Phone (703) 838-4666

Fax (703) 838-6393

www.alexandriava.gov

October 24, 2008

SENT VIA E-MAIL AND FACSIMILE

Mr. Louis M. Aronson, Esq.
Ruben & Aronson, LLP
4800 Montgomery Lane, Suite 150
Bethesda, Maryland 20814
Facsimile (301) 951-9636

Re: 900 Prince Street, BAR Case No. 2007-0240

Dear Mr. Aronson:

I am writing to you in response to the letter dated September 18, 2008 by Mr. Marshall Berman, Esquire, advising that the City send to you its response to that letter. Specifically, I am writing to respond to your comments in the letter that relate to the paint removal test that City staff has advised be conducted by Vaughan Restoration Masonry, Inc. (referenced as VRM in the written estimate and in this letter).

City Staff has discussed with Mark Vaughan in greater depth the potential paint removal and test at 900 Prince Street and particularly your firm's comments regarding the likelihood of removing the paint from the brick facade. Mr. Vaughan said that he wrote the disclosures or caveats into the written estimate because the brick is not smooth. If the brick was a smooth finished brick, Mr. Vaughan advised that he would not typically include any cautionary comments because he would be fairly confident that he could remove 100% of the paint in that case. In this written estimate, he is being conservative because the bricks are not perfectly smooth and he suspects that there will be some paint remnants in the crevices after paint removal is complete. By the comment 'the final product will have to be approved by someone using a standard unknown to VRM at this time' in the estimate, Mr. Vaughan is referencing that he cannot be certain of the final appearance of the brick until the test is completed and that the resulting appearance of the brick will have to be approved before moving forward with wholesale paint removal. Mr. Vaughan added that, since this is a fairly recent application of latex-based paint, he didn't believe that it would be very difficult to remove except in crevices. If removal of a majority of the paint leaves some paint remnant on the facade with ghosting or the

Mr. Louis M. Aronson, Esq.
October 24, 2008
Page 2 of 3

appearance of a previous paint whitewash, as often happens with paint removal. the resultant appearance would, in City Staff's opinion, be acceptable, and would restore the "exterior feature having historic and/or architectural significance" as referenced in zoning ordinance section 10-109 (B)(4). As a reminder, at the June 24 public hearing, the City Council deferred this item with the express direction that "the applicant/owner and staff should work over the summer and bring back a recommendation on the correct penalty" and "one of the things staff and the applicant should talk about is to come to closure on the issue of the removal question, and also the issue of the paint color be discussed." It was clear from the Council's discussion that they expect to have the results of this test before the case is brought back to them.

It is Staff's position that the property owner must contract with Vaughan Restoration Masonry, Inc. immediately to schedule and pay for test removal as soon as possible. Mr. Vaughan provided the following information to City Staff regarding the test:

- VRM can schedule the removal for the end of the week of October 27, in time to observe the results and take this issue back to City Council for their November hearing. VRM has ordered the environmentally-safe paint removing chemical for the job in anticipation of completing the work;
- VRM will need two days to conduct the test, the first day to apply the chemical, and the second to remove the softened paint after the chemical has been left to do its work for a approximately 6 hours;
- VRM will plan to conduct test removal in two locations on the building. The test patches will be roughly 3 ft by 3 ft.

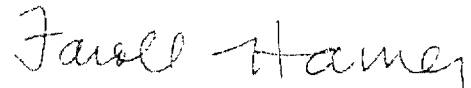
The property owner must contact and contract with Vaughan Restoration Masonry, Inc directly and coordinate with City Planning Historic Preservation Staff so that Staff can be involved with and approve the on-site parameters of the test and observe the conduct of the tests. Mr. Vaughan is prepared to rewrite the work estimate for PMA Properties 900 LLC or other entity identified by the owner. Mr. Vaughan's mobile phone number to reach him directly to schedule the test is (703) 898-3729.

Mr. Vaughan advises that he plans to be gone from about November 4-17, so the test needs to be completed by October 31 for this item to be heard as anticipated at the November 15 City Council hearing. He further advised that with cooler temperatures that come after November the chemical takes longer to work and removal takes longer, so if Council determines that the paint should be removed, removal should be scheduled as soon as possible.

Mr. Louis M. Aronson, Esq.
October 24, 2008
Page 3 of 3

For purposes of coordinating with City Historic Preservation Staff, please contact Steve Milone or Lee Webb at (703) 838-4666 no later than Monday, October 27, 2008.

Very truly yours,



Faroll Hamer, Director
Department of Planning and Zoning

cc: Marshall F. Berman, Esq, Ruben & Aronson, LLP
Robert Kaufman, PMA Properties 900 LLC
The Honorable Mayor and Members of City Council
James K. Hartmann, City Manager
Ignacio Pessoa, City Attorney
Jackie M. Henderson, City Clerk
Richard Josephson, Deputy Director, Department of Planning and Zoning
Stephen Milone, Division Chief, Zoning and Land Use Services
Lee Webb, Historic Preservation Section Manager

LAW OFFICES

RUBEN & ARONSON, LLP

4800 Montgomery Lane • Suite 150
Bethesda, MD 20814
(301) 951-9696 • Facsimile (301) 951-9636

October 27, 2008

DELIVERED BY EMAIL

Farroll Hamer
Director
Department of Planning and Zoning
301 King Street
City Hall, Room 2100
P.O. Box 178
Alexandria, Virginia 22313

**Re: 900 Prince Street (the "Property") – BAR CASE # 2007-0240 (the
"Bar Case")**

Dear Ms. Hamer:

This letter acknowledges receipt of and responds to your letter of Friday, October 24, 2008. Please note that, your letter represents the first response we have received to our repeated efforts to initiate communication in furtherance of the City Council's direction to, "work over the summer and bring back a recommendation on the correct penalty."

You have demanded that my client contract with Vaughan Restoration Masonry ("Vaughan") to schedule and pay for test removal as soon as possible. Your demand is denied. Mr. Kaufman, the owner of PMA Properties 900 LLC, ("PMA") is out of the country. As we advised on September 18, 2008 Vaughan has already submitted a Memorandum, that concluded that "removing 100 percent of paint from the building is likely not possible." The fact that Staff has discussed my client's property with Vaughan in "greater depth" without the knowledge or involvement of Mr. Kaufman makes me question the efficacy of Staff's conduct in this Bar Case.

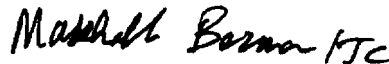
PMA owns the Property and as such has rights under the Constitution and State Law which protects him from the City's ordering him to diminish or otherwise destroy the value and appearance of his Property without due process. The City has acted in bad faith throughout this process. They have not responded to our repeated attempts to negotiate and discuss the situation at the Property. Your letter, which represents the City's first communication during this entire eight month saga, (other than a call from the Mayor's office stating that Ignacio Pessoa, the City Attorney ("City Attorney") would be contacting us shortly, which he never did) states that if PMA does not agree to your immediate demand that you will withhold his right to due process ("the test needs to be completed by October 31 for this item to be heard as anticipated at the November 15 City Council hearing"). This threatened action is wholly inappropriate. Due to the City's refusal to return phone calls or respond to letters for the last four months to discuss a

Farroll Hamer
October 27, 2008
Page 2

recommendation on the correct penalty, or if one should be imposed at all, Mr. Kaufman has concluded that the City is not going to follow the direction of the City Council in good faith and demands that he be allowed to report the actions of the City in the matter at the next City Council hearing. The City Attorney informed us that we would be on the docket at the November 15 City Council Hearing and we expect to attend and present our case.

We are, as always, available for any serious discussion of a possible resolution to this matter. Be advised that this correspondence is sent in furtherance of Mr. Kaufman's rights all of which are expressly reserved. Please contact Lou Aronson at our firm promptly to discuss this matter.

Very truly yours,



Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: The Honorable Mayor and Members of City Council
James Hartmann, City Manager
Jackie M. Henderson, City Clerk
Ignacio B. Pessoa, City Attorney, City Attorney's Office
Lee Webb, Supervisor, Urban Planner, Department of Planning and Zoning
Steve Milone, Division Chief, Department of Planning and Zoning
Robert Kaufman

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RUBEN & ARONSON, LLP

4800 Montgomery Lane • Suite 150
Bethesda, MD 20814
(301) 951-9696 • Facsimile (301) 951-9636

11
11-15-08

September 16, 2008

DELIVERED BY HAND

Hon. William D. Euille
Mayor of the City of Alexandria
City Hall
Alexandria, Virginia 22314

James Hartmann
City Manager
City Hall
Alexandria, Virginia 22314

Re: 900 Prince Street – BAR CASE # 2007-0240

Dear Mayor Euille and Mr. Hartmann:

This firm represents PMA Properties, 900 LLC (“PMA”) the owner of 900 Prince Street in Alexandria, Virginia (the “Property”) and the holder of a Certificate of Appropriateness that the Old Town Civic Association., Inc., a Virginia nonstock corporation, has appealed to the City Council.

As you may recall, at the City Council public hearing of June 24, 2008 (the “Hearing”) PMA and the City Manager and staff of the City of Alexandria (the “City”) were directed to discuss an amicable resolution to the referenced BAR Case. In accordance with this directive, PMA made numerous attempts to resolve matters with the City only to have such efforts ignored. PMA communicated with the City by letters dated June 27, 2008 and August 1, 2008 (together the “PMA Letters”), attached hereto. And, PMA made repeated calls to the City to discuss this matter. None of these letters was answered and none of the phone calls was returned.

We heard nothing for almost three months. Then on Saturday, September 13, Robert Kaufman drove by the Property and found a sticker affixed to the building indicating that a hearing date was set for September 23, 2008. That was the first communication of any kind in any form from the City in regard to the BAR Case since the June Hearing. Virginia encourages its lawyers to act with a certain amount of civility and respect for the City and its citizens; the City should also be held to this standard. We expected the City Manager, the staff or the City Attorney to contact us to discuss the BAR Case, as directed at the Hearing and to discuss the schedule for a follow up to the Hearing. Instead, we were ignored and then served with a notice posted on the Property.

Prior to the Hearing, PMA, through this Firm, made approximately ten (10) telephone calls to and left messages with Ignacio Pessoa, Esquire, City Attorney. As with the post-hearing efforts, none of these calls was returned. Since the Hearing, PMA has tried to pursue every avenue to

resolve this matter. PMA immediately sent a letter to Mr. Pessoa regarding reopening discussions of a possible settlement. We received no response to the letter and no communication from the City. Follow up calls and messages on two separate occasions were, likewise, ignored. In order to remain duly diligent, PMA sent another letter dated August 1, 2008 to the Honorable William D. Euille, Mayor of the City of Alexandria, and Mr. James Hartmann, City Manager. We never received any response from the City manager or the staff. On August 8, 2008 Mayor Euille's office called the undersigned to say that "they had received the letter and that Mr. Pessoa would be contacting us shortly to discuss the matter." To date, no further communication has been received from the Mayor's office or, for that matter, anyone from the City.

PMA now faces another public hearing of the City Council, despite its best good faith efforts at resolution which have taken significant time and money and which the City has ignored, notwithstanding the directive from the City Council for the City Manager and the staff to work with us toward resolution. PMA hereby asserts that the City has acted in bad faith and contrary to the specific instructions of the City Council at its June 24, 2008 meeting. The BAR Case is on the agenda for the next City Council public hearing of Tuesday the 23rd, and in light of the City's complete lack of responsiveness over the last three months, PMA submits that the BAR Case cannot be resolved in a fair and final way. The expense to PMA over the last year has been great not just monetarily but also to the reputation of its principal, Robert Kaufman. Therefore, in light of the actions, or gross lack thereof of the City and time and expense that PMA has expended to date to resolve this matter, PMA requests that the BAR Case be dismissed with prejudice.

As we requested in earlier communications, we again respectfully request that any further communications regarding this matter be directed to Louis M. Aronson at Ruben & Aronson, LLP. This letter is sent in furtherance of PMA's rights, all of which are expressly reserved. Please contact our firm to discuss resolution of this matter.

Very truly yours,



Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: Members of the Alexandria City Council
Jackie M. Henderson, City Clerk & Clerk of Council
Faroll Hamer, Director, Department of Planning and Zoning
Lee Webb, Supervisor, Urban Planner, Department of Planning and Zoning
Steve Milone, Division Chief, Department of Planning and Zoning
Ignacio B. Pessoa, City Attorney, City of Alexandria
Robert Kaufman

LAW OFFICES

RUBEN & ARONSON, LLP

4800 Montgomery Lane • Suite 150

Bethesda, MD 20814

(301) 951-9696 • Facsimile (301) 951-9636

August 1, 2008

DELIVERED BY HAND

Hon. William D. Euille
Mayor of the City of Alexandria
City Hall
Alexandria, Virginia 22314

James Hartmann
City Manager
City Hall
Alexandria, Virginia 22314

Re: 900 Prince Street – BAR CASE # 2007-0240

Dear Mayor Euille and Mr. Hartmann:

This firm represents PMA Properties, 900 LLC (“PMA”) the owner of 900 Prince Street in Alexandria, Virginia (the “Property”) and the holder of a Certificate of Appropriateness that the Old Town Civic Association, Inc., a Virginia nonstock corporation, has appealed to the City Council (the “Appeal”). Pursuant to the direction of the City Council at its June 24, 2008 meeting, we have made multiple attempts to contact the City of Alexandria (the “City”) to discuss resolution of the Appeal. We have not received any response to our letter dated June 27, 2008, (the “June 27 Letter”) attached hereto, nor have our phone calls been returned.

PMA has tried to pursue every avenue to resolve this matter. PMA and the City have tried to remove the offending paint using several different contractors, who have attempted all types of remediation measures. PMA has attempted to contact the City to discuss a possible settlement of the Appeal. Our office, on behalf of PMA, called Mr. Pessoa on July 2, 2008 and again on July 7, 2008 to follow up on the June 27 Letter and discuss possible resolution of the Appeal. As we indicated above, we have never received any return phone calls or correspondence from the City.

The City’s actions, or more accurately, inactions have prevented any resolution of the Appeal. It is now August and PMA continues to act in good faith regarding attempting to resolve this matter prior to the next City Council meeting. Mr. Robert Kaufman, owner of PMA, is largely unavailable during the month of August, due to prior commitments that cannot be rescheduled. Therefore, PMA respectfully requests that any further communications regarding this matter be directed to Louis M. Aronson at Ruben & Aronson, LLP. Be advised that absent a prompt favorable

Mayor William D. Euille and James Hartmann

August 1 , 2008

Page 2

resolution of the proceedings against the Property, PMA has no choice but to vigorously pursue all actions available at law and in equity. This letter is sent in furtherance of PMA's rights, all of which are expressly reserved. Please contact our firm to discuss resolution of this matter.

Very truly yours,

A handwritten signature in black ink that reads "Marshall Berman". The signature is written in a cursive, flowing style.

Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: Jackie M. Henderson, City Clerk & Clerk of Council
Faroll Hamer, Director, Department of Planning and Zoning
Lee Webb, Supervisor, Urban Planner, Department of Planning and Zoning
Steve Milone, Division Chief, Department of Planning and Zoning
Ignacio B. Pessoa, City Attorney, City of Alexandria
Robert Kaufman

LAW OFFICES

RUBEN & ARONSON, LLP

4800 Montgomery Lane • Suite 150
Bethesda, MD 20814
(301) 951-9696 • Facsimile (301) 951-9636

June 27, 2008

DELIVERED BY EMAIL

Ignacio B. Pessoa
City Attorney
City Attorney's Office
301 King Street
City Hall, Room 1300
Alexandria, Virginia 22314

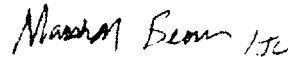
Re: 900 Prince Street – BAR CASE # 2007-0240

Dear Ignacio:

As you know this firm represents PMA Properties, 900 LLC (“PMA”) the owner of 900 Prince Street in Alexandria, Virginia (the “Property”). PMA is the holder of a Certificate of Appropriateness that the Old Town Civic Association, Inc., (the “OTCA”) has attempted to appeal to the City Council. In light of the confusion surrounding the presentation of the appeal at the City Council meeting dated June 24, 2008 and the direction of the parties to attempt to settle this matter in advance of next September’s City Council meeting, we hereby request that all settlement communications be made in writing. Accordingly, we would ask that you provide written confirmation of the last settlement offer that we received from you on June 24, 2008. In addition, we would request that you provide confirmation that any settlement offers are made with due authority to resolve the matters before the parties. Lastly, as to matters of repainting and color selection, please advise if you are the proper party to discuss matters with.

We look forward to receipt of the pending settlement offer in writing and to future correspondence with you regarding final resolution of this matter. This letter is sent in furtherance of PMA’s rights, all of which are expressly reserved. Please contact our firm promptly to discuss this matter.

Very truly yours,



Marshall F. Berman, Esq.
(Va. Bar No. 6984)

cc: Robert Kaufman

11

11-15-08

Nancy Coats/Alex
11/12/2008 11:50 AM

To Michele Evans/Alex@Alex, Mark Jinks/Alex@Alex, Jackie Henderson/Alex@Alex
cc
bcc
Subject Fw: 900 Prince Street Appeal

fyi

----- Forwarded by Nancy Coats/Alex on 11/12/2008 11:49 AM -----



VMGtheHill@aol.com
11/12/2008 11:09 AM

To Alexvamayor@aol.com, rob@krupicka.com, jim.hartmann@alexandriava.gov, DELPepper@aol.com, Timothylovain@aol.com, Councilmangaines@aol.com, PaulCSmedberg@aol.com, justin.wilson@alexandriava.gov
cc
Subject 900 Prince Street Appeal

Dear Mayor Euille and Members of the Council:

Unfortunately I will not be able to attend Saturday's Council meeting, however I do have some comments in reference to Docket Item #11.

As you are well aware the BAR voted 3-3 on the 5th of March regarding Mr. Kaufman's request to approve the painting of a previously unpainted masonry building he owns at 900 Prince Street. Fourteen days later the BAR chose not to reopen this case therefore it was automatically approved. Fourteen days after that I filed an appeal along with the Old Town Civic Association and 25 Old and Historic District property owners.

To his credit, Mr. Kaufman on a number of occasions has admitted his guilt in painting the masonry structure. The staff initially recommended that he pay a fine of \$100,000 or remove the paint and restore the masonry to its original condition at a cost of \$108,000. The applicant has stated that it's impossible to remove the paint. Everyday I drive by Doug Thurman's house at 804 Duke Street where paint has been removed from the masonry of this 1890 structure. Maybe Mr. Kaufman ought to call John Milner and Associates who specialize in this type of restoration.

The Design Guidelines for the Historic District are very explicit on the issue of painting unpainted masonry: "as a general rule, brick and masonry

buildings should not be painted and Boards should strongly discourage the painting of previously unpainted masonry surfaces”. The reasoning for this is that red brick buildings are one of the defining characteristics of the old and historic district. In a number of previous after the fact cases the Board ordered that the paint be removed.

Last year OTCA sent the Mayor and Council a letter asking assistance in curbing all of these recent after the fact approvals. In that letter we requested that a schedule of fines be created and be consistently levied. There was no reply to this letter. On the 18th April of this year we again asked the city in a letter to “establish a consistent after the fact application process with consistent fines. The applicant should be offered the choice of correcting the condition or paying the fine. The fine and cost of correction should be comparable. The answer to this recommendation was somewhat provided OTCA finally at the BAR’s retreat, however the issue at hand was not resolved.

I might point out that Mr. Boyd Walker was fined by the Council and additionally had to restore an Ice House to it’s original structure. Therefore there is no reason that Mr. Kaufman should not have to not only restore the 900 Prince to its original condition but in addition pay a reasonable fine. As a minimum this case should be remanded back to the BAR with instructions that they rehear the case and have the owner restore the building back to its original condition and fine him a reasonable amount.

Sincerely,

**Townsend A. “Van” Van Fleet
Appellant**