

EXHIBIT NO. 1

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.
ATTORNEYS AND COUNSELLORS AT LAW
11320 RANDOM HILLS ROAD, SUITE 690
FAIRFAX, VIRGINIA 22030

18
9-15-01

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EUGENE SCHONBERGER*
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JOHN L. FAGELSON
WILLIAM C. THOMAS, JR.
LAWRENCE M. SCHONBERGER

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HERBERT S. BILLOWITZ (910-1067)
VICTOR G. TRAPASSO (908-1058)
*SENIOR COUNSEL
*ALSO ADMITTED IN D.C.

August 22, 2001

VIA FACSIMILE TO (703) 838-6433 AND FIRST CLASS MAIL

Beverly I. Jett, CMC
City Clerk and Clerk of Council
City of Alexandria
301 King Street, Suite 2300
Alexandria, Virginia 22314

Re: BAR APPEAL - #2000-0217 - 311 COMMERCE STREET

Dear Ms. Jett:

On behalf of Ray Lotto, the Appellant under the subject appeal, and in confirmation of our discussions with interested neighbors and Peter Smith, we hereby request City Council to vacate the this appeal and remand it to the Board of Architectural Appeals to be considered with an application (in preparation) for the development of the subject and adjacent property (Lotto Office Building).

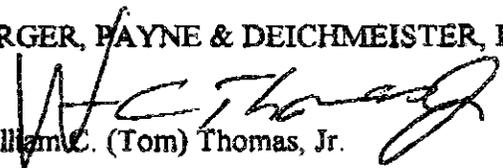
Over the months since the BAR decision on this matter, we have met a number of times with neighbors, civic association representatives, and Planning staff. The results of these meetings is a supported project for Mr. Lotto's property which we will present to the Board of Architectural Review in the fall as a new application for a Certificate of Appropriateness with the subject request..

Thank you for your kind consideration of and attention to this matter. Please call with any questions or concerns.

Respectfully submitted,

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.

William C. (Tom) Thomas, Jr.



c. Ray Lotto
c. Peter Smith

Sent to CC, CA, CH, Michele Eileen, P. Smith



RECORD OF APPEAL

Request for January hearing. SS

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

RECEIVED
CITY CLERK'S OFFICE

NOV 29 2000

ALEXANDRIA, VIRGINIA

FROM *Fagelson, Schonberger*
FOR *Heffner Architects B.A. Appeal*

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.
11320 Random Hills Road, Suite 690
Fairfax, Virginia 22030

Date Appeal Filed With City Clerk: 29 November 2000

B.A.R. Case # 2000-217

Address of Project: 311 Commerce Street

Appellant is: (Check One)

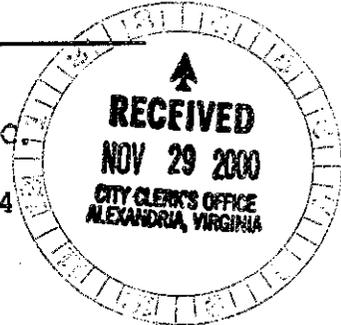
B.A.R. Applicant By Attorney/Agent

Other Party. State Relationship _____

Address of Appellant: c/o FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.

1775 Jamieson Avenue, Suite 200, Alexandria, Virginia 22314

Telephone Number: 703-548-8100



State Basis of Appeal: Application to demolish filed by Heffner Architects, P.C. on behalf of owner Ray Lotto was denied. 311 Commerce Street was built in 1976; stands alone on the commercial side of Commerce Street and Prince Street; is within a commercial zone; is among parcels on the block face owned by Ray Lotto; and is planned for incorporation within a project for the block face. Value of the property is depressed by this out of place structure.

Attach additional sheets, if necessary.

A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the effected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

All appeals must be filed with the City Clerk on or before 14 days after the decision of the B.A.R.

All appeals require a \$50 filing fee.

If an appeal is filed, the decision of the Board of Architectural Review is stayed pending the City Council decision on the matter. The decision of City Council is final subject to the provisions of Sections 10-107, 10-207 or 10-309 of the Zoning Ordinance.

By: *W. C. Thomas Jr.* Attorney/Agent for Ray Lotto
Signature of the Appellant

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9-15-01

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+ ALSO ADMITTED IN D.C.

February 20, 2001

VIA FACSIMILE TO (703) 838-6433 AND FIRST CLASS MAIL

Beverly I. Jett, CMC
City Clerk and Clerk of Council
City of Alexandria
301 King Street, Suite 2300
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Re: BAR APPEAL - #2000-0217 - 311 COMMERCE STREET

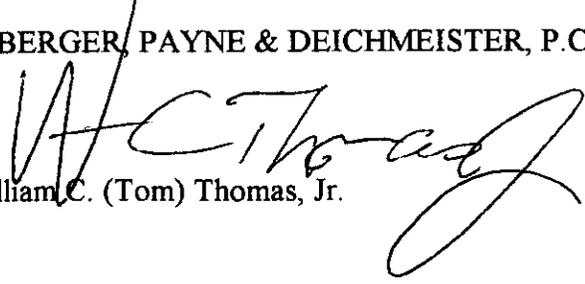
Dear Ms. Jett:

On behalf of Ray Lotto, the Appellant under the subject appeal, and in confirmation of our discussions with interested neighbors and Peter Smith, we request a deferral of the appeal presently scheduled for March 17, 2001, before the City County to the City Council public hearing on September 15, 2001. This will give us an opportunity to speak further with the neighbors and staff regarding Mr. Lotto's development proposals and the neighbors' concerns.

Thank you for your kind consideration of and attention to this matter. Please call with any questions or concerns.

Respectfully submitted,

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.


William C. (Tom) Thomas, Jr.

WCT/las
cc: Peter Smith
Ray Lotto

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9-15-01

- CITY SEAL -

NOTICE OF PUBLIC HEARING ON AN APPEAL OF A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW, OLD AND HISTORIC ALEXANDRIA DISTRICT, DENYING A REQUEST FOR APPROVAL OF A PERMIT TO DEMOLISH A DWELLING AT 311 COMMERCE STREET, ZONED CD COMMERCIAL. [CASE BAR-2000-0217].

A Public Hearing will be held by the City Council of the City of Alexandria, Virginia, in the Council Chamber of the City of Alexandria, on Saturday, September 15, 2001, at 9:30 a.m., or an adjournment thereof, at which time an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on November 15, 2000, denying a permit to demolish a dwelling at 311 Commerce Street, zoned CD Commercial, will be heard. APPLICANT and APPELLANT: Heffner Architects by William C. Thomas, Attorney.

This appeal is being heard pursuant to Section 10-107 of the Zoning Ordinance for the Old and Historic Alexandria District of the City of Alexandria.

Beverly I. Jett, CMC, City Clerk

To be published in the:

Alexandria Journal on Wednesday, September 5, 2001