

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

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**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;
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CITY DEPARTMENT COMMENTS

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

Code Enforcement:

No comment.

Historic Alexandria:

No comments received.