



## Board of Architectural Review

DATE: October 16, 2019  
TO: Board of Architectural Review Chair and Members  
THROUGH: Jason Sutphin, Community Development Division Chief *BT FURT*  
FROM: Tommy Scibilia, BAR Liaison *(TS)*  
SUBJECT: **Scout on the Circle**

ATTACHMENTS: 1. Relevant Regulations  
2. Plans Package  
3. Approval Documents

### **Nature of Request**

1. Case Number:	BAR-19-00547-691
2. Addresses:	9700 Fairfax Boulevard
3. Request:	Amendment to Building 2
4. Applicant:	Fairfax Circle LLC
5. Applicant's Representative:	Aisha Hill
6. Status of Representative:	Agent
7. Zoning:	CR Commercial Retail, Architectural Control Overlay District

## **BACKGROUND**

The subject site is located within the Fairfax Circle Activity Center as identified in the 2035 Comprehensive Plan, and is the site of a mixed-use development known as Scout on the Circle that is currently under construction. The development will comprise of two mixed-use buildings with retail uses on the ground floor and apartments above, structured parking, and a grocery store building. The development was approved by City Council on May 27, 2014, and the architecture was approved by the BAR on September 16, 2015. On January 16, 2019, the BAR approved a revised design for the grocery store building.

As part of the City Council land use review of the project, the applicant submitted a list of development conditions that were adopted as part of the approval (see Attachment 3). One of those conditions states that, "The applicant shall consult with the City's Commission on the Arts prior to the Applicant's final design and installation of architectural features/treatments, murals, or similar design elements for the exterior portion of the parking deck/loading bay facing Fairfax Circle (as shown on Sheet A2.2.1 of the

SE Plan) intended to enhance the attractiveness of such structure.” The referenced elevation can be found at the end of Attachment 3. Because this wall is intended to be painted with a mural and because the BAR has already reviewed and approved the location and extent of this mural, no further review is required regarding the mural itself. The applicant will be required to submit a design for consideration by the Commission on the Arts, consistent with the 2014 land use condition of approval and with the City’s standard review procedure for public art.

## **PROPOSAL**

The applicant is proposing to add windows to the aforementioned wall of mixed-use Building 2 between the two sets of windows previously approved. See Attachment 2 for the approved and proposed conditions. Behind this wall is a conditioned corridor that connects the parking garage of Building 2 to its retail uses along Fairfax Boulevard. The applicant’s statement of design intent, included as part of Attachment 2, states that this change is proposed in order to make the corridor more open for the safety and comfort of patrons. The glazing and storefront would match the approved materials and finishes. The applicant has stated that they still intend to use this wall for mural art and will take it through the appropriate review channels with the Commission on the Arts.

## **ANALYSIS**

### ***City of Fairfax Design Guidelines:***

#### *Architectural Control Overlay District Overview, ACOD-1*

##### *ACOD Goals, ACOD-1.2*

*Maintain a human scale in building design and outdoor spaces.*

*Continue to create an inviting public streetscape realm with coordinated designs.*

Staff believes that the increase in transparency on this façade would enhance the human scale and make this area more inviting to pedestrians.

#### *New Construction, ACOD-2*

##### *Building Orientation, ACOD-3.3*

*Orient entrances for convenient access from adjacent buildings, sidewalks, parking, and bike paths.*

Although the BAR does not typically have purview over site layout, certain design features can be used to create orientation cues. Staff believes that increasing transparency on this façade

makes this part of the building, which faces onto Fairfax Circle, appear less like a service area and more like a prominent front elevation.

*Building Form & Articulation, Building Scale, ACOD-3.4 – ACOD-3.5*

*Use forms in new construction that relate to those of existing neighboring buildings on the street that are of quality design.*

*Reinforce the human scale of new design in ACOD by including different materials, textures or colors within a large building and/ or by dividing large facades and other elevations into different bays with different heights and planes.*

*Use other techniques such as varying rooflines and window patterns, articulating entrances, and adding cornices and string and belt courses to separate floor levels, and using other decorative features. Corner articulation, balconies, canopies, marquees, and awnings can all also help create a human scale.*

Staff finds that the addition of windows to this blank façade would add articulation and make it appear as more of an integral part of this building which has evenly spaced fenestration on all sides.

*Opening Types & Patterns, ACOD-3.7*

*The size and proportion, or the ratio of width to height, of windows of new buildings' primary facades may be vertical, horizontal or square. Their arrangement may be laid out in a pattern or in a more random fashion depending on the building's use and its overall design.*

*Traditionally designed openings are generally recessed on masonry buildings and have a raised surround on frame buildings. New construction may use these methods in the ACOD, or they may have openings that are flush with the rest of the wall.*

*Darkly tinted or mirror glass is not an appropriate material for windows or doors in new buildings within the ACOD.*

Staff finds the proportion of the proposed windows to be consistent with the approved windows of the mixed-use buildings and the use of storefront to match approved storefront to be appropriate. The proposed glazing would be transparent and would match that approved for use throughout the building.

*Private Site Design & Elements, ACOD-6*

*Parking, ACOD-6.2*

*Make parking lots pedestrian friendly with highly visible pedestrian walkways, crosswalks, and connectivity with the surrounding pedestrian network.*

*Parking structures, garages or decks, fronting on public right-of-ways, or major pedestrian routes should contain storefronts or other forms of visual interest on the ground level. Consider incorporating public art, vertical plantings (green walls), or other architectural treatments to enliven the appearance of parking garage façades.*

Staff finds the proposed modification to add transparency along the corridor connecting the structured parking to the retail spaces consistent with the above guidelines.

*Public Art, ACOD-6.10*

*Public art installations should not damage or obscure important architectural features of a building.*

*Wall murals to be painted directly on unpainted brick or other masonry walls will be reviewed on a case-by-case basis.*

Staff believes that the added windows would enhance the appearance of this façade, and that sufficient wall surface would remain for painting.

***Comprehensive Plan:***

The following excerpts from the 2035 Comprehensive Plan are relevant to this application.

*Chapter 2 – Land Use*

*Commercial Corridors and Activity Centers Goal 1 – Enhance Commercial Corridors.*

*ACTION CCAC1.1.3 Encourage creativity and architectural excellence in new commercial developments. (50)*

*Community Design and Historic Preservation Goal 1 – Require high-quality, sustainable design.*

*OUTCOME CDHP1.2: Attractive buildings, inviting public spaces, and welcoming gateways that contribute to our economic vitality and unique character. (64)*

Staff believes that the added windows would enhance the appearance of this façade while preserving space for the creation of public art as envisioned in the original design of this building and as conditioned as part of the 2014 land use approval.

## **RECOMMENDATIONS**

Staff finds the proposal to conform to the City's design criteria and therefore recommends approval of the major certificate of appropriateness with the following condition:

1. 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.

ATTACHMENT 1

## RELEVANT REGULATIONS

### §3.7.4. Architectural control overlay district

#### B. Certificate of appropriateness required

Except as specified in §3.7.4.C, below, all development in the architectural control overlay district shall be subject to the approval of a certificate of appropriateness in accordance with the provisions of §6.5.

#### C. Exceptions

The architectural control overlay district shall not apply to signs, unless otherwise specified, or to the following uses:

1. Single-family detached;
2. Duplex dwellings, after initial approval and construction; and
3. Townhouses, after initial approval and construction.

### §5.4.5. Powers and duties

#### B. Final decisions

The board of architectural review shall be responsible for final decisions regarding the following:

1. Certificates of appropriateness, major (§6.5)

### §6.5.1. Applicability

Certificates of appropriateness shall be reviewed in accordance with the provisions of §6.5.

#### A. A certificate of appropriateness shall be required:

1. To any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in a historic overlay district (§3.7.2), the Old Town Fairfax Transition Overlay District (§3.7.3), or in the Architectural Control Overlay District (§3.7.4). For purposes of §6.5, “material change in appearance” shall include construction; reconstruction; exterior alteration, including changing the color of a structure or substantial portion thereof; demolition or relocation that affects the appearance of a building, structure or site;

### §6.5.3. Certificate of appropriateness types

#### A. Major certificates of appropriateness

##### 1. Approval authority

###### (a) General

Except as specified in §6.5.3.B.2(b), below, the board of architectural review shall have authority to approve major certificates of appropriateness.

###### (b) Alternative (in conjunction with other reviews)

Alternatively, and in conjunction with special use reviews, planned development reviews, special exceptions or map amendments (rezoning), the city council may approve major certificates of appropriateness.

§6.5.6. Action by decision-making body

A. General (involving other review by city council)

After receiving the director's report on proposed certificates of appropriateness, which do not involve other reviews described below, the board of architectural review (BAR) shall review the proposed certificates of appropriateness in accordance with the approval criteria of §6.5.7. The BAR may request modifications of applications in order that the proposal may better comply with the approval criteria. Following such review, the BAR may approve, approve with modifications or conditions, or disapprove the certificate of appropriateness application, or it may table or defer the application.

B. Other reviews

1. Prior to taking action on special use reviews, planned development reviews, and map amendments (rezoning), the city council shall refer proposed certificates of appropriateness to the BAR for review in accordance with the approval criteria of §6.5.7.
2. In conjunction with special use reviews, planned development reviews, special exceptions and map amendments (rezoning), the city council may review the proposed certificate of appropriateness in accordance with the approval criteria of §6.5.7. The city council may request modifications of applications in order that the proposal may better comply with the approval criteria. Following such review, the city council may approve, approve with modifications or conditions, or disapprove the certificate of appropriateness application, or it may table or defer the application.

§6.5.7. Approval criteria

A. General

1. Certificate of appropriateness applications shall be reviewed for consistency with the applicable provisions of this chapter, any adopted design guidelines, and the community appearance plan.
2. Approved certificates of appropriateness shall exhibit a combination of architectural elements including design, line, mass, dimension, color, material, texture, lighting, landscaping, roof line and height conform to accepted architectural principles and exhibit external characteristics of demonstrated architectural and aesthetic durability.

§6.5.9. Action following approval

- A. Approval of any certificate of appropriateness shall be evidenced by issuance of a certificate of appropriateness, including any conditions, signed by the director or the chairman of the board of architectural review. The director shall keep a record of decisions rendered.
- B. The applicant shall be issued the original of the certificate, and a copy shall be maintained on file in the director's office.

§6.5.10. Period of validity

A certificate of appropriateness shall become null and void if no significant improvement or alteration is made in accordance with the approved application within 18 months from the date of approval. On written request from an applicant, the director may grant a single extension for a period of up to six months if, based upon submissions from the applicant, the director finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.

§6.5.11. Time lapse between similar applications

A. The director will not accept, hear or consider substantially the same application for a proposed certificate of appropriateness within a period of 12 months from the date a similar application was denied, except as provided in §6.5.11.B, below.

B. Upon disapproval of an application, the director and/or board of architectural review may make recommendations pertaining to design, texture, material, color, line, mass, dimensions or lighting. The director and/or board of architectural review may again consider a disapproved application if within 90 days of the decision to disapprove the applicant has amended his application in substantial accordance with such recommendations.

§6.5.12. Transfer of certificates of appropriateness

Approved certificates of appropriateness, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

§6.5.13. Appeals

A. Appeals to city council

Final decisions on certificates of appropriateness made may be appealed to city council within 30 days of the decision in accordance with §6.22.

B. Appeals to court

Final decisions of the city council on certificates of appropriateness may be appealed within 30 days of the decision in accordance with §6.23.