



Adopted: 10/2/19

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF ARCHITECTURAL REVIEW  
CITY OF FAIRFAX  
CITY HALL, FAIRFAX, VIRGINIA  
September 18, 2019**

**Members Present:** Chair Ryan Horner, Vice Chair Marie Cox, Paul Cunningham, Robert Kalmin, Robert Beaty, James Schroeder

**Member(s) Absent:** Jagdish Pathela

**Staff Present:** Tommy Scibilia, Planner

Attachments:

1. Correspondence from the Director of Community Development and Planning regarding site design

**Meeting called to order at 7:01 p.m.**

**1. Discussion of Agenda**

**MR. CUNNINGHAM MOVED TO ADOPT THE AGENDA AS PRESENTED, SECONDED BY MR. BEATY, WHICH CARRIED UNANIMOUSLY BY VOICE VOTE, 6-0.**

**2. Presentations by the public on any item not calling for a public hearing**

None.

**3. Consideration of the meeting minutes of July 31, 2019**

**MR. KALMIN MOVED TO ADOPT THE MINUTES AS PRESENTED, SECONDED BY MS. COX, WHICH CARRIED UNANIMOUSLY BY VOICE VOTE, 6-0.**

4. **Consideration of the request** of Don Olsen, representative of applicant BRR Architecture, for an amendment to the approved and amended materials of a grocery store building on a property located at 10334 Fairfax Boulevard, case number BAR-19-00584.

Staff presented the staff report, which has been incorporated into the record by reference.

**Board, staff, and applicant comments**

Mr. Cunningham asked if the mural was still intended to be painted on the east elevation of the grocery store.

Staff confirmed this and stated that the new architecture can be shared with the Department of Parks and Recreation to be passed onto the Commission on the Arts for when they review the mural content.

Ms. Cox asked for clarification on staff's recommendation that dark bronze coping be used along the roofline, even above the lighter brick portions of the façade.

Staff confirmed this.

Mr. Horner asked if dark bronze was used on the retail buildings.

Staff stated that they believed so.

Mr. Yong Cho of BRR Architecture, project architect and representative of the applicant, stated that the only intended modification was to the material of the main entry.

Mr. Beaty asked if there was a tenant for the grocery store building.

Mr. Cho confirmed this.

Mr. Beaty stated that the new bronze material for the front entry was very dark and asked why the applicant chose to change the entry material from the previous approval.

Mr. Cho explained that since the discontinuation of the Whole Foods 365 concept, the architecture was changed to move away from that brand's features.

Mr. Cunningham asked if the changes in entrance locations meant that the tenant type was changing.

Mr. Cho stated that the tenant would still be a full service grocery store.

Mr. Cunningham asked if there would be smaller secondary retailers within the building, such as a café.

Mr. Cho stated that it was possible but he believed the intent was that the building would have a single grocery tenant.

Mr. Cunningham asked if there would be grocery pickup as part of the operation of the store and if so where that would take place.

Mr. Cho stated that there was no change proposed to the parking arrangement on site.

Ms. Cox asked the applicant for more clarification on the proposed coping.

Mr. Nathan Bath of Regency Centers, representative of the applicant, stated that the intent was to maintain the clear anodized aluminum coping as previously approved across the top of the faux wood portions of the façade and to match coping color to adjacent materials for other projecting roofline areas, but that the applicant would be amenable to alternate suggestions.

Ms. Cox stated that the proposed design appeared “dumbed down” from the previous approval, namely the replacement of the geometric wall paneling at the main entry with large gridded bronze panels.

Mr. Cho reiterated that that wall paneling system was a feature unique to the Whole Foods 365 brand and that part of the intent of this application was to move away from that.

Ms. Cox asked if with the new entry features shown at the eastern egress door, including the stairs, landing, railings, and awning, would affect the ability of a mural to be painted in this location as approved.

Mr. Cho stated that the awning could be removed.

Mr. Bath added that the intent was still to have a mural in this location and that a portion of the door could be painted over.

Ms. Cox asked if another egress door had been added to the right side of the eastern elevation.

Mr. Cho confirmed this.

Mr. Kalmin stated that he believed the dark bronze color proposed helped to ground the design, and that he did not have any issue with the new color palette.

Mr. Kalmin pointed out that there were new pilasters shown within the main entry area and asked why this was left out of the staff report.

Staff stated that this was an oversight.

Mr. Kalmin stated that although he did not disapprove of the use of bronze, he wondered if it would blend in with the palette of the shopping center as a whole.

Mr. Kalmin asked the applicant if they anticipated any further modifications to the design of the building.

Mr. Cho stated that there would be no further changes if approved.

Mr. Horner stated that the current design was a dilution of the original approved design and of the previous approval as well, that the design has lost architectural interest with each iteration. He stated that the secondary entrance design has been especially diluted.

Mr. Horner asked that if the changes proposed were only for a tenancy change, why the modifications were so drastic.

Mr. Cho responded saying that the representation in the submission materials may be at fault for the design appearing so diluted, citing specifically the removal of the furniture and seating area railing, as

this is something intended to be applied for under a separate application. He added that he believed the proposed materials would be cohesive with the shopping center.

Mr. Horner asked the applicant what made this building special, and asked how this building would serve to enhance the appearance of the City.

Mr. Cho stated that with the revised design, the intent was to make the building prominent while at the same time blend in with the rest of the shopping center.

Mr. Bath stated that he had passed along previous meeting minutes to the architecture team and noted that in previous reviews Board members stated that the main entry material did not relate to the rest of the shopping center and that the secondary entrance competed with the prominence of the primary entrance. He stated that the revised design intended in part to address those comments.

Mr. Horner asked how much of the proposed changes were a result of the tenancy change and how much was for cost savings or other factors.

Mr. Horner stated that the faux wood panel sections have become taller, and are now less an accent band than a “broad forehead” that flattened the appearance of the building.

Mr. Horner stated that the secondary entrance design has become extremely generic.

Mr. Cho stated that this was done intentionally to emphasize the primary entrance and draw customers there. He added that the applicant was amenable to retaining the previously approved design if that was the desire of the Board.

Mr. Horner asked if the applicant had considered as an alternate removing the secondary entrance tower altogether to further deemphasize that entrance.

Mr. Cho stated that the tenant would be amenable to that.

Mr. Beaty asked why the applicant would not be able to implement the previously approved design even though Whole Foods 365 is no longer a store concept. He stated that making more minor changes, such as changing the awning colors from the blue to something else, could be an option to accomplish this without making drastic changes to the approved design.

Mr. Cho reiterated that the revised design was in part intended to help the building blend in better to the shopping center as a whole.

Mr. Beaty stated that he believed the geometric paneling on the previous approval was more interesting than the proposed gridded design, and that the new materiality would actually make this building “stick out like a sore thumb.”

Mr. Cho agreed that the elevations make the entry appear flat.

Mr. Cunningham stated that this review process and design evolution is something the Board has seen a lot in the past, where during the initial review the original design is enhanced with BAR feedback, and then in subsequent amendments the design reverts back closer to the original proposal.

Mr. Cunningham stated that due to the changes proposed and the much more generic look of the building, he has strong suspicions that Whole Foods is no longer the tenant.

Mr. Bath stated that unfortunately Whole Foods abandoned the 365 concept after the designs were approved by the BAR, and so that these last minute changes were made in an attempt to cater to another tenant and still stay on track with the development timeline of the shopping center.

Mr. Cunningham asked if there was a confirmed tenant and if they were ready to occupy the space.

Mr. Bath confirmed this and said that interior fit-out plans had been submitted to staff for review.

Ms. Cox stated that this building as proposed is much less dynamic and disappointing compared to the retail buildings. She stated that elements from those approved designs should be implemented into the design of the grocery building.

#### **Public comments**

Mr. Rob Wright, 9495 Fairfax Boulevard, Vice President of the Foxcroft Colony Homeowners Association, addressed the Board and stated that the assumed loss of Whole Foods for this grocery store and the revised design were both major upsets, as this grocery store was meant to be the core of the Northfax district in the City.

**MS. COX MADE A MOTION TO DEFER ACTION ON THE REQUEST OF DON OLSEN, REPRESENTATIVE OF APPLICANT BRR ARCHITECTURE, FOR AN AMENDMENT TO THE APPROVED AND AMENDED MATERIALS OF A GROCERY STORE BUILDING ON A PROPERTY LOCATED AT 10334 FAIRFAX BOULEVARD, CASE NUMBER BAR-19-00584, TO A DATE UNCERTAIN.**

**SECONDED BY MR. BEATY.**

#### **Discussion of the motion**

Mr. Kalmin stated that, as a builder, any changes in his designs are aimed at improving the project rather than simplifying it. He added that the applicant does not seem to have kept the community in mind when creating this revised proposal.

Mr. Schroeder stated that the design of this building seems to have lost focus over time, and is nowhere near the quality of the initial approved design. He added that this was not a good way forward for a building that will serve the community and be in place for a long time.

Ms. Cox echoed the sentiments of Mr. Kalmin and Mr. Schroeder. She stated that there are many ways this building could be differentiated from the branding of Whole Foods 365 in a much more dynamic way.

Mr. Horner stated that the applicant should revise the proposal with the context of the shopping center more in mind.

Staff outlined several steps that could be taken from here including denial of the application which would allow the applicant to apply for very minor changes to the approved design for a minor certificate of appropriateness, deferral of the request and a redesign, or approval of the request.

Mr. Horner stated that the use of so much bronze was too dark and too bold.

Ms. Cox told the applicant to focus on the design of the entrances in the redesign, and to pay attention to the approved architecture of the retail buildings.

Mr. Cunningham stated that he had no issue with the proposed move of the cart corral closer to the main entrance.

Mr. Cunningham stated that the secondary entrance was too plain, and that it was a massive “dead space.”

Mr. Cunningham stated that he does not know who the tenant is, but that this building should be something they are proud of, and that it should stand out from other developments in some way.

Mr. Horner asked the applicant if they had a desired path forward.

Mr. Bath stated that the applicant would like the request deferred to give them another chance to redesign the building to something the Board found more suitable.

Mr. Cunningham suggested that the deferral be to a date certain, in order to hold the applicant and staff to a specific timeline.

Staff cautioned against this approach, stating that the City Attorney had recommended against this in the past, and stated that this approach would constrain staff when reviewing the project and acquiring missing information as needed. Staff stated that if the deferral was set to a date certain, there would be a risk of an incomplete staff report.

Mr. Cunningham asked if that would be different from the report the Board members received for this proposal.

Staff did not comment.

Mr. Horner called for a voice vote.

**THE MOTION CARRIED UNANIMOUSLY BY VOICE VOTE, 6-0.**

- 5. Consideration of the request** of Robert D Brant, representative of applicant 9700 Fairfax Boulevard LLC, for construction of a gas station, grocery store, and site improvements on a property located at 9700 Fairfax Boulevard, case number BAR-19-00547.

Staff presented the staff report, which has been incorporated into the record by reference.

**Board, staff, and applicant comments**

Mr. Beaty asked for clarification on the alternate site layout shown in the presentation.

Staff stated that that exhibit had been sent only hours before the meeting and that staff had not had a chance to review it. He stated that the applicant would go over it when they came forward to address the Board.

Mr. Cunningham asked whether there had been discussion with the applicant about undergrounding the overhead utility lines.

Staff stated that this had been communicated to the applicant as part of the land use review of the project.

Mr. Brant stated that the applicant generally received positive feedback from the Board on the architecture and landscaping at the work session.

Mr. Brant stated that since the work session, the site design had been revised to incorporate a wider sidewalk and enhanced landscaping along Fairfax Boulevard.

Mr. Brant discussed the alternate site layout exhibit with the fuel station canopy oriented along Spring Street, clarifying that this was not a layout that they are proposing but simply an illustrative exhibit. He pointed out that this layout would constrain landscaping along Fairfax Boulevard and create a difficult maneuvering condition for trucks on the site.

Mr. Brant stated that the applicant was amenable to staff's recommendation that the lighting fixtures be in a bronze finish.

Mr. Beaty stated that he preferred the alternate layout shown in the illustrative exhibit. He asked if it would be possible to move the building closer to Fairfax Boulevard.

Mr. Brant stated that this would have adverse effects on maneuverability onsite for trucks.

Staff explained that while the Board is free to discuss site design, they are discouraged from making a decision based on this as site layout is not something that falls under the purview of a certificate of appropriateness. Staff read an email from the Director of Community Development and Planning to further clarify. This email is included as Attachment 1 to these minutes.

Mr. Cunningham stated that the directional arrows shown in the alternate site layout exhibit were backwards.

Mr. Chris Howell of Kimley Horn, project engineer and representative of the applicant, addressed the Board and explained that undergrounding the overhead utilities would require a net increase of two utility poles, and that new poles would be both on the subject property and on neighboring properties. He stated that new poles would be required to offset the load on existing terminal poles that would remain supporting offsite overhead utilities and to bring those lines downward to their entry point at ground level.

Ms. Cox stated on the previous application the Board discussed the significance of the architecture, and that with this proposal the City will just be getting another convenience store.

Mr. Schroeder stated that he was satisfied with the quality of the proposed architecture.

Mr. Kalmin echoed this.

Mr. Horner stated that the Design Guidelines would support a building entry not facing the main frontage but the main parking area as shown in the alternate site layout exhibit, adding that he is aware this is out of BAR purview.

Mr. Horner stated that the proposed landscaping was lovely but that it was diminutive and did little to screen parking.

Mr. Brant stated that the renderings were representative of the landscaping at the time of planting, so the trees and shrubs appear smaller than they would be at maturity. He added that the net impervious surface was decreased with this proposal.

Mr. Howell added that the proposed dwarf Japanese holly shrubs around the perimeter of the parking lot would mature at approximately two feet in height.

Mr. Horner stated that one of the design goals of the Architectural Control Overlay District as outlined in the Design Guidelines is to strengthen the street edge, which can be done in part with landscaping, and that he did not believe the proposed landscaping was as strong in strengthening the street edge as it could be.

Mr. Horner commented that the applicant should explore moving the building closer to the south near Fairfax Boulevard and moving the fuel canopy and parking to the north, adding that he is aware this is out of BAR purview.

Mr. Brant stated that the proposed use of fuel sales does not lend itself to meeting all of the provisions of the Design Guidelines, although the applicant has attempted to conform to the extent possible.

Mr. Horner cautioned that using use type as a justification for not meeting the intent of the Design Guidelines is a slippery slope, and that his comments would be the same regardless of the use proposed. He added that use is not a consideration criterion of the BAR.

**Public comments**

Mr. Rob Wright addressed the Board, stating that the Foxcroft Colony community is strongly in support of this development proposal, as new development along this corridor will help spur further development of the Fairfax Circle district.

**MR. CUNNINGHAM MADE A MOTION TO APPROVE THE REQUEST OF ROBERT D BRANT, REPRESENTATIVE OF APPLICANT 9700 FAIRFAX BOULEVARD LLC, FOR CONSTRUCTION OF A GAS STATION, GROCERY STORE, AND SITE IMPROVEMENTS ON A PROPERTY LOCATED AT 9700 FAIRFAX BOULEVARD, CASE NUMBER BAR-19-00547, WITH CONDITIONS AS FOLLOWS:**

1. All lighting fixtures shall be in a dark bronze finish, and illumination levels shall be subject to review and approval by the Zoning Administrator.
2. Additional shrubs and groundcover shall be installed within the parking islands, along the Fairfax Boulevard and Spring Street frontages, and along the western landscape area.
3. The proposed modifications shall be in general conformance with the review materials received by staff and included in the staff report, as modified through the date of this meeting, except as further modified by the Board of Architectural Review, the Director of Community Development and Planning, Zoning, or the Building Official.

**SECONDED BY MR. KALMIN.**

**Discussion of the motion**

No discussion.

Mr. Horner called for a voice vote.

**THE MOTION CARRIED BY VOICE VOTE, 4-2, WITH MR. HORNER AND MS. COX DISSENTING.**

**6. Staff Report**

Staff discussed administrative approvals since the last meeting:

- E-Scooter preferred parking area decals – 10455 Armstrong Street, 10415 and 10435 North Street
- 10505 Judicial Drive new conference room windows
- Victorian Square garden dog statue – 10387 Main Street
- T-Mobile telecommunications antenna replacements – 9780 Main Street, 10860 Fairfax Boulevard
- NoVA Tang Soo Do window sign at Victorian Square – 10387 Main Street

Staff discussed open administrative applications under review:

- H-Mart awning painting – 11200 Fairfax Boulevard

Ms. Cox asked whether staff had noticed that there had been exterior painting work done at the Meineke car service establishment on Fairfax Boulevard.

Staff stated that they noticed and have been in touch with the owner about applying for a certificate of appropriateness.

Ms. Cox asked staff to remind her if the BAR had approved roof repainting at the America's Best shopping center.

Staff confirmed this.

Staff discussed upcoming BAR meetings and anticipated cases:

- October 2:
  - Victoria's Cakery painting and signage – 10430 Main Street
  - Old Town Hall roof replacement – 3999 University Drive
- October 16:
  - East Wind painting – 10414 Main Street
  - Point 50 Grocery Amendment 2, deferred this meeting – 10334 Fairfax Boulevard

Staff asked for Board member availability for upcoming meetings on October 2 and 16.

- Mr. Cunningham stated that he will not be available for either meeting.

Mr. Horner gave the Board members an update on the Downtown Visioning Committee since the last BAR meeting:

- Mr. Horner had not attended the last meeting.
- The Committee further refined the goals of the Downtown district and began drafting actions.
- One more meeting of the Committee remains.

Mr. Beaty gave the Board members an update on activity of the Community Appearance Committee (CAC) since the last BAR meeting:

- No CAC meetings held since the last BAR meeting.

Staff discussed BAR training for 2019, stating that training needs to be done by September 30.

## **7. Closing Board Comments**

Mr. Cunningham stated that the small area plans process for Northfax and Old Town had kicked off the previous Wednesday.

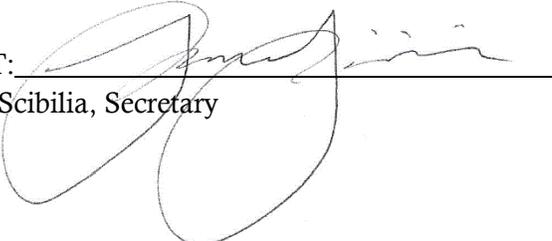
Mr. Cunningham informed Board members that this upcoming Tuesday, City Council would be formally congratulating planning staff and the Planning Commission on receiving the award for 2019 Commonwealth Plan of the Year by the Virginia Chapter of the American Planning Association.

Mr. Horner updated the Board on meetings that had been held by various stakeholders in the City regarding Historic Fairfax City, Inc.'s advisory role following the approval of the demolition of the former Surf Shop Building at 3936 Old Lee Highway and approval of the architecture of a new restaurant at this location. He stated that if any Board members were interested in acting as an informal liaison to HFCl, that they should let him know.

Staff added that moving forward, planning staff will pass along proposals for projects in the Historic Overlay Districts, or projects on properties staff thinks may have historic integrity outside of those districts, to the Director of Historic Resources. At that point the Director of Historic Resources can share the proposal with HFCl who can then comment via correspondence with the deciding body and/or by attending public hearings to voice comments directly. Staff added that the first two projects to be passed along in this fashion have been Victoria's Cakery painting and signage, and Old Town Hall roof replacement, both of which will be reviewed on October 2, 2019.

**8. Adjournment**

**Meeting adjourned at 9:34 p.m.**

ATTEST:   
Tommy Scibilia, Secretary