

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA**

**HISTORIC ALEXANDRIA  
FOUNDATION, *et al.*,**

**Petitioners,**

**v.**

**CITY OF ALEXANDRIA, *et al.*,**

**Respondents.**

**Case No.: CL19002249**

RECEIVED  
 CLERK OF COURTS  
 CITY OF ALEXANDRIA  
 2019 JUL 15 AM 11:19  
 CLERK OF COURTS  
 CITY OF ALEXANDRIA

**MOTION CRAVING OYER BY RESPONDENTS**  
**THE CITY OF ALEXANDRIA, THE CITY COUNCIL OF THE CITY OF**  
**ALEXANDRIA, AND THE ALEXANDRIA BOARD OF ARCHITECTURAL REVIEW**

Respondents City of Alexandria, the City Council of the City of Alexandria, and the Alexandria Board of Architectural Review (collectively “Respondents”), by and through undersigned counsel, and pursuant to Rule 4:15 of the Rules of Supreme Court of Virginia, hereby submit this Motion Craving Oyer to the Petition filed by the Historic Alexandria Foundation, Yvonne Weight Callahan, and Gail C. Rothrock (“Petitioners”), and state as follows:

1. Petitioners have appealed the City Council’s May 14 – 15, 2019 decisions to affirm the February 6, 2019 decisions of the Alexandria Board of Architectural Review to issue a certificate of appropriateness and a permit to demolish to Vowell, LLC for changes to the property located at 619 South Lee Street in the City of Alexandria.

2. Petitioners assert that the City Council’s decisions were arbitrary, capricious, contrary to law, and an abuse of discretion. As such, the legislative record that was before the City Council at the time of its decision necessarily forms the basis of Petitioners’ appeal. The

documents and videos that constitute the legislative record are central to Petitioners' appeal and should be considered as part of the Petition.

3. The factual and legal bases for the Respondents' Motion Craving Oyer are more fully set forth in the accompanying "Brief in Support of Motion Craving Oyer by Respondents the City of Alexandria, the City Council of the City of Alexandria, and the Alexandria Board of Architectural Review".

### **CONCLUSION**


WHEREFORE, Respondents City of Alexandria, the City Council of the City of Alexandria, and the Alexandria Board of Architectural Review respectfully request that this Motion Craving Oyer be sustained.

Dated: July 15, 2019

Respectfully submitted,

**THE CITY OF ALEXANDRIA ,  
THE ALEXANDRIA CITY COUNCIL,  
THE ALEXANDRIA  
BOARD OF ARCHITECTURAL REVIEW**

*By Counsel,*

  
Joanna C. Anderson, VSB # 65463  
Travis S. MacRae, VSB # 78771  
Travis.MacRae@alexandriava.gov  
Office of the City Attorney  
301 King Street, Suite 1300  
Alexandria, VA 22314  
Tel.: (703) 746-3750  
Fax: (703) 838-4810  
Email: travis.macrae@alexandriava.gov  
*Counsel for the Respondents*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15th day of July, 2019, a true and correct copy of the foregoing was served and First Class U.S. Mail upon:

J. Chapman Petersen  
Chap Petersen & Associates, PLC  
3970 Chain Bridge Road  
Fairfax, Virginia 22030  
*Counsel for the Petitioners*

Gifford R. Hampshire  
Blankingship & Keith, PC.  
4020 University Drive, Suite 300  
Fairfax, Virginia 22030  
*Counsel for Vowell, LLC*

  
Travis S. MacRae