

Policy Briefing Summary

City Council



Regarding:	The Mark, 7th Street, SW: Appeal Board of Architectural Review Denial of Certificate of Appropriateness (HST25-0084)
Staff Contact(s):	Jeffrey Werner, Historic Preservation and Design Planner, Kellie Brown, Director of NDS
Presenter:	Jeffrey Werner, Historic Preservation and Design Planner
Date of Proposed Action:	May 4, 2026

Issue

The Mark: 202, 204, 208, and 214 7th Street, SW, and 613 Delevan Street; Appeal BAR Denial of a Certificate of Appropriateness for (2) IPPs (BAR #HST 25-0084)

Background / Rule

Mitchell-Matthews Architects ("Appellant"), the Applicant for the Certificate of Appropriateness ("CoA") for a potential development at 202, 204, 208, and 214 7th Street, SW, and 613 Delevan Street ("Project"), has appealed the Board of Architectural Review's ("BAR") December 16, 2025, denial of a CoA for the rehabilitation of two (2) brick dwellings (204 and 208 7th Street, SW, both designated Individually Protected Properties ("IPPs") and construction of a seven (7)-story, multi-unit apartment building on the five (5) parcels (Tax Map 29 Parcels 71,73,74,75, and 76; the IPPs are Parcels 73 and 74). This appeal was recorded on December 31, 2025, within ten (10) days of the BAR's action, the deadline proscribed by City Code Chapter 34, Div. 5.2.7.E.

On July 18, 1991, City Council approved the designation of eighty (80) IPPs throughout the City, including 204 and 208 7th Street, SW. Per City Code Chapter 34, Div. 2.9.3., both properties remain designated IPPs. Per City Code Chapter 34, Div. 5.2.7.A.1.a., a CoA is required for the exterior activities at an IPP associated with *construction, reconstruction, alteration, or restoration of a building or structure* (emphasis added). In addition to the Project-related rehabilitation of the two (2) IPPs, construction of the apartment building will encroach onto the two (2) IPPs; therefore, the entire Project is subject to design review and requires an approved CoA.

Note 1: The IPP designation applies to the entire parcels at 204 and 208 7th Street, SW. The existing brick dwellings are *contributing structures* on those IPP parcels.

Note 2: Neither the Appellant, Mitchell-Matthews Architects (also the Applicant for this CoA), nor the developer, LCD Acquisitions, LLC, are identified as owners of the five (5) properties associated with this Project. In 2025, the Applicant provided an Affidavit from each owner acknowledging their consent for the CoA Application associated with their property.

Additionally, on October 6, 2025, the Applicant applied for a Major Development Plan ("MDP"); (PL-25-0145). The first round of comments was provided to the Applicant by letter on November 13, 2025 (see Attachment to December 16, 2025, BAR Staff Report). Prior to sharing that letter with BAR, City Staff requested the Applicant identify any comments that might cause them to later modify the design being presented to BAR. In response, on November 16, 2025, the Applicant stated, "The comments all seemed reasonable and will be addressed in the site plan process. Nothing I could see appeared to impact the BAR purview."

In short, the Applicant stated that resolving the requirements for an MDP and subsequent Final Site Plan will not require changes to the design, as submitted for BAR's December 16, 2025, review. However, City Staff expressed to the Applicant that, if a CoA is approved, any significant design modifications necessary for an approved Final Site Plan may result in voiding that CoA. [Note 3: The Site Plan review process is continuing, to-date.]

(See Attachment 1 for links to the BAR's December 15, 2025, Action Memo, Meeting Minutes, Staff Report, reference documents, and Applicant's submittal.)

Analysis

On December 16, 2025, following three (3) prior discussions of the requested CoA, BAR, by a vote of 6-1, denied a CoA for the Project. The Applicant provided a 113-page submittal detailing the rehabilitations of the two (2) brick dwellings and providing the plans for the multi-story building, including exterior elevations, details, wall sections, materials, and landscaping. In discussion of the Motion to Deny the CoA, BAR emphasized support for the proposed rehabilitation of the two (2) brick dwellings [the IPPs] as detailed within the Application submittal.

In considering this appeal, City Council is free to evaluate, discuss, or even find fault with, the BAR's action and/or application of the Review Criteria; however, the formal matter before City Council is a decision whether *to approve*, *to approve with conditions*, or *to deny* a CoA for the Project. City Council's consideration of this appeal therefore represents a *de novo* review of the CoA Application. Per City Code Chapter 34, Section 5.2.7.E.1.d., in that review, "Council will consult with the BAR, consider the written appeal [see Attachments 2 and 3], the criteria [standards for review], as applicable, and any other information, factors, or opinions [Council] deems relevant to the application." Regarding what other information, etc., City Council may consider, but City staff cannot advise except to suggest a final decision be informed by the established review criteria.

City Staff's Response to Appellant's letter:

The Appellant argues that the BAR failed to identify specific elements it found incompatible with the IPPs, that it considered impacts beyond the IPPs, and its decision undermined the height and density permitted by zoning. City Staff responds that, during deliberations, the BAR cited specific concerns regarding the Project's height, scale, and massing, and, through application of the design guidelines, determined it was incompatible with the IPP. The Appellant also alleges the BAR delegated decision-making to the public. City Staff notes the BAR properly invited public comments, then deliberated and voted independently on the requested CoA.

The Appellant's Appeal Letter is Attachment 2. City Staff's response is Attachment 3.

City Staff Comments regarding City Council's Review and Consideration of the Requested CoA:

City Code Chapter 34, Section 5.2.7.C.2.a. states a CoA will be approved, "unless [the project] does not meet the criteria for review or the Design Guidelines; and the project is incompatible with the historic, cultural, or architectural character of the IPP [that] is the subject of the Application."

City Staff recommends City Council uphold BAR's finding that the proposed new building is incompatible with the two (2) IPPs. The review criteria supports the proposed rehabilitation of the two (2) historic structures.

A detailed summary of the review criteria applicable to this CoA request is in Attachment 4.

Financial Impact

None.

Recommendation

City Staff's Recommendation:

City Staff recommends City Council determine the Project is incompatible with the historic, cultural, or architectural character of the two (2) IPPs and render a final decision, via Resolution, denying a CoA for the Project, as provided in Attachment 6: Resolution Denying a Certificate of Appropriateness for a Multi-Story, Mixed-Use Building Incorporating Two (2) IPPs at the 200 Block of 7th Street, SW.

If a CoA is denied, City staff recommends City Council incorporate into the Resolution specific reasons for the denial.

Alternative:

If City Council agrees with the Appellant and determines the Project is compatible with the historic, cultural, or architectural character of the two (2) IPPs, then City Council should approve, via Resolution, a CoA for the Project, as provided in Attachment 7: Resolution Approving a Certificate of Appropriateness for a Multi-Story, Mixed-Use Building Incorporating Two (2) IPPs at the 200 Block of 7th Street, SW.

If a CoA is approved, City Staff recommends City Council incorporate into the Resolution any conditions of approval.

Recommended Motion (if Applicable)

Draft Resolutions are included as attachments 6 and 7.

Attachments

1. Attachment 1 -The Mark- 7th St SW CoA Appeal - hyperlink archive -4.23
2. Attachment 2 - 7th St SW - The Mark - Appeal of Denial of CoA - Woods Rogers_2025Dec31
3. Attachment 3 -The Mark- 7th St SW CoA Appeal - Staff Response
4. Attachment 4 - The Mark 7th Street - Summary of Review Criteria (4-8)
5. Attachment 5 - The Mark- 7th St SW CoA Appeal - Legal Supplement to Staff Memo (1-28)
6. Attachment 6 - The Mark- 7th St SW CoA Appeal - Draft resolution - DENY CoA (1-28)
7. Attachment 7 - The Mark- 7th St SW CoA Appeal - Draft resolution - APPROVE CoA (1-28)