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10-17-09

Docket Item #
BAR CASE # 2009-0109

City Council
October 17, 2009

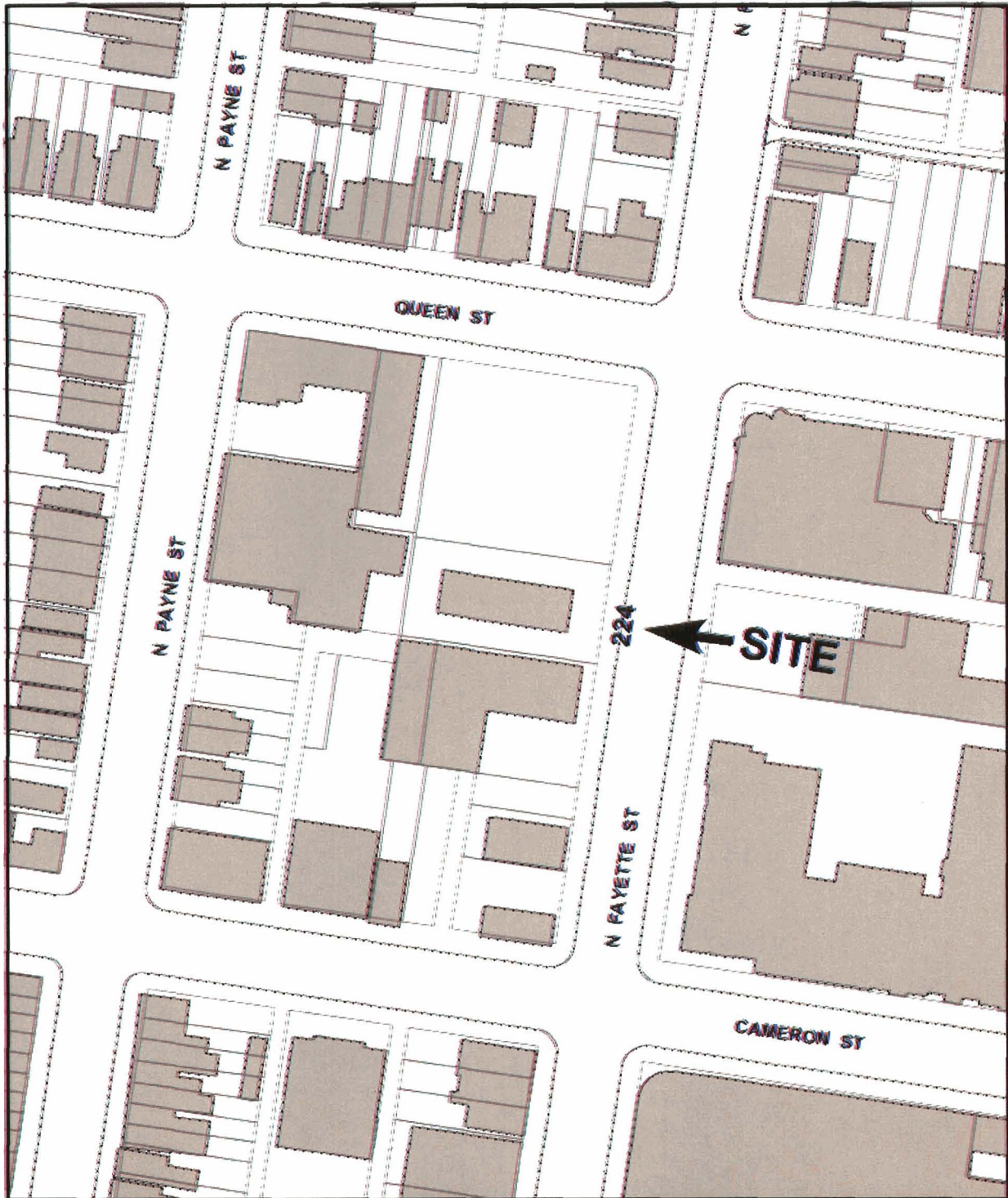
ISSUE: Appeal of a decision of the Board of Architectural Review, Parker-Gray District, approving a Permit to Demolish the former American Legion Building

APPLICANT: William Cromley

APPELLANT: Boyd Walker, on behalf of petitioners
James K. Hartmann, City Manager

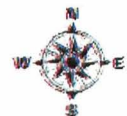
LOCATION: 224 North Fayette Street

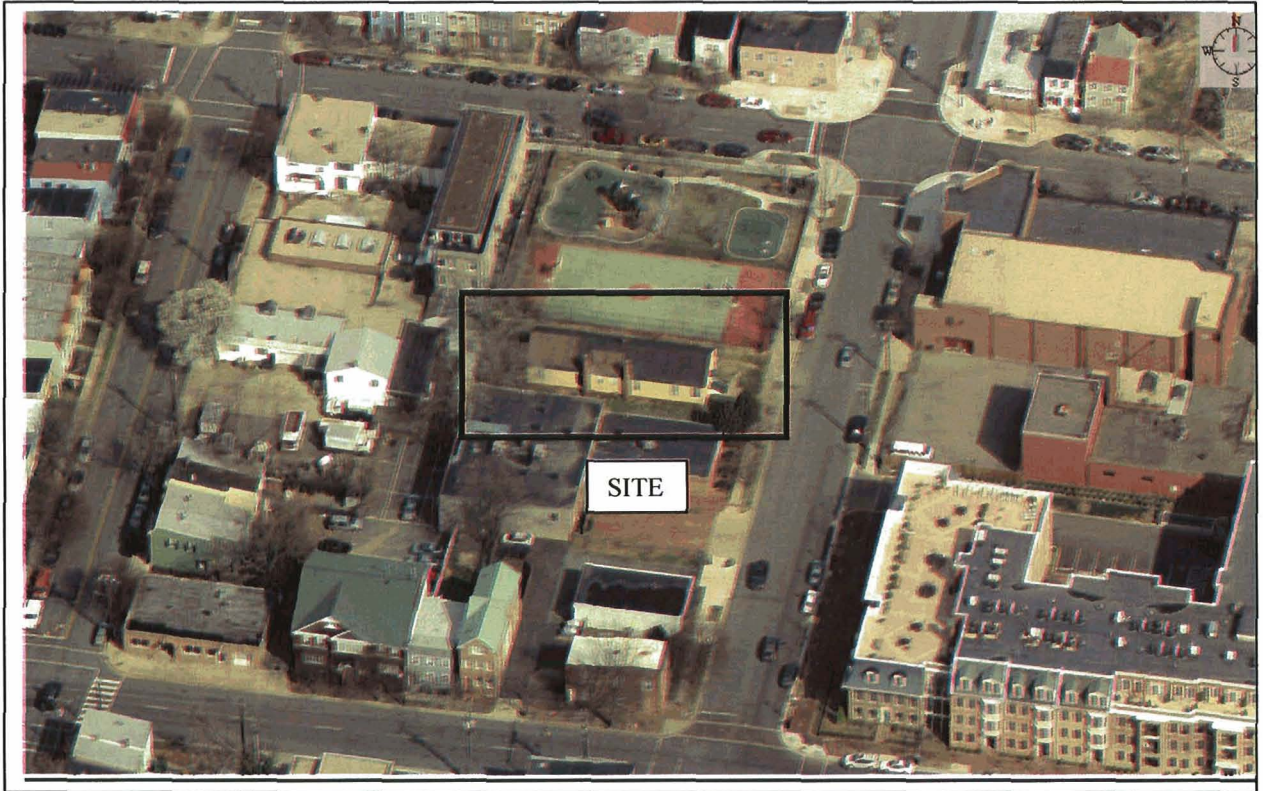
ZONE: CRMU/M Commercial



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10/17/2009





I. SUMMARY

This case asks Council to determine whether the Parker Gray Board correctly decided to allow the demolition of the American Legion Building at 224 North Fayette Street. The building is significant because it stands as a reminder of the important African American history in the Parker Gray/Inner City neighborhood. It is an intact architecturally historic building which is listed as a contributing structure in the Virginia Landmarks Register and in the anticipated Uptown/Parker-Gray National Register Historic District. On the other hand, the owner of the property contends that the building is in serious disrepair and is not capable of economic use if preserved. The community is divided about the merits of the case. The Parker-Gray Board, voting 5-2, determined that the applicant met the zoning ordinance and Design Guidelines criteria for demolition and granted the application. Staff had recommended against demolition.

Two appeals followed.

- On May 22, 2009, Boyd Walker and neighboring property owners in the Parker-Gray Historic District appealed the decision of the Parker-Gray Board “to reverse the decision of the Board of Architectural Review granting a permit to owner of 224 North Fayette Street to demolish the structure thereon.”
- On August 5, 2009, the City Manager filed a concurrent appeal in order to ensure that the matter was presented for public hearing. There was potential at that time for the citizen appeal to be invalidated because it was signed by fewer than the required 25 property owners within the Parker-Gray Historic District boundaries. Subsequently, the citizen appeal was validated with the required 25 valid signatures.

On appeal, Council must decide whether the demolition is appropriate and consistent with the standards and criteria in the Zoning Ordinance (Sec. 10-205(B)) and the *Design Guidelines* for demolition of existing structures. It may uphold, overturn, or amend the Board’s decision, or remand the case to the Board for further action.

II. BACKGROUND: CHRONOLOGY

Application for Permit to Demolish

The applicant purchased the property in February 2009. After meeting with P&Z Staff and discussing options for rehabilitation, including possibly a new addition, the applicant determined that it was not feasible to rehabilitate the building. In March, the applicant offered to donate the building to the City and to have it moved to the adjacent Hunter/Miller Park, an offer the City declined. In April, the applicant approached Staff again, this time with a proposal to demolish the building and construct a new building.

In the application for the Permit to Demolish submitted on May 22, 2009, the applicant stated that the building is past its useful life and has been effectively demolished because of the neglect and lack of maintenance by past owners. In the submitted narrative, the applicant states that the roof, windows, and exterior asbestos siding cannot be retained due to deterioration. The application is only for demolition, so that this issue may be analyzed without regard to potential

new development options. The applicant has said his intention is to redevelop the property with a structure that fits the uses of the CRMU/M Zone, to use green building technologies and to meet the goals of the Braddock Road Metro Small Area Plan.

Staff initially determined that the application to demolish was incomplete and asked the applicant for additional information. Specifically, Staff requested a historic building structures report to demonstrate the lack of maintenance, or any formal report that describes the structural or architectural integrity of the building from a qualified professional. In response, the applicant provided some additional information, although a formal structural report has not been submitted.

Information Session

An information session was held with the Board on June 24, 2009. Both Staff and the applicant made presentations to the Board, and members of the public offered comments.

Public meeting

City Staff hosted a public meeting on July 20, 2009, to seek input from the community regarding the proposed demolition. The meeting was attended by 14 individuals, including representatives of the African-American community, the Chairman of the Alexandria Historic Restoration and Preservation Commission, representatives from the Historic Alexandria Foundation, other citizens, the applicant and his attorney. During the meeting, most in attendance expressed strong concerns about the demolition of the building and the desire to seek other solutions for the property.

BAR Decision on Appeal

The Parker-Gray Board of Architectural Review considered the demolition proposal on July 22, 2009. Staff recommended denial of the application. However, the Board did not agree with the Staff analysis and approved the application for a Permit to Demolish by a 5-2 vote. The approval included a series of conditions, including the following two requirements that must occur prior to demolition:

- The applicant must, with professional consultants, work with Staff to find an appropriate means of interpreting and commemorating the history associated with the building, incorporating elements of the historical character and archaeology into the design of any new development and its open space; and
- The applicant must apply for review and approval by the BAR of any new development.

The Board determined that, based on its evaluation of the criteria of Section 10-205(B), the structure was not of such significance that its demolition would be detrimental to the public interest. The Board also found that while the social history of the site was very important, the site itself was not historically significant. Finally, the Board recognized that because of its significant deterioration, the building may not be restorable and, further, that, even if it is restorable, it would be especially challenging to maintain the historic integrity as part of any restoration and reuse of the building.

Ms. Kelly and Mr. Meick voted against the motion to approve the demolition and supported the Staff recommendation. They believed that other options should be explored and that a compelling reason for demolition had not been made.

At the hearing, in addition to the applicant, there were 18 members of the public who spoke on the item, with a great deal of discussion regarding the existing building and its history, the feasibility of rehabilitating the building, and a way to find a compromise. Of the 19 speakers, ten spoke against the demolition, seven spoke in favor of demolition (this includes the applicant), and two expressed the desire to find a compromise.

III. HISTORY AND ANALYSIS

History of the Building:

The building known as the American Legion Building is located at 224 North Fayette Street and is a simple, one-story, rectangular, gable-fronted, freestanding frame dwelling constructed in 1944. The building references the Craftsman style of architecture and has original asbestos shingle siding, asphalt shingle roof, two exposed brick chimneys on the south elevation, and six-over-six and twelve-over-twelve, double-hung wood windows. While very minimal in detailing, the building does have exposed rafter ends and gabled stick-style hoods over the centered front, side, and rear entrances, and is characteristic of mail-order buildings from 1910-1940.

The structure was originally built in 1944 based on plans provided by the State of Virginia Department of Education to house a nursery school operated by the City school system. Later, in 1950, the building was leased and then sold to the American Legion Post. It was named for William Thomas, the first African-American soldier from Alexandria to be killed in action during World War I. The American Legion itself was chartered in 1931. During the segregation era, the building served as the only American Legion outpost in Alexandria open to African-Americans. The American Legion sponsored such activities as Boys State, youth programs and sports teams and participated in community parades.

Historical Significance in the Neighborhood

While the building has been poorly maintained, the simple vernacular building remains virtually unaltered from the time of construction. The building has been determined to be a contributing building to the proposed Uptown/Parker-Gray National Register Historic District. In June 2008 the District was listed in the Virginia Landmarks Register by the Virginia Board of Historic Resources. The District's listing on the National Register of Historic Places is anticipated soon. The area of significance that Parker-Gray meets in terms of criteria for listing on the state and federal registers include the categories of architecture, ethnic heritage: African-American, and social history. The American Legion building contributes to the District's significance because of its age—65 years old, its intact architectural integrity, and its association as an African-American institution within the neighborhood.

The Parker-Gray Historic District is largely comprised of residential buildings. Its small number of civic and institutional buildings has even greater importance than might be true elsewhere, such as the Old and Historic District which is a more historically mixed-use district. Buildings such as the American Legion that are directly connected to the social and cultural history of the

neighborhood, namely its African-American history and the era of segregation, are important to be retained and preserved. The building was originally constructed for use as a nursery school during World War II and is very similar to other buildings built during the 1930s and 1940s, specifically for use by the African-American community throughout the nation, namely Rosenwald Schools and emergency nursery schools. The other educational buildings in the Parker-Gray Historic District have already been demolished. As the neighborhood has undergone changes and transitions, its history and the building stock associated with that history is slowly being lost by demolition.

Standards for Demolition:

Staff has consistently taken the position that the application for the Permit to Demolish should be denied and, in doing so, Staff relied on guidance from the *Design Guidelines* and the Zoning Ordinance.

Zoning Ordinance Standards

In considering a Permit to Demolish, the Board and Council must consider the following criteria set forth in the Zoning Ordinance, §10-205(B), which are stated in the affirmative. If any one of the following criteria is met, then the Board, and Council on appeal, should deny the demolition application:

- (1) Is the building or structure of such architectural or historical interest that its removal would be to the detriment of the public interest?
- (2) Is the building or structure of such interest that it could be made into an historic shrine?
- (3) Is the building or structure of such old and unusual or uncommon design, texture, and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (5) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists, and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place to live?
- (6) Would retention of the building or structure help maintain the scale and character of the neighborhood?

Staff's recommendation to the Board against demolition was based on its finding that the former American Legion building meets four of the six criteria set forth in the Ordinance for reviewing the proposed demolition based on its intact architecture (Criteria 1 and 6), and for its historical associations (Criteria 4 and 5). Furthermore, Staff found that the building was of such historical interest due to its association with African-American social and cultural history that its removal would be a detriment to the public interest (Criteria 1). In addition, Staff found that the retention of the building would help preserve and protect an historic place or area of history in the city, once again due to its association with African-American social and cultural history (Criteria 4). Staff also found the retention of the building would promote the general welfare by attracting

tourists, students, writers, historians, artists, and artisans, and encouraging study and interests in American history—particularly African-American history—while educating citizens in American culture and making the city a more attractive and desirable place to live (Criteria 5). Lastly, Staff found that retention of the building would indeed help maintain the scale and character of the neighborhood (Criteria 6).

Design Guidelines

The *Design Guidelines* state “Generally speaking, there must be a compelling reason for the demolition, either in whole or in part, of a significant structure in the historic districts.” In determining the significance of building, the *Design Guidelines* advise: “The determination of significance will be based upon the following factors:

- All buildings and structures constructed prior to 1860 are significant and those historic portions must be documented.
- Buildings and structures which contribute to and may increase knowledge of the architectural and cultural history of Alexandria or the nation are significant and must be documented.
- Buildings which embody noteworthy craftsmanship or design features may be considered significant. In some instances, documentation may be limited to recordation of the significant features or details.”

Staff’s position against demolition was based on the building’s significance as evidenced by its listing on the Virginia Landmarks Register as a contributing building to the Uptown/Parker-Gray Historic District, as a contributing structure to the proposed National Register Historic District, and for the reasons cited in compliance with the zoning ordinance standards for preservation.

The Case for Demolition

The applicant has successfully argued that, despite the important cultural importance of the building, it will be near impossible for it to be restored and reused.

Potential Reuse of the Building

At the BAR public hearing, the applicant stated that the American Legion was built as a temporary nursery school and that it was never intended to be used for this length of time. He acknowledged the importance of the building for some of the activities in the building, but said that the building itself did not make anything that occurred there significant. He stated that all buildings can be restored but that it was not economically viable to restore this one. Because the building is only 2,000 square feet, the only way to make it economically viable would be to encapsulate the building, but that would obscure the building’s original form. He offered that the building does contain some of its original materials, but that they were in unsatisfactory condition, unhealthy, or beyond repair, including asbestos siding, deteriorating asphalt shingles on the roof, and deteriorated windows. For these reasons, the applicant concludes, and the Parker-Gray Board agreed, the building was not a good candidate for reuse.

Staff’s recommendation below was based in part on its concern about the lack of specificity and documentation to demonstrate that the building is so structurally deteriorated that it merits demolition. While the applicant provided a narrative letter from a structural engineer, and gave personal testimony at the BAR hearing, the documents submitted contain little concrete detail

beyond those relating to cosmetic, not structural, issues. Further, there are no photographs illustrating the concerns and observations of the engineer, which would be expected as part of a complete and thorough historic structures report. The *Design Guidelines* state: "In some instances, the Boards may require a structural analysis of the building by a licensed professional engineer in order to make an informed decision regarding the structural integrity of a building before making a decision on the application for a Permit to Demolish." For Staff, most of the items outlined in the engineer's letter submitted to support the demolition are typical conditions in buildings that are preserved and rehabilitated in both the City's historic districts. Nevertheless, the Board found the applicant's contentions convincing and granted the application for demolition.

Preservation/Demolition of Similar Buildings in the City

After the BAR public hearing, a question was raised regarding whether there are or were any other buildings similar to 224 North Fayette Street in the City that had been razed or preserved. In the course of its ongoing work, the Planning Staff has conducted broad surveys of the City to identify and assess historic buildings. Staff is not aware of any similar buildings within the City that were either built from these common plans or constructed for a similar nursery school or school use, either for the City's general population or for African-American children specifically.

A specific question was asked about whether there were any similarities between the American Legion building and the Colasanto Center at 2704 Mount Vernon Ave. The present Colasanto Center building was constructed by Arlington County in 1923 for use of the Arlington County Health Department. This part of the City was annexed from Arlington County in 1930 and the building now serves as the home of the Del Ray Artisans Gallery. Other than very broad similarities, that both 224 North Fayette and 2704 Mount Vernon are single-story, wood frame gable-roofed structures built by a local government, the buildings are significantly different. They were built for different uses, to serve different populations, constructed 22 years apart and in differing architectural styles. The American Legion building was constructed in a simple vernacular, Craftsman style with exposed rafter ends and bracketed stick-style door hoods. In contrast, the Colasanto Center building was built in a much higher style: a Classical Revival style with pediment gabled front with a circular window with Doric porch columns supporting a pronounced entablature, and additional Classical Revival elements.

V. CITY COUNCIL ACTION ALTERNATIVES

The Council may affirm, reverse or modify the decision of the Board by a simple majority vote. City Council may also remand the project to the Board with instructions to consider alternatives.

Attachments:

Attachment 1: BAR Staff report, July 22, 2009

Attachment 2: Design Guidelines chapter on demolition

Attachment 3: Correspondence

STAFF:

Faroll Hamer, Director, Department of Planning and Zoning

Lee Webb, Principal Planner, Boards of Architectural Review

Stephen Milone, Division Chief, Zoning and Land Use Services



Figure 2. Existing exterior condition photograph from N. Fayette Street.



East (Front) Elevation, 2009/05/14 08:35:02



North (Park) Elevation, 2009/05/14 08:36:23



South Elevation, 2009/05/14 08:37:00



West (Rear) Elevation, 2009/05/14 08:38:33

Figure 3. Existing exterior condition photographs of building.

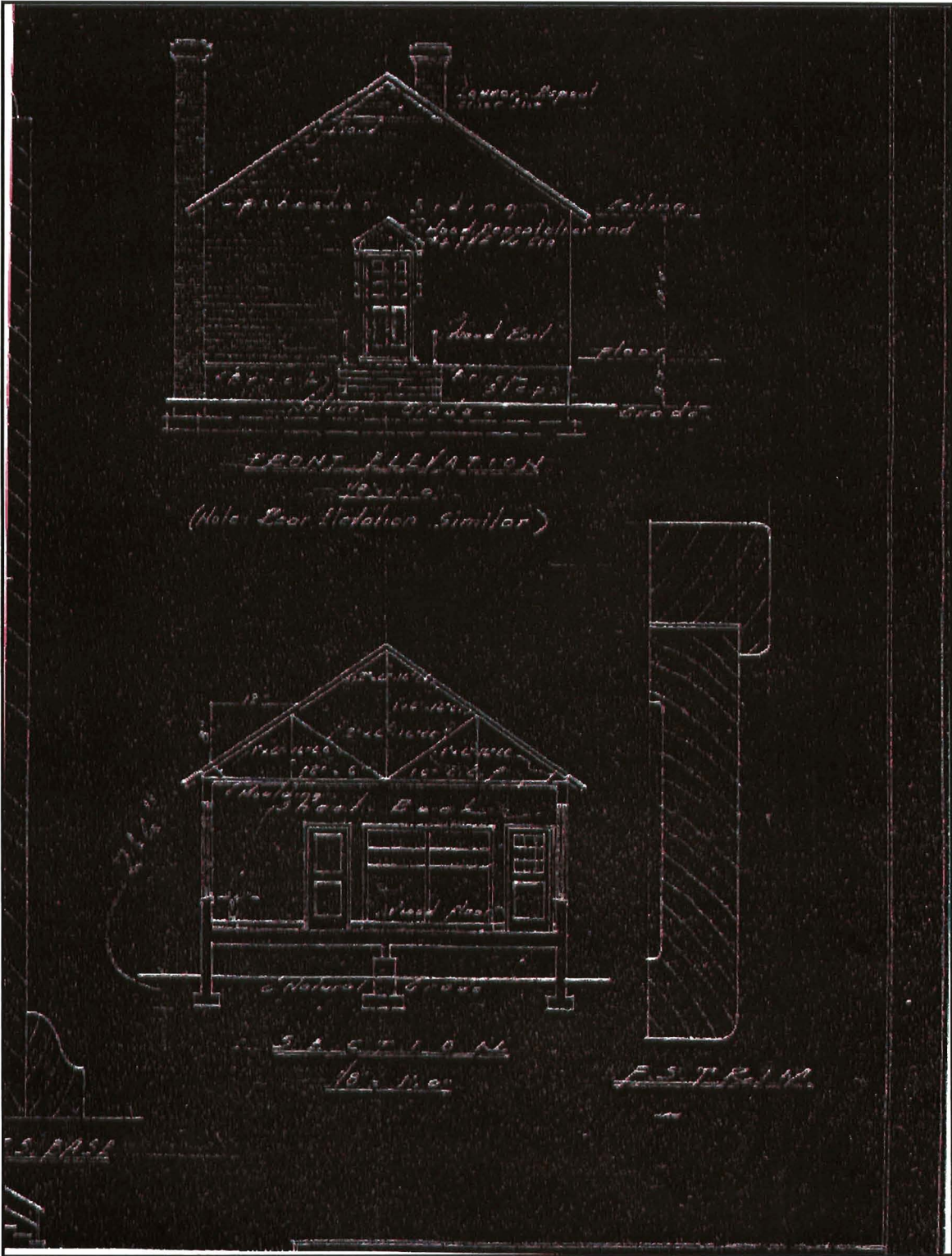


Figure 4. Original Construction Drawing.

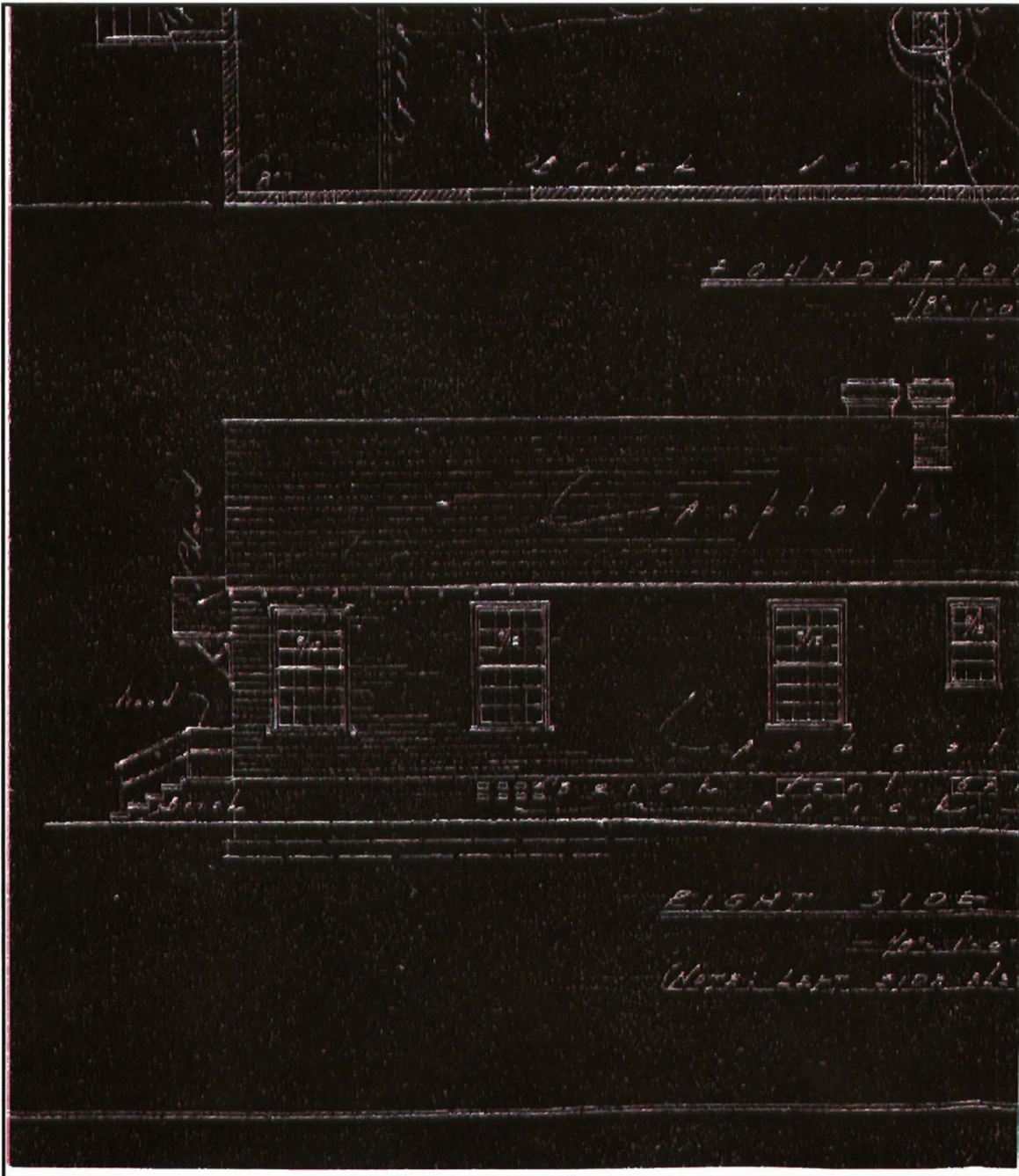


Figure 5. Original Construction Drawing.

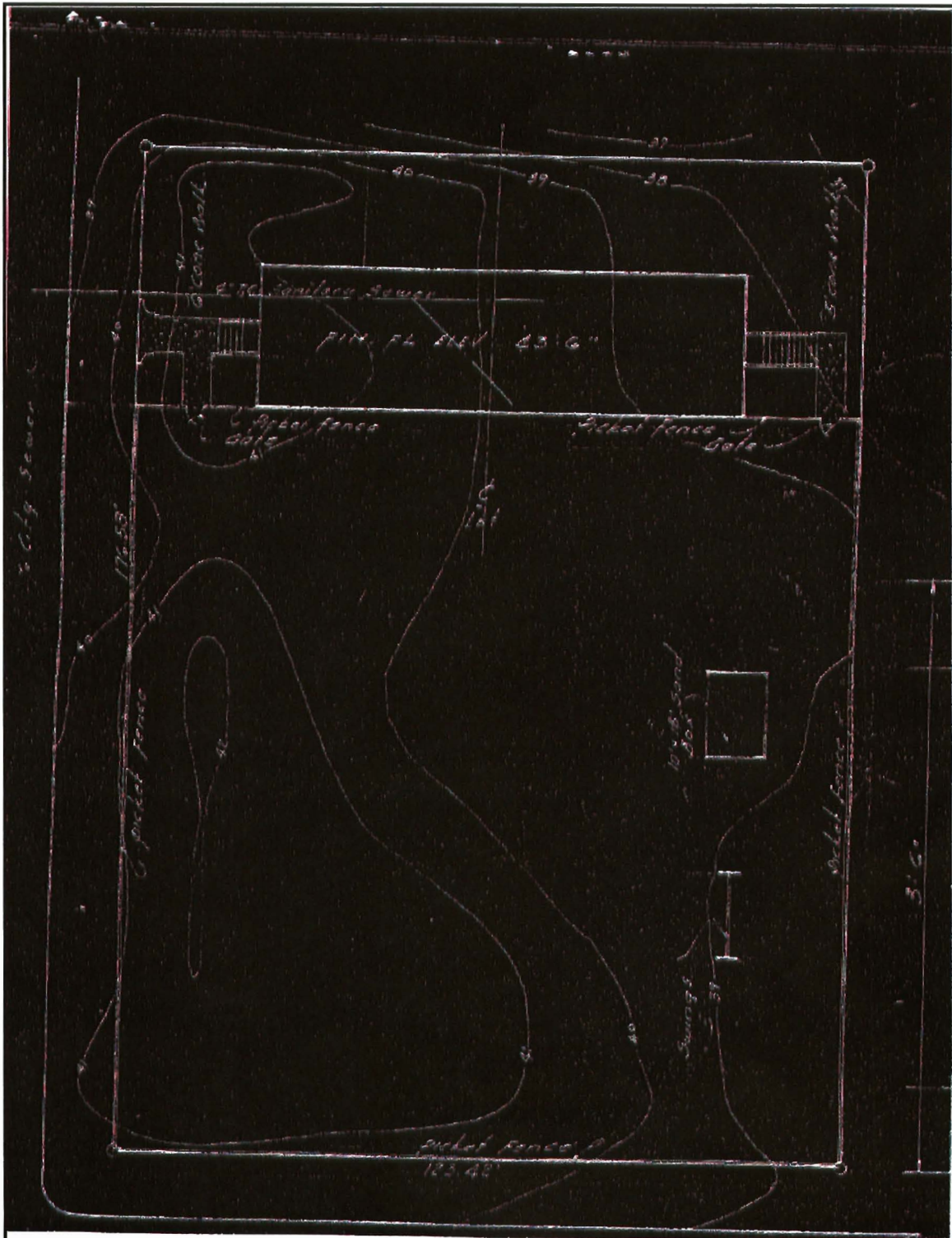


Figure 6. Original Site Plan.

ATTACHMENT 1

Docket Item # 5
BAR CASE # 2009-0109

BAR Meeting
July 22, 2009

ISSUE: Demolition
APPLICANT: William Cromley
LOCATION: 224 North Fayette Street
ZONE: CRMU/M Commercial

BOARD ACTION, JULY 22, 2009: Approved as amended, by a roll call vote, 5-2.

On a motion by Mr. Lloyd, seconded by Mr. Conkey the Board voted to approve the application for a Permit to Demolish, as amended, with the following conditions:

1. That the applicant works with the Board, the community, and City Staff to develop a means to interpret and commemorate the history associated with the building, prior to the issuance of a Demolition Permit from the Office of Building and Fire Code Administration.
2. That the applicant submits to the Board an application for a Certificate of Appropriateness for review and approval, prior to issuance of a Demolition Permit from the Office of Building and Fire Code Administration, consistent with the time frame associated with a Development Site Plan approval.
3. That the applicant provides a written history of the American Legion Building, which at a minimum contains information of the date of construction, any major alterations, information about persons or events associated with its uses since construction, general architectural characteristics, and its association with similar types of resources. The history should be prepared by an historian meeting the Secretary of the Interior's qualifications and approved by Historic Preservation Section Planning Staff.
4. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, the applicant provide archival quality photographic documentation to HABS/HAER Standards (Historic American Building Survey and Historic American Engineering Record), consisting of large scale 4" x 5" negative black and white record photographs.
5. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, the applicant provide to the City measured drawings of the

building to HABS/HAER Standards (Historic American Building Survey and Historic American Engineering Record). The drawings should include a floor plan and elevations at a minimum scale of $\frac{1}{4}'' = 1'$. Drawings may be in AutoCad, pencil or ink on vellum or mylar on sheets with maximum dimensions of 30" x 42".

6. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, two sets of the photographs together with one set of negatives and the measured drawings and written history shall be completed, approved by Staff, and deposited at the Alexandria Black History Museum and the Special Collections of the Barrett Library.

7. To insure that archaeological resources are not disturbed by the demolition process, the applicant shall obtain a Scope of Work from Alexandria Archaeology and hire an archaeological firm to provide monitoring for the demolition of the structure. No ground disturbance shall result on the entire property as a result of the demolition (i.e., the foundation and/or wall footings, steps, walls, basement, buried utility lines, etc. may not be removed; ground surfaces may not be rutted or cut into by heavy equipment).

8. To insure that significant information is not lost as a result of the current development project, the applicant shall hire an archaeological consultant to complete a Documentary Study and an Archaeological Evaluation. The applicant shall contact Alexandria Archaeology to obtain a scope of work for this investigation. Archaeological monitoring shall be required during demolition. The Documentary Study and Archaeological Evaluation shall be completed prior to submittal of the site plan for preliminary review. If significant resources are discovered, the consultant shall complete a Resource Management Plan, as outlined in the *City of Alexandria Archaeological Standards*. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented.

9. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Foundation/Basement Plans, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements:

a. All required archaeological preservation measures shall be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance) or a Resource Management Plan must be in place to preserve and/or recover significant resources in concert with construction activities. To confirm, call Alexandria Archaeology at (703) 838-4399.

b. The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

c. The applicant/developer shall not allow any metal detection to be

conducted on the property, unless authorized by Alexandria Archaeology.

10 .The applicant shall hire a professional consultant to work with staff and the landscape designers to incorporate and interpret elements of the historical character and archaeological findings into the design of the open space and to prepare interpretive signs, which shall be erected as part of the development project. The site plan shall indicate themes and locations of interpretive elements. Prior to release of the final site plan, the consultant shall provide text and graphics for the signage subject to approval by the Office of Historic Alexandria/Alexandria Archaeology and the Directors of P&Z and RP&CA.

The vote on the motion was 5-2 (Chairwoman Kelley and Mr. Meick were opposed).

REASON: The Board generally did not agree with the Staff analysis. The Board approved the application for a Permit to Demolish. The Board determined that, based on its evaluation of the criteria of Section 10-205(B), that the structure was not of such significance that its demolition would be detrimental to the public interest. The Board also found that while the social history of the site was very important, they found that the site itself was not historically significant, and recognized that the building is significantly deteriorated, may not be restorable, and that restoration and adaptive re-use would make it challenging to maintain the building's historic integrity. Ms. Kelly and Mr. Meick voted against the motion, believing that other options should be explored, that a compelling reason for demolition had not been made, and supported the Staff recommendation.

SPEAKERS:

Bill Cromley, Applicant. Summary of the history of the case from the informational session on 6/24/09. Built in 1944, as a temporary daycare center. City owned the building in 1944, they abandoned the building in 1945, and they leased it to the American Legion beginning in the 1950's. The City owned the building until 1987, when they sold it to the American Legion. In the sale documents, the City placed a clause stating that if in the future the American Legion wished to sell the building then the City would have right of first refusal - the right of the City to buy it back. In 2000, the American Legion decided to sell the property and gave the City the legal right to buy it back. The City did not exercise that right. Mr. Cromley bought the building in February 2009, and offered the building to the City in addition to paying for the costs to relocate it to another lot, and install a new foundation. The City chose not to accept the building. Mr. Cromley also provided a summary of a possible building which might be constructed on the site, if the demolition is approved.

Randy Stevens, Member of the American Legion Post and Citizen, supports Staff recommendation. He believes that the building is significant for its association with the history of the American Legion. He and the Legion would like to meet with the applicant to discuss the proposed design at a future date. They desire to have a portion of the building's footprint retained. Mr. Stevens explained his concern with parking for any adaptive reuse or new construction.

Melissa Luby, lives at 312-1/2 N. Henry Street. The American Legion has not had a positive community influence. Parties at the Legion were known for fights, shootings and stabbings – a social history that she feels is not something worth preserving. She was concerned with the deteriorating asbestos on the building and its close proximity to the playground.

Jim Luby, lives at 312-1/2 N. Henry Street. Is supportive of Parker-Gray history however, does not believe this structure is worthy of preserving.

Lillie Finkley, Parker-Gray Alumni, citizen of the city for 69 years. There are not many buildings left within the City to represent Black History.

Jack Dempsey, owner of 200 N. Pitt. Six criteria for demolition are subjective. There is not anything in the criteria to measure eligibility. The Legion building is not able to be adaptively re-used from an economic perspective, and as such the building should be able to be demolished.

Lawrence Zinsinger, 1115 Cameron Street/Prescott Condos. Supports the petition to demolish the building. Building in its current condition does not make a contribution to the City and detracts from the integrity of the neighborhood. Building does not add to the visual attractiveness or the economic viability of the community.

Nancy Riegle, New resident to the City of Alexandria/purchased condo in Cromley Lofts. She believes that the building has a lot of history, and hoping that there is a way to find a compromise. She believes that the building's social history is more important than preservation of the actual structure.

Gregory Riegle, president of Cromley Lofts Unit Association. He has a great respect for the history of the Parker-Gray District. The Association unanimously supports the demolition of the structure.

Greg Knott, resident. Supports the demolition of the structure and the live work concept of the new building.

Bill Campbell, 318-320 North Fayette Street. Concerned with the damaged asbestos shingles on the building and its proximity to the playground. Advocating the alternative suggestions provided by Planning and Zoning staff.

Charles Trozzo, Chair of Alexandria Historical Restoration and Preservation Commission. Commission is created by the Virginia Assembly. Membership includes citizen's from the entire City. The building is recommended as a Contributing Resource within the future Parker-Gray National Register Historic District. Supports the Staff's recommendation. Wants additional dialog on possible alternatives for the building's use as they believe possible alternatives have not been thoroughly explored.

Gail Rothrock, member of the Historic Alexandria Foundation (HAF) and speaking for the advocacy committee for HAF. Committee is concerned with the erosion of the Parker-Gray historic resources. The Committee believes that the building is significant to Alexandria's

African-American educational history. Board should adopt the Staff's findings and instruct the applicant to work with the community and staff to find an appropriate adaptive re-use of the existing building.

Ed Ablard, Del Ray citizen. Asbestos is not a concern in his opinion. Member of the Society for the Preservation of Black History. Supports adaptive re-use of building to preserve African-American history within the City.

Louis Hicks, Museum Director for the Alexandria Black History Museum. The City has not done a great job with educating its citizens and its visitors about Alexandria's African-American history. He wishes to see a compromise regarding the project.

James Henson, City Resident since 1936. There is a need for more positive imagery to show that African-American's contributed significantly to the orderly growth of Alexandria City. Supports the Staff recommendation.

Dr. Turner, President of Alexandria Black and Hispanic Concerned Women. Lived in Alexandria for 80 years. Very upset with the proposed demolition of the American Legion. If the American Legion Post is approved for demolition, she will personally go into the community and rally financial support for the preservation of the building.

Boyd Walker, worked to try to preserve the 1500 block of King Street. Supports the preservation and adaptive re-use of the building and the utilization of preservation easements.

Elizabeth Jones, trained as an architectural historian. Concerned with the changes that have been occurring within the Parker-Gray Historic District specifically the demolition of vernacular buildings. Encouraged the use of preservation tax credits for the building's adaptive re-use. Supports the denial of the demolition request.

STAFF RECOMMENDATION, July 17, 2009: Staff recommends denial of the application for a Permit to Demolish.

In the alternative, if the Board approves the Permit to Demolish, Staff recommends the following conditions:

1. That the applicant work with the Board, the community, and City Staff to develop a means to interpret and commemorate the history associated with the building, prior to the issuance of a Demolition Permit from the Office of Building and Fire Code Administration.
2. That the applicant submits to the Board an application for a Certificate of Appropriateness for review and approval, prior to issuance of a Demolition Permit from the Office of Building and Fire Code Administration.
3. That the applicant provide a written history of the American Legion Building, which at a minimum contains information of the date of construction, any major alterations,

information about persons or events associated with its uses since construction, general architectural characteristics, and its association with similar types of resources. The history should be prepared by an historian meeting the Secretary of the Interior's qualifications and approved by Historic Preservation Section Planning Staff.

4. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, the applicant provide archival quality photographic documentation to HABS/HAER Standards (Historic American Building Survey and Historic American Engineering Record), consisting of large scale 4" x 5" negative black and white record photographs.

5. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, the applicant provide to the City measured drawings of the building to HABS/HAER Standards (Historic American Building Survey and Historic American Engineering Record). The drawings should include a floor plan and elevations at a minimum scale of $\frac{1}{4}'' = 1'$. Drawings may be in AutoCad, pencil or ink on vellum or mylar on sheets with maximum dimensions of 30" x 42".

6. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, two sets of the photographs together with one set of negatives and the measured drawings and written history shall be completed, approved by Staff, and deposited at the Alexandria Black History Museum and the Special Collections of the Barrett Library.

7. To insure that archaeological resources are not disturbed by the demolition process, the applicant shall obtain a Scope of Work from Alexandria Archaeology and hire an archaeological firm to provide monitoring for the demolition of the structure. No ground disturbance shall result on the entire property as a result of the demolition (i.e., the foundation and/or wall footings, steps, walls, basement, buried utility lines, etc. may not be removed; ground surfaces may not be rutted or cut into by heavy equipment).

8. To insure that significant information is not lost as a result of the current development project, the applicant shall hire an archaeological consultant to complete a Documentary Study and an Archaeological Evaluation. The applicant shall contact Alexandria Archaeology to obtain a scope of work for this investigation. Archaeological monitoring shall be required during demolition. The Documentary Study and Archaeological Evaluation shall be completed prior to submittal of the site plan for preliminary review. If significant resources are discovered, the consultant shall complete a Resource Management Plan, as outlined in the *City of Alexandria Archaeological Standards*. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented.

9. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Foundation/Basement Plans, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are

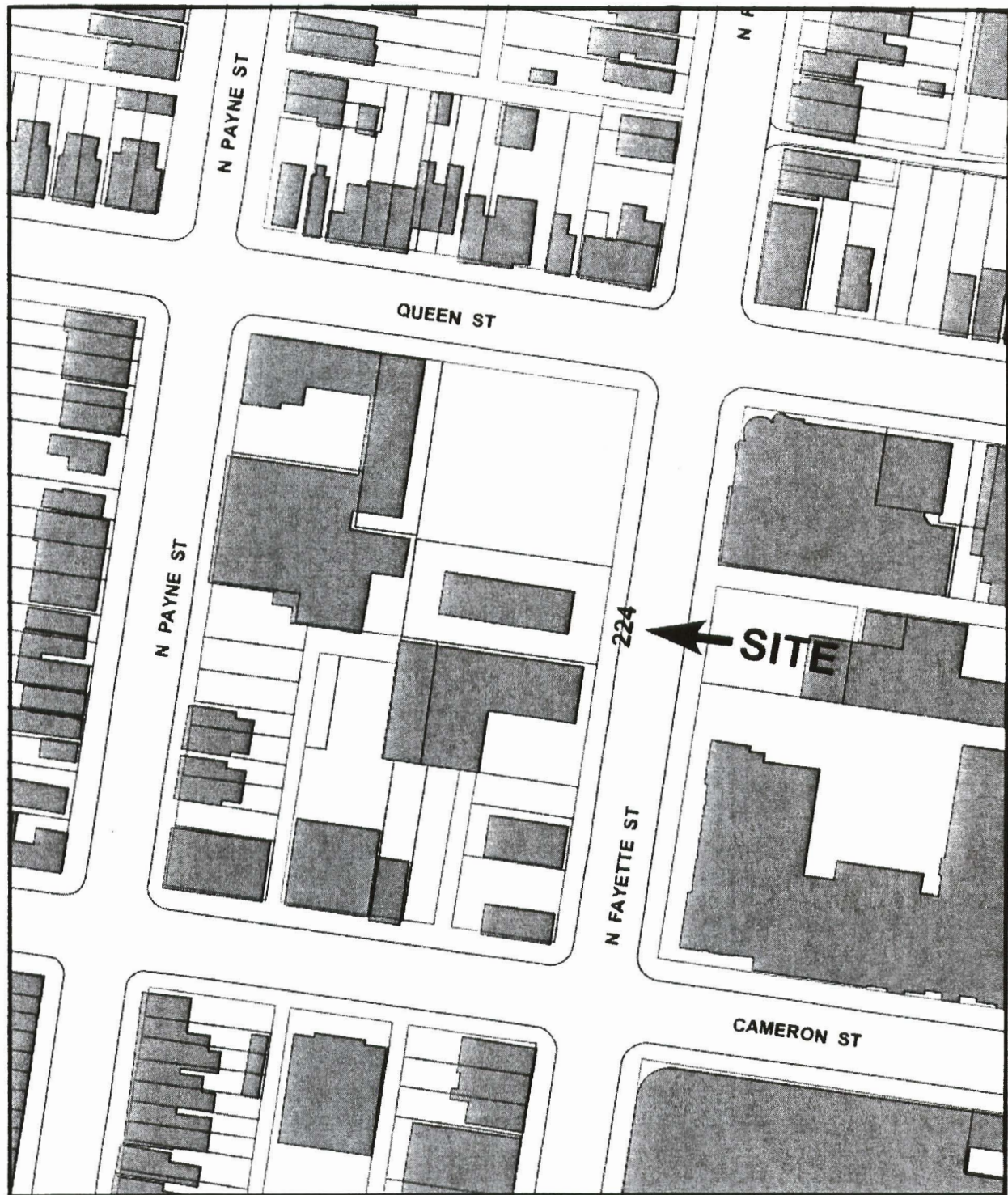
aware of the requirements:

- a. All required archaeological preservation measures shall be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance) or a Resource Management Plan must be in place to preserve and/or recover significant resources in concert with construction activities. To confirm, call Alexandria Archaeology at (703) 838-4399.
- b. The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

10. The applicant shall hire a professional consultant to work with staff and the landscape designers to incorporate and interpret elements of the historical character and archaeological findings into the design of the open space and to prepare interpretive signs, which shall be erected as part of the development project. The site plan shall indicate themes and locations of interpretive elements. Prior to release of the final site plan, the consultant shall provide text and graphics for the signage subject to approval by the Office of Historic Alexandria/Alexandria Archaeology and the Directors of P&Z and RP&CA.

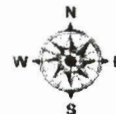
***EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period. In the case for a certificate or permit for a project that requires a development special use permit or site plan under section 11-400 of the zoning ordinance, the period of validity shall be coincident with the validity of the development special use permit or site plan as determined pursuant to section 11-418 of the ordinance.

****BUILDING PERMIT NOTE:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Building and Fire Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-838-4360 for further information.



BAR CASE #2009-0109

7/22/2009



Note: This docket item requires a roll call vote for approval.

I. ISSUE:

The applicant is requesting approval of a Permit to Demolish/Encapsulate in order to completely demolish the existing building at 224 North Fayette Street, known as the American Legion Building, adjacent to Hunter/Miller Park.

The building located at 224 North Fayette Street is a simple, one-story, rectangular, gable-fronted, freestanding frame dwelling constructed in 1944. The building has original asbestos shingle siding, asphalt shingle roof, two exposed brick chimneys on the south elevation, and twelve-over-twelve, double-hung wood windows. While very minimal in detailing, the building does have exposed rafter ends and gabled stick style hoods over the centered front, side, and rear entrances, characteristic of mail-order buildings from 1910-1940. While the building has deteriorated due to a lack of proper maintenance, the original character defining features are still evident and have been retained.

The applicant states the building is past its useful life and has been effectively been demolished by neglect by a lack of care and maintenance on the part of past owners. In the submitted narrative, the applicant states that the roof, windows, and exterior asbestos siding cannot be retained due to deterioration.

At this time, the applicant has not filed a Certificate of Appropriateness for new construction or submitted a formal Concept Plan for review by the Board. The applicant states that his intention is to redevelop the property with a structure that fits the uses of the CRMU/M Zone, using green building technologies and meets the goals of the Braddock Road Metro Small Area Plan.

II. HISTORY:

The structure was originally built in 1944 to house a nursery school operated by the City school system. Later, in 1950, the building was leased and then sold to the American Legion Post, named for William Thomas, the first African-American soldier from Alexandria to be killed in action during World War I. The American Legion itself was chartered in 1931. During the segregation era, it served as the only American Legion outpost in Alexandria open to African-Americans. The American Legion sponsored such activities as Boys State, youth programs, sports teams and participated in parades.

As noted, while the building has been poorly maintained, the simple vernacular building remains virtually unaltered from the time of construction. The building has been determined to be a contributing building to the proposed Uptown/Parker-Gray National Register Historic District. The District itself has been listed in the Virginia Landmarks Register by the Virginia Board of Historic Resources as of June 2008. The area of significance that Parker-Gray meets in terms of criteria for listing on the state and federal registers include the categories of architecture, ethnic heritage: African-American, and social history.

The American Legion building contributes to the District's significance because of its age—65 year old, its intact architectural integrity, and its association as an African-American institution within the neighborhood.

The applicant purchased the property in February of 2009. After meeting with P & Z Staff and exploring options for rehabilitation, including possibly a new addition, the applicant determined that it was not feasible to rehabilitate the building. In March, the applicant offered to donate the building to the City, and to have it moved to the adjacent Hunter/Miller Park, the City, however, declined the offer. In April, the applicant reapproached P & Z with a proposal to demolish the building and then construct a new building. In May, the applicant filed an application for a Permit to Demolish to be heard by the Board at the June 24 hearing. Following discussions with the department, in which Staff voiced strong concerns regarding the appropriateness of a total demolition, the applicant agreed to take this item for discussion to the Board prior to moving forward with a formally docketed hearing. That discussion took place at the June meeting.

III. ANALYSIS:

In considering a Permit to Demolish/Capsulate, the Board must consider the following criteria set forth in the Zoning Ordinance, §10-205(B):

- (1) Is the building or structure of such architectural or historical interest that its removal would be to the detriment of the public interest?
- (2) Is the building or structure of such interest that it could be made into an historic shrine?
- (3) Is the building or structure of such old and unusual or uncommon design, texture, and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (5) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists, and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place to live?
- (6) Would retention of the building or structure help maintain the scale and character of the neighborhood?

The American Legion Building meets Criteria (1), (4), (5), and (6). Staff finds that the building is of such historical interest due to its association with African-American social and cultural history that its removal would be a detriment to the public interest (Criteria 1). In addition, Staff finds that the retention of the building would help preserve and protect an historic place or area of history in the city, once again due to its association with African-American social and cultural history (Criteria 4). Furthermore, Staff finds the retention of the building would promote the general welfare by attracting tourists, students, writers, historians, artists, and artisans, and encouraging study and interests in American history—particularly African-American history—while educating citizens in American culture and making the city a more attractive and desirable place to live (Criteria 5). Lastly, Staff finds that retention of the building would indeed help maintain the scale and character of the neighborhood (Criteria 6).

Staff believes the existing building retains its historic integrity as it relates to its original design and form, details, location, setting and association. The applicant has not demonstrated that the

building is so structurally deteriorated that it merits demolition. While the applicant provide a narrative letter from a structural engineer, the report contained no photographs illustrating the concerns and observations of the engineer, which would be expected as part of a complete and thorough historic structures report. The Design Guidelines state: "In some instances, the Boards may require a structural analysis of the building by a licensed professional engineer in order to make an informed decision regarding the structural integrity of a building before making a decision on the application for a Permit to Demolish." Staff finds the current letter lacking in detail and relates to cosmetic issues and not structural issues. Most of the items outlined in the letter are common occurrences in buildings that are preserved and rehabbed in both the City's historic districts.

Staff notes that the Parker-Gray district is largely comprised of residential buildings. Its small number of civic and institutional buildings has even greater importance than might be true elsewhere. Buildings such as the American Legion that are directly connected to the social and cultural history of the neighborhood, namely its African-American history and the era of segregation, are important to be retained and preserved. As the neighborhood has undergone changes and transitions, Staff is concerned that its history and the building stock associated with that history will be lost. While the history associated with the building is perhaps the strongest case for its retention, the integrity of the building's style and form also supports its retention. It has only been very slightly altered since its construction over 65 years ago. In respect to context, the American Legion Building is very similar to other buildings built during the 1930s and 1940s, specifically for use by the African-American community throughout the nation, namely Rosenwald Schools and emergency nursery schools. While some Rosenwald Schools were constructed of brick, many surviving examples were constructed as framed structures with wood siding and with forms, size, and floor plans comparable to the one-story American Legion Building. It is important that the building be studied and compared to this context of resources.

The Design Guidelines state "Generally speaking, there must be a compelling reason for the demolition, either in whole or in part, of a significant structure in the historic districts." The American Legion building is a significant structure in that it is now listed on the Virginia Landmarks Register as a contributing building to the Uptown/Parker-Gray Historic District, and thus, is also a contributing structure to the proposed National Register District. The building meets 4 of the 6 criteria set forth in the Ordinance for reviewing proposed demolition for its intact architecture (Criteria 1 and 6), and for its historical associations (Criteria 4 and 5).

At this time, Staff does not believe that a compelling argument has been made by the applicant to warrant demolition. Therefore, Staff recommends that the Permit to Demolish be denied. In the event the building does receive approval for demolition, there must be some form of commemoration of the building and its history incorporated into any new development. At this time, we have not received a concept plan for what would be constructed at this location, and how the Legion building's history would be incorporated or memorialized (plaques, photographs, etc.) How this commemoration occurs needs to be discussed and determined prior to any issuance of a demolition permit.

IV. STAFF RECOMMENDATION: Staff recommends denial of the application for a Permit to Demolish.

In the alternative, if the Board approves of the Permit to Demolish, Staff recommends the following conditions:

1. That the applicant work with the Board, the community, and City Staff to develop a means to interpret and commemorate the history associated with the building, prior to the issuance of a Demolition Permit from the Office of Building and Fire Code Administration.
2. That the applicant submit to the Board an application for a Certificate of Appropriateness for review and approval, prior to a issuance of a Demolition Permit from the Office of Building and Fire Code Administration.
3. That the applicant provide a written history of the American Legion Building, which at a minimum contains information of the date of construction, any major alterations, information about persons or events associated with its uses since construction, general architectural characteristics, and its association with similar types of resources. The history should be prepared by an historian meeting the Secretary of the Interior's qualifications and approved by Historic Preservation Section Planning Staff.
4. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, the applicant provide archival quality photographic documentation to HABS/HAER Standards (Historic American Building Survey and Historic American Engineering Record), consisting of large scale 4" x 5" negative black and white record photographs.
5. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, the applicant provide to the City measured drawings of the building to HABS/HAER Standards (Historic American Building Survey and Historic American Engineering Record). The drawings should include a floor plan and elevations at a minimum scale of $\frac{1}{4}" = 1'$. Drawings may be in AutoCad, pencil or ink on vellum or mylar on sheets with maximum dimensions of 30" x 42".
6. That, prior to the issuance of the Demolition Permit from the Office of Building and Fire Code Administration, two sets of the photographs together with one set of negatives and the measured drawings and written history shall be completed, approved by Staff, and deposited at the Alexandria Black History Museum and the Special Collections of the Barrett Library.
7. To insure that archaeological resources are not disturbed by the demolition process, the applicant shall obtain a Scope of Work from Alexandria Archaeology and hire an archaeological firm to provide monitoring for the demolition of the structure. No ground disturbance shall result on the entire property as a result of the demolition (i.e., the foundation and/or wall footings, steps, walls, basement, buried utility lines, etc. may not

be removed; ground surfaces may not be rutted or cut into by heavy equipment).

8. To insure that significant information is not lost as a result of the current development project, the applicant shall hire an archaeological consultant to complete a Documentary Study and an Archaeological Evaluation. The applicant shall contact Alexandria Archaeology to obtain a scope of work for this investigation. Archaeological monitoring shall be required during demolition. The Documentary Study and Archaeological Evaluation shall be completed prior to submittal of the site plan for preliminary review. If significant resources are discovered, the consultant shall complete a Resource Management Plan, as outlined in the *City of Alexandria Archaeological Standards*. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented.

9. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Foundation/Basement Plans, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements:

- a. All required archaeological preservation measures shall be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance) or a Resource Management Plan must be in place to preserve and/or recover significant resources in concert with construction activities. To confirm, call Alexandria Archaeology at (703) 838-4399.
- b. The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

10. The applicant shall hire a professional consultant to work with staff and the landscape designers to incorporate and interpret elements of the historical character and archaeological findings into the design of the open space and to prepare interpretive signs, which shall be erected as part of the development project. The site plan shall indicate themes and locations of interpretive elements. Prior to release of the final site plan, the consultant shall provide text and graphics for the signage subject to approval by the Office of Historic Alexandria/Alexandria Archaeology and the Directors of P&Z and RP&CA.

V. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F- finding

Code Enforcement:

- C-1 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade (USBC 3303.4).
- C-3 Service utility connections shall be discontinued and capped approved rules and (USBC 3303.6).
- C-4 Provisions shall be made to prevent the accumulation of water or damage to any foundation on the premises or adjoining property (USBC 3303.5).
- C-5 Where a building is being demolished and a standpipe exists within a building, such standpipe shall be maintained in an operable condition so as to be available for use by the fire department. Such standpipe shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

Historic Alexandria:

R- Deny demolition.

Alexandria Archaeology:

Findings:

F-1 In *Historic Alexandria, Virginia, Street by Street, A Survey of Existing Early Buildings*, Ethelyn Cox indicates that an early powder house was present at the southwest corner of Queen and Fayette Streets in the 18th century. The Hopkins Insurance Map shows that structures were present on this property in 1877, and in the early 1940's the City built a nursery school on the lot. Later, this structure was leased and then sold to the American Legion Post, named for William Thomas, the first African American soldier from Alexandria to be killed in action during World War I. Given the lack of intensive development on this property, it is possible some evidence of the powder house (if it extended onto the lot) could remain despite the 19th and 20th-century construction. The lot therefore has the potential to yield archaeological resources which could provide evidence of residential and other activities in the 19th and early 20th centuries and of the highly significant earlier powder house.

F-2 This project will require a site plan and will need to comply with provisions of the Archaeological Protection Code.

Recommendations:

For Demolition of the Existing Building:

1. To insure that archaeological resources are not disturbed by the demolition process, the applicant shall obtain a Scope of Work from Alexandria Archaeology and hire an archaeological firm to provide monitoring for the demolition of the structure. No ground disturbance shall result on the entire property as a result of the demolition (i.e., the foundation and/or wall footings, steps, walls, basement, buried utility lines, etc. may not be removed; ground surfaces may not be rutted or cut into by heavy equipment).

For Development of the Property:

1. To insure that significant information is not lost as a result of the current development project, the applicant shall hire an archaeological consultant to complete a Documentary Study and an Archaeological Evaluation. The applicant shall contact Alexandria Archaeology to obtain a scope of work for this investigation. Archaeological monitoring shall be required during demolition. The Documentary Study and Archaeological Evaluation shall be completed prior to submittal of the site plan for preliminary review. If significant resources are discovered, the consultant shall complete a Resource Management Plan, as outlined in the *City of Alexandria Archaeological Standards*. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented.

2. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Foundation/Basement Plans, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements:

a. All required archaeological preservation measures shall be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance) or a Resource Management Plan must be in place to preserve and/or recover significant resources in concert with construction activities. To confirm, call Alexandria Archaeology at (703) 838-4399.

b. The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

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3. The applicant shall hire a professional consultant to work with staff and the landscape designers to incorporate and interpret elements of the historical character and archaeological findings into the design of the open space and to prepare interpretive signs, which shall be erected as part of the development project. The site plan shall indicate themes and locations of interpretive elements. Prior to release of the final site plan, the consultant shall provide text and graphics for the signage subject to approval by the Office of Historic Alexandria/Alexandria Archaeology and the Directors of P&Z and RP&CA.

Transportation & Environmental Services
RECOMMENDATIONS

- R1. A copy of an approved Grading Plan must be attached to the demolition permit application. The Grading Plan is required because land disturbance associated with the demolition activities exceeds 2,500 square feet in area.

In summary, City Code Section 8-1-22(d) requires that a grading plan be submitted to and approved by T&ES prior to the issuance of building permits for improvements involving:

- the construction of a new home;
- construction of an addition to an existing home where either
 - the addition exceeds the area of the existing building footprint by 100% or more;
 - or, the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining;
- changes to existing grade elevation of 1-foot or greater;
- changes to existing drainage patterns;
- land disturbance of 2,500 square feet or greater.

Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 838-4318. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link.

<http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>

- R2. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R5. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)
- R6. Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)

VI. IMAGES

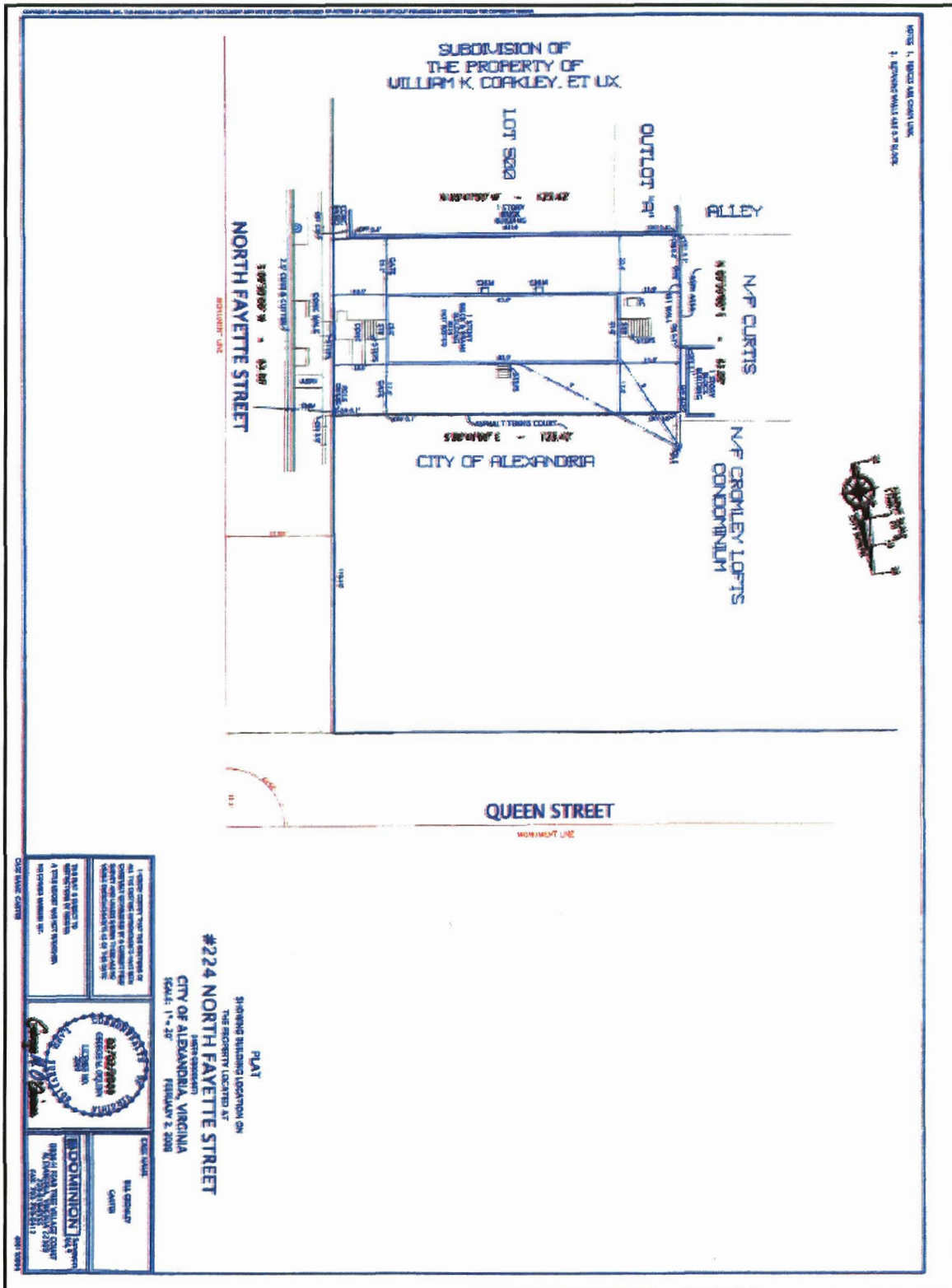


Figure 1. Existing Plat.



Figure 2. Existing exterior condition photograph from N. Fayette Street.



East (Front) Elevation, 2009/05/14 08:35:02



North (Park) Elevation, 2009/05/14 08:36:23



South Elevation, 2009/05/14 08:37:00



West (Rear) Elevation, 2009/05/14 08:38:33

Figure 3. Existing exterior condition photographs of building.

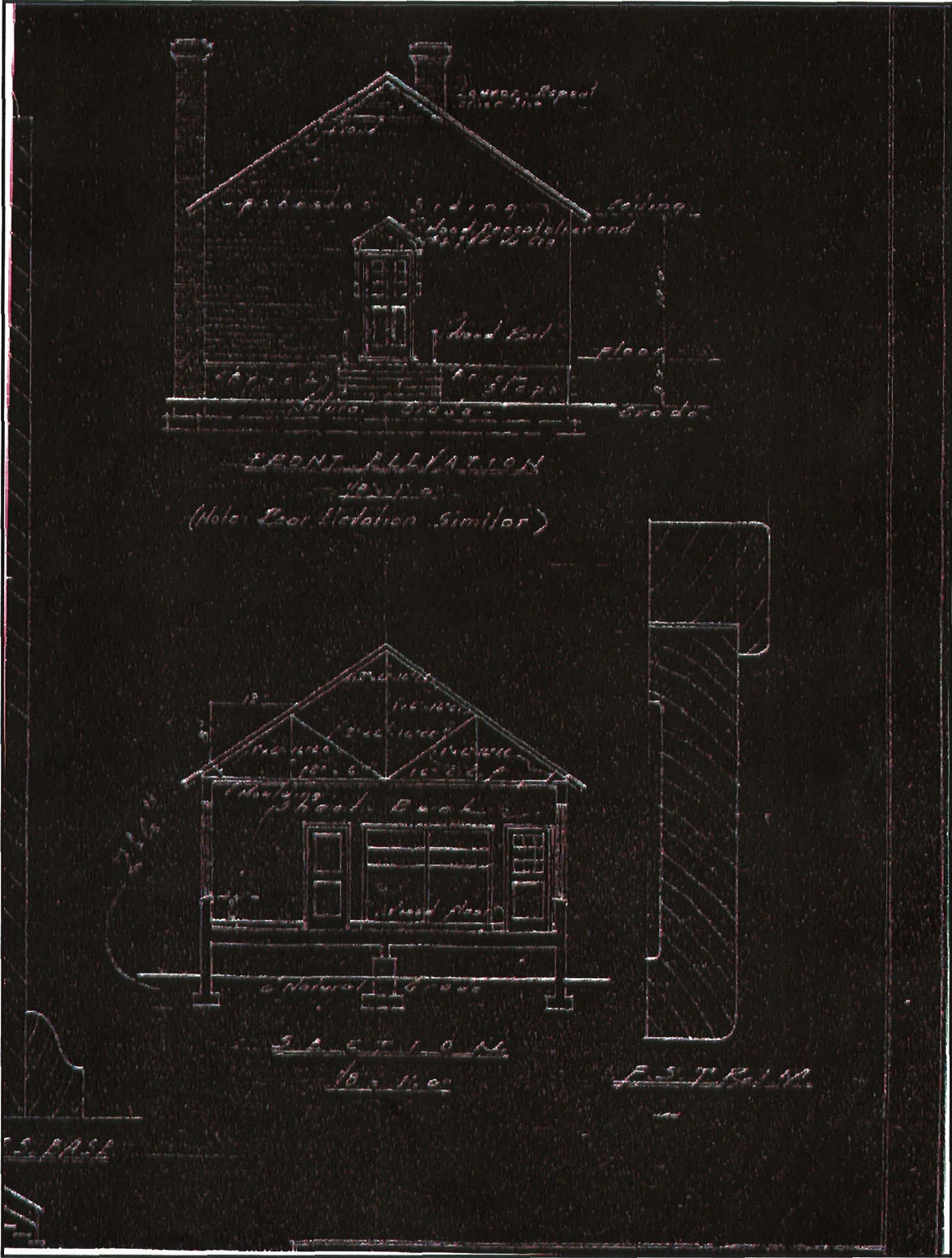


Figure 4. Original Construction Drawing.

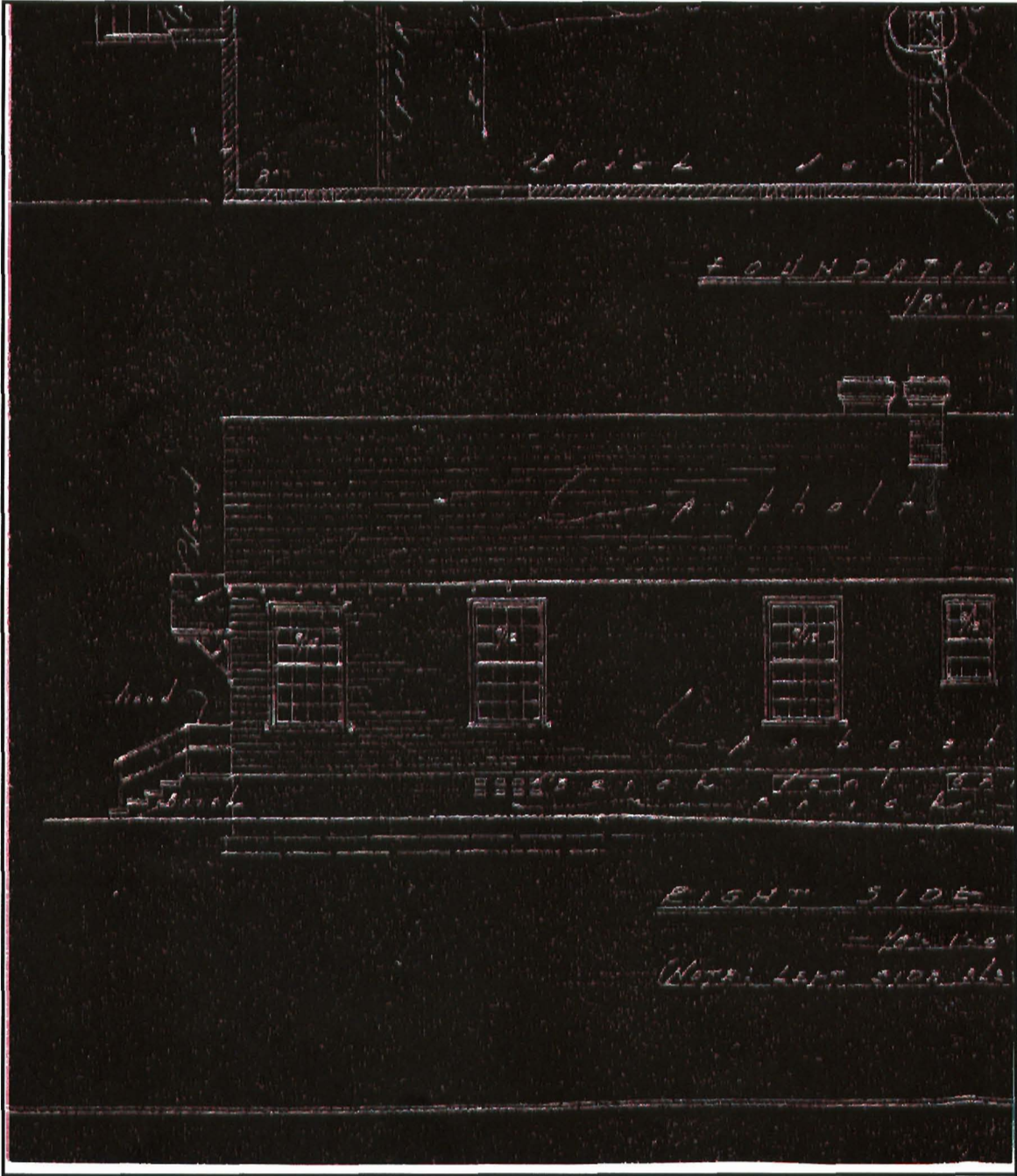


Figure 5. Original Construction Drawing.

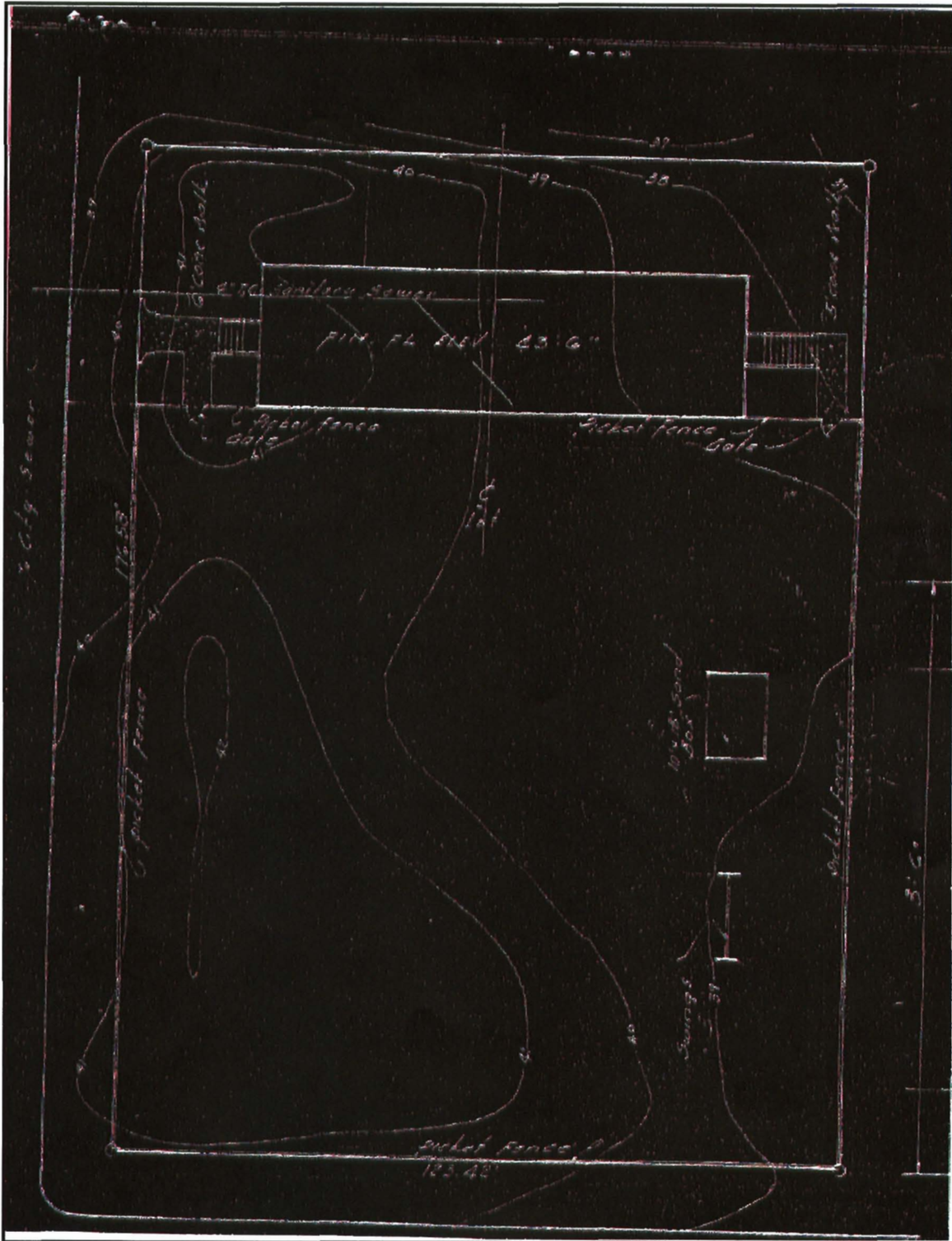


Figure 6. Original Site Plan.

July 22, 2009

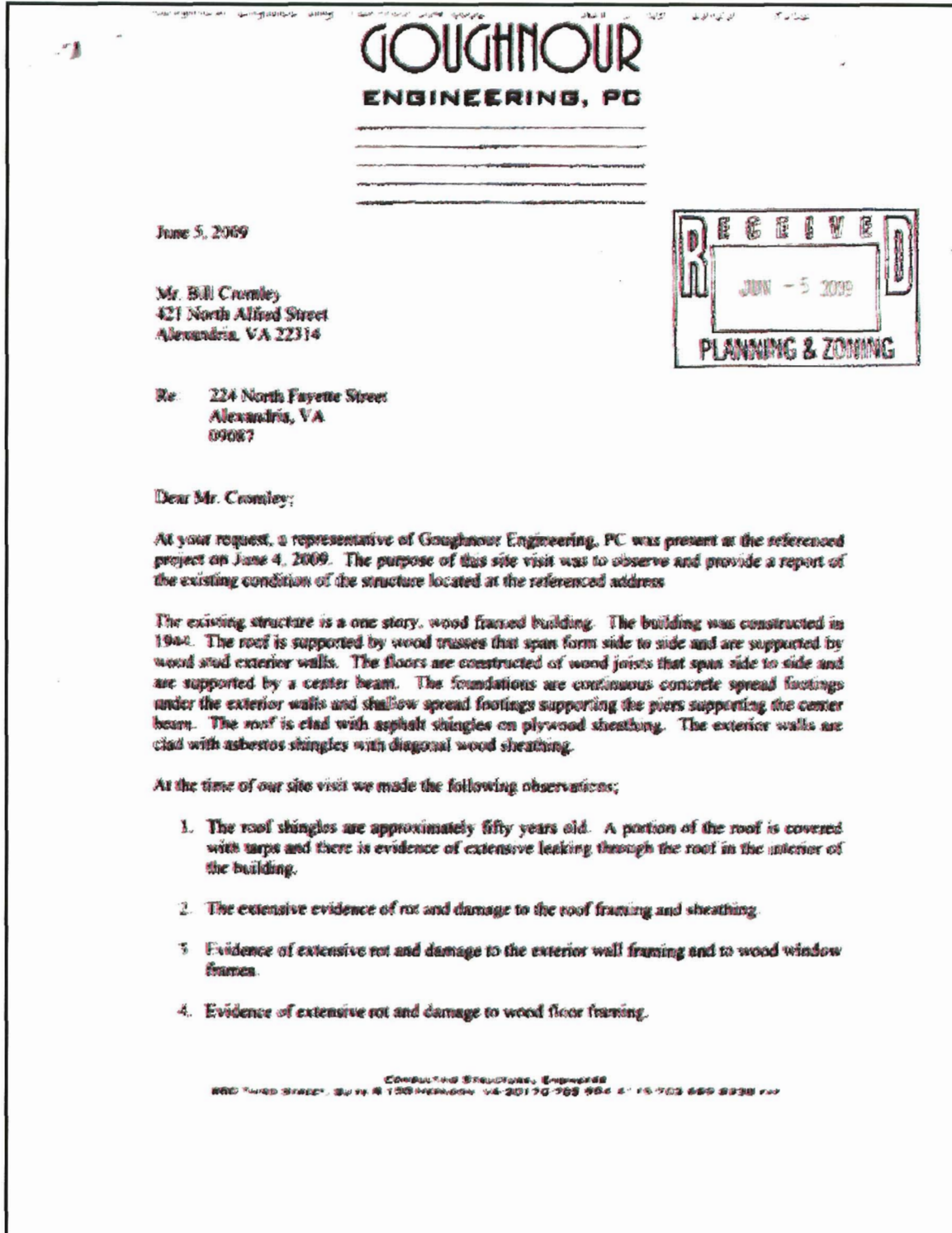


Figure 7. Letter from Engineer.

224 North Fayette Street

June 5, 2009

09007

Page 2

5. There are cracks in the foundation at the West end of the building.
6. The chimneys at the South side of the building are leaning away from the building.
7. There is poor drainage and standing water at the North side of the building.

In our opinion the existing building has poor potential for renovation. The roof and exterior wall cladding need to be removed and replaced. The interior finishes need to be stripped to the framing and replaced. Most of the wood framing is exhibiting evidence of rot and will need to be replaced. The foundation needs to be underpinned and the site needs to be regarded to drain storm water from the site.

Thank you for this opportunity to be of service. If you have any further questions regarding this matter, please feel free to contact us.

Very truly yours,

Steven D. Goughnour, P.E.
President

Figure 8. Letter from Engineer.



1910905212

EMSL Analytical, Inc.
 10768 Baltimore
 Avenue
 Beltsville, MD 20705
 Phone: (301) 937-5700
 Fax: (301) 937-5701
 http://www.emsl.com

Please print all information legibly.

Company:	Gormley Environmental Corp.	Bill To:	Gormley Environmental Corp.
Address1:	P.O. Box 28	Address1:	P.O. Box 28
Address2:		Address2:	
City, State:	Bryans Road, MD	City, State:	Bryans Road, MD
Zip/Post Code:	20616	Zip/Post Code:	20616
Country:	US	Country:	US
Contact Name:	Larry Gormley	Attn:	Larry Gormley
Phone:	301-753-6439	Phone:	301-753-6439
Fax:	301-753-6436	Fax:	301-753-6436
Email:	lgormley@gormleyenvironmental.com	Email:	lgormley@gormleyenvironmental.com
EMSL Rep:		P.O. Number:	
Project Name/Number:	234 N. Fayette Street		

MATRIX			TURNAROUND			
<input type="checkbox"/> Air	<input type="checkbox"/> Soil	<input type="checkbox"/> Micro-Vac	<input checked="" type="checkbox"/> 3 Hours	<input type="checkbox"/> 6 Hours	<input type="checkbox"/> 24 Hours (1 day)	
<input checked="" type="checkbox"/> Bulk	<input type="checkbox"/> Drinking Water		<input type="checkbox"/> 48 Hours (2 days)	<input type="checkbox"/> 72 Hours (3 days)	<input type="checkbox"/> 96 Hours (4 days)	<input type="checkbox"/> 120 Hours (5 days)
<input type="checkbox"/> Wipe	<input type="checkbox"/> Wastewater		<input type="checkbox"/> 144+ hours (6-10 days)			

TEM AIR 3 hours, 6 hours. Please call ahead to schedule. There is a premium charge for 3-hour air, please call 1-800-320-3676 for price quote to sending samples. You will be asked to sign an authorization form for this service.

PCM - Air <input type="checkbox"/> NIOSH 7400(A) Issue 2 August 1994 <input type="checkbox"/> OSHA w/TWA <input type="checkbox"/> Other:	TEM Air <input type="checkbox"/> AHERA 40 CFR, Part 763 Subpart E <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> EPA Level II	TEM WATER <input type="checkbox"/> EPA 100.1 <input type="checkbox"/> EPA 100.2 <input type="checkbox"/> NYS 198.2
PLM - Bulk <input checked="" type="checkbox"/> EPA 600/9-93/116 <input type="checkbox"/> EPA Point Count <input type="checkbox"/> NY Stratified Point Count <input type="checkbox"/> PLM NOB (Gravimetric) NYS 198.1 <input type="checkbox"/> NIOSH 9002 <input type="checkbox"/> EMSL Standard Addition.	TEM BULK <input type="checkbox"/> Drop Mount (Qualitative) <input type="checkbox"/> Charfield SOP - 1988-02 <input type="checkbox"/> TEM NOB (Gravimetric) NYS 198.4 <input type="checkbox"/> EMSL Standard Addition.	TEM Microvac/Wipe <input type="checkbox"/> ASTM D 3755-95 (qualitative or method) <input type="checkbox"/> Wipe Qualitative
SEM Air or Bulk <input type="checkbox"/> Qualitative <input type="checkbox"/> Quantitative	PLM Soil <input type="checkbox"/> EPA Protocol Qualitative <input type="checkbox"/> EPA Protocol Quantitative <input checked="" type="checkbox"/> EMSL MSD 9000 Method (Strogan)	XRD <input type="checkbox"/> Asbestos <input type="checkbox"/> Silica NIOSH 7500 OTHER <input type="checkbox"/>

http://www.emsl.com/COC_Print.cfm?action=print&ServiceCatSelect=3&LabsSelect=Belts... 6/5/2009

Figure 9. Asbestos Removal Form.



EMSL Analytical, Inc.
10768 Baltimore Avenue, Beltsville, MD 20776
Phone: (301) 947-0200 Fax: (301) 947-0299 Email: info@emsl.com

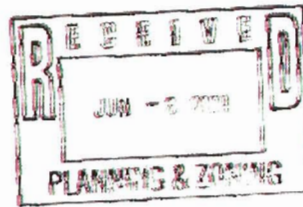
Attn: Larry Gormley
Gormley Environmental
P.O. Box 28
Bryans Road, MD 20616

Fax: (301) 753-8476 Phone: (301) 753-8358
Project: 334 N. FAYETTE STREET

Customer ID: GORM50
Customer PO:
Received: 06/05/09 12:56 PM
EMSL Order: 190806212
EMSL Proj:
Analysis Date: 6/5/2009

Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
F 1 FIBROPS/PAVING	FLOOR TILE	Black Non-Fibrous Heterogeneous		90% Non-fibrous (other)	10% Chrysotile
F 2 FIBROPS/PAVING	EXTERIOR SIGNING	Beige Non-Fibrous Heterogeneous		70% Non-fibrous (other)	30% Chrysotile



Analyst(s)
Always 2 copies (2)

Joe Cerventi
Joe Cerventi, Laboratory Manager
or other approved signatory

Due to magnification limitations inherent in PLM, asbestos fibers in specimens below the resolution capability of PLM may not be detected. The limit of detection as stated in the attached is 1%. This asbestos test report relates only to the items tested and may not be reproduced in any form without the express written approval of EMSL Analytical, Inc. EMSL's liability is limited to the cost of analysis. EMSL bears no responsibility for sample collection activities or analytical method limitations. Interpretation and use of test results are the responsibility of the client. Samples received in poor condition unless otherwise noted. This report must not be used to drive product endorsement by OSHA or any agency of the U.S. Government. NALAP Lab Code 200904

Test Report: PLM-7 129 Printed: 6/5/2009 1:18:43 PM

THIS IS THE LAST PAGE OF THE REPORT.

Figure 10. Asbestos Removal Form.



Chain of Custody Asbestos Lab Services

EMSL Analytical, Inc.
15756 Baltimore
Avenue
Beltsville, MD 20705
Phone: (301) 937-5700
Fax: (301) 937-5701
http://www.emsl.com

Please print all information legibly

Client Sample # (s) F1 F2

Total Samples #: 2

Relinquished: [Signature] Date: 6/5/09

Time: _____

Received: [Signature] Date: 6/5/09

Time: 12:50pm W/V

Relinquished: _____ Date: _____

Time: _____

Received: _____ Date: _____

Time: _____

SAMPLE NUMBER	SAMPLE DESCRIPTION/LOCATION	VOLUME (if applicable)
F1	FLOOR TILE	BULK
F2	EXTERIOR SIDING	BULK

RECEIVED
JUN - 2 2009
[Signature]

Figure 11. Asbestos Form.



Figure 12. Example of historic Rosenwald school.



Figure 13. Example of historic Rosenwald school.



Figure 14. Example of historic Rosenwald school.

CHAPTER 4

DEMOLITION OF EXISTING STRUCTURES

INTRODUCTION

The demolition of any structure, either in whole or in part, in the historic districts, **regardless of visibility from a public way**, requires the approval of a Permit to Demolish by the Boards of Architectural Review.

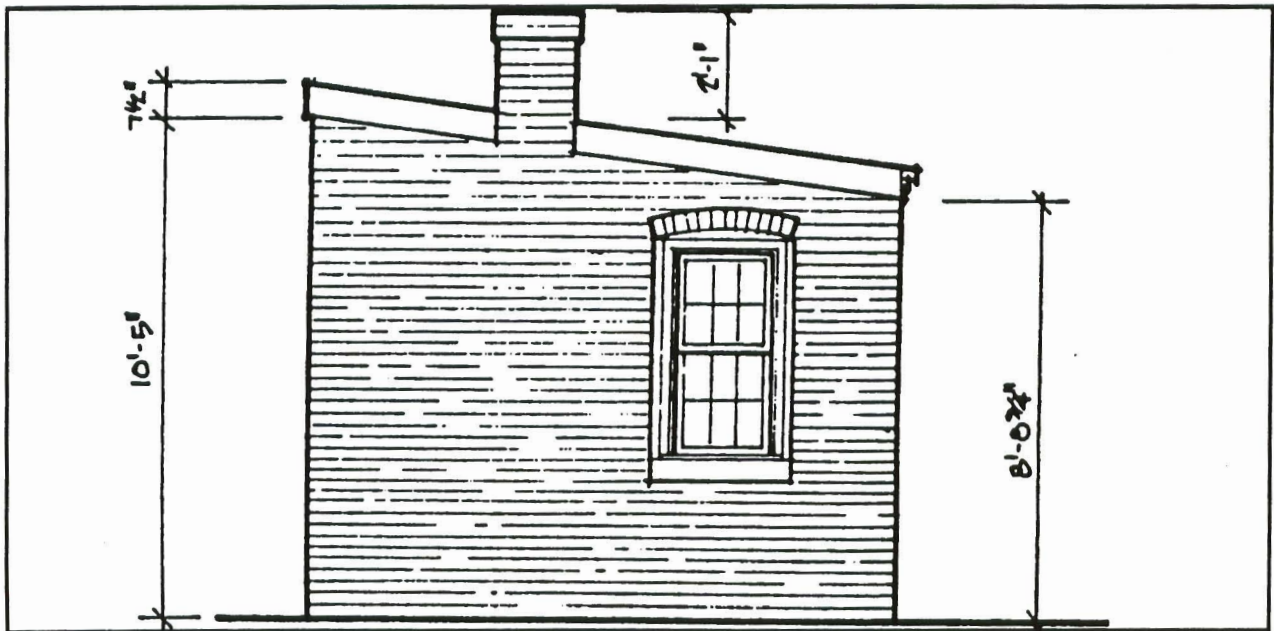
The Boards are extremely conscious of the need to preserve the existing building resources of the historic districts. At the same time, the Boards are also sympathetic to the needs of building owners to make contemporary 20th century use of a property. It is the policy of the Boards that the absolute minimum demolition of an existing structure should take place. For example, in the case

of an addition to the rear of a property, the Boards prefer that the amount of demolition be limited to that necessary to accommodate access to the addition rather than wholesale demolition and replacement of the rear facade.

Because approval of the demolition of an existing structure, in whole or in part, is such an important decision, the action of the Boards on such requests requires a roll call vote of each member.

REQUIREMENTS

- The demolition of an existing structure must meet the requirements of the Uniform Statewide Building Code (USBC).
- Demolition of an existing structure requires the issuance of a permit by Code Enforcement (USBC §105.1).
- If asbestos is present, an asbestos permit is required in addition to a building permit. Certain exemptions apply.



Example of a record drawing including measurements required as part of the approval of a demolition of a rear addition.

SOURCE: 125 South Payne Street, BAR Case #92-86, Richard C. Bierce, AIA, Historic Architect

- A building permit for demolition will not be issued until services to the building including gas, electric, water and sewer have been disconnected. In addition to the Boards of Architectural Review, approvals must be obtained from the Traffic and Health departments.

- Demolition of an existing structure, in whole or in part, requires approval of a separate Permit to Demolish by the Boards of Architectural Review in addition to approval of a certificate of appropriateness for an addition or new construction.

- Removal of less than 25 square feet of an exterior wall, roof or other exterior surface is not considered demolition. Such removal is considered to be an alteration. (§ 10-103 (B) and § 10-203(B) of the Zoning Ordinance).

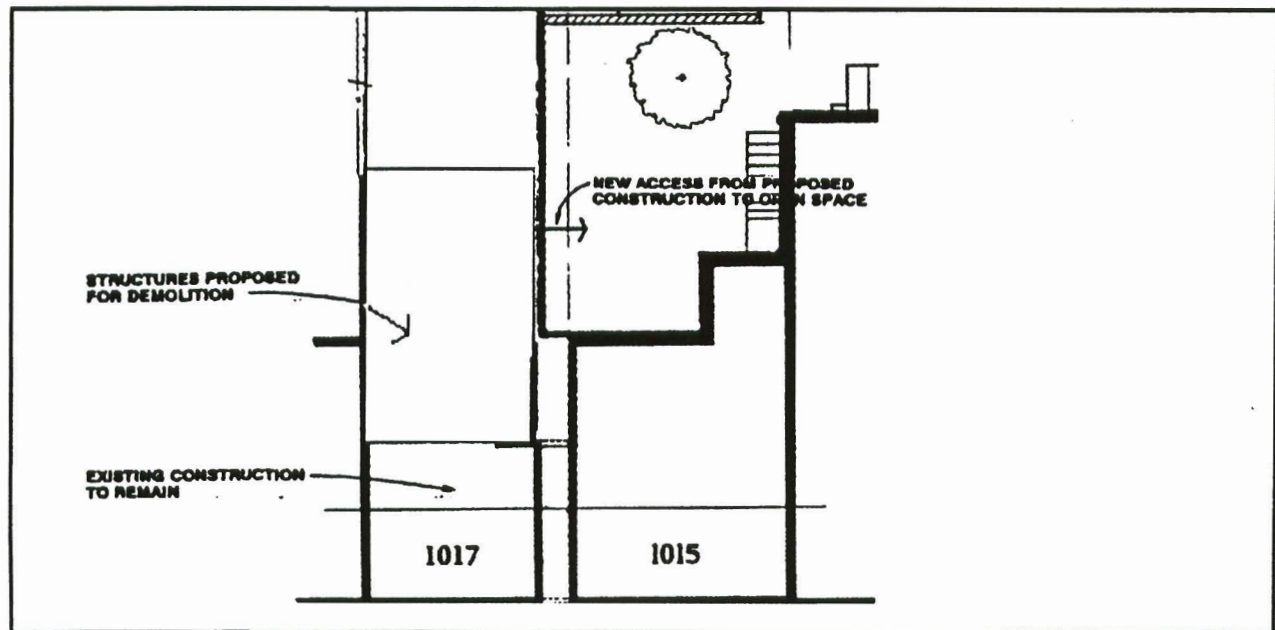
- Demolition of an existing structure which involves land disturbance of 2,500 square feet or more must comply with the requirements of the Chesapeake Bay Protection Ordinance. Information on this requirement may be obtained from the City Engineer. (Telephone: 703/838-4328)

- If the Boards deny a Permit to Demolish, the decision can be appealed to City Council.

- An owner may demolish a property, following denial of a Permit to Demolish, if the building is offered for sale for a specified period of time and no bona fide offer to purchase the property is made during the specified time period. The period of time for which the building has to be offered for sale varies from 3 months, when the offering price is less than \$25,000, to one year when the offering price is \$90,000 or more. (§ 10-108 and § 10-208 of the Zoning Ordinance).

GUIDELINES

- Generally speaking, there must be a compelling reason for the demolition, either in whole or in part, of a significant structure in the historic districts. The Boards actively seeks to retain the existing historic fabric of the historic districts and strongly discourage the demolition of any portion of an 18th or early 19th century structure.



Demolition plan for the rear addition to an existing structure.

SOURCE: 1017 Duke Street, BAR Case #90-73, John E. McKean, AIA, Architect (Altered)

Criteria for demolition in the Old and Historic Alexandria District and for 100-Year Old Buildings:

- (1) Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?
- (2) Is the building or structure of such interest that it could be made into an historic shrine?
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway?
- (5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?

- (6) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live?
- (7) In the instance of a building or structure owned by the city or the redevelopment and housing authority, such building or structure having been acquired pursuant to a duly approved urban renewal (redevelopment) plan, would retention of the building or structure promote the general welfare in view of needs of the city for an urban renewal (redevelopment) project? (§ 10-105(B) of the Zoning Ordinance)

Criteria for demolition in the Parker-Gray District:

- (1) Is the building or structure of such architectural or historic interest that its removal would be to the detriment of the public interest?
- (2) Is the building or structure of such interest that it could be made into an historic shrine?
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?

- (5) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place to live?
- (6) Would retention of the building or structure help maintain the scale and character of the neighborhood? (§ 10-205(B) of the Zoning Ordinance)

- In some instances, the Boards may require a structural analysis of the building by a licensed professional engineer in order to make an informed decision regarding the structural integrity of a building before making a decision on the application for a Permit to Demolish.

Determination of Significance

If a building which is considered to have significance in the historic districts is to be demolished, documentation will be required. The requirements for documentation are set forth in the Application Requirements section. A determination of a building's significance will be made by the B.A.R. Staff. The determination of significance will be based upon the following factors:

- All buildings and structures constructed prior to 1860 are significant and those historic portions must be documented.
- Buildings and structures which contribute to and may increase knowledge of the architectural and cultural history of Alexandria or the nation are significant and must be documented.
- Buildings which embody noteworthy craftsmanship or design features may be considered significant. In some instances, documentation may be limited to recordation of the significant features or details.
- Structures which are non-historic and not compatible with the historic and architectural character of the historic districts do not require a separate application for a Permit to Demolish. Structures falling within this category include inappropriate accessory buildings such as metal storage sheds and site improvements such as stockade and chain link fencing and planters. Demolition of such structures may be included in the application for a Certificate of Appropriateness for alterations. Staff of the Boards of Architectural Review will make the determination whether a structure is non-historic.
- If the site of the demolition of an existing structure is to remain vacant for a period of time, it should be landscaped and maintained.

APPLICATION REQUIREMENTS

All applications for approval of the demolition of an existing structure must contain the following information:

Alexandria Business License

Proof of a valid Alexandria Business License is required at the time of application for contractors, subcontractors, architects, and designers.

Plot Plan

A plot plan accurately showing the extent of the proposed demolition is required.

Reason for Demolition

The application must clearly spell out the reason for the demolition and describe alternatives to demolition and why such alternatives are not considered feasible.

Significant Buildings

Buildings or structures that have been determined to be significant and which are to be demolished, in whole or in part, must be documented with a written history, measured drawings and photographs. The following documentation must be approved by the B.A.R. Staff and deposited in the Lloyd House Archives of the Alexandria Public Library prior to the approval of the building permit to demolish the structure.

History of the Structure

Buildings or structures that have been determined to be significant and which are to be demolished, in whole or in part, must be documented with a written history. At a minimum, this information must include date of construction and any major alterations, information about persons or events associated with the structure, general architectural characteristics and background on the designer or architect.

Photographs of Existing Structure

Clear record photographs of the existing structure are required. Both black and white and color photographs and their negatives are required. Photographic prints must measure at least 4" x 5".

Measured Drawings

Measured drawings of a structure to be demolished must be made. The drawings must include floor plans and elevations at a minimum scale of 1/4" = 1'. Details may be required in some cases. Drawings may be in pencil or ink on vellum or mylar on a sheet with maximum dimensions of 30" x 42".

ADOPTED BY THE BOARDS OF
ARCHITECTURAL REVIEW, 5/25/93

All Other Buildings and Structures

Buildings which are compatible but are not considered to meet the criteria of significance are not required to be documented with measured drawings. However, photographs and a building plat are required.

NOTE: Illustrations are provided for information only. Applications for Permits to Demolish are reviewed and approved on a case-by-case basis.

ARCHAEOLOGICAL CONSIDERATIONS

The demolition of a structure in whole or in part may affect archaeological resources. With its rich history, the City of Alexandria is particularly concerned about its archaeological heritage. Archaeological resources in the historic districts are great in number and highly diverse in materials. They often consist of ceramic and glass fragments in the backyards of historic properties; however, archaeological resources are also brick-lined shafts in yards and basements; brick kilns; foundations, footings, postholes and builders trenches of non-extant buildings; landscape features such as walkways and gardens; and even American Indian artifacts which pre-date colonial Alexandria. Often these clues to the City's past appear to be unimportant debris; yet when the artifacts and building remains are excavated and recorded systematically, they provide the only knowledge of lost Alexandria.

Every application to the B.A.R. which potentially involves ground disturbance is reviewed by city Archaeologists to determine whether significant archaeological resources may still survive on the property. Therefore, the potential for additional requirements to protect archaeological resources exists with any project that involves ground disturbing activities.

The applicant can speed along the archaeological review process by requesting a Preliminary Archaeological Assess-

ment from Alexandria Archaeology at the earliest date. Call (703) 838-4399, Tuesday through Saturday, 9am to 5pm. Alexandria Archaeology is located on the third floor of the Torpedo Factory Art Center.

• RESIDENTIAL ZONES

In residential zones, the application for the demolition of a structure in whole or in part that involve ground disturbing activities is reviewed by City archaeologists. In most cases, the applicant is required to notify Alexandria Archaeology before ground disturbance, so that a City archaeologist may monitor this work and record significant finds. However, when a property has a high potential for containing significant archaeological resources, a City archaeologist may request permission to excavate test samples in the affected area before the project begins.

• COMMERCIAL ZONES

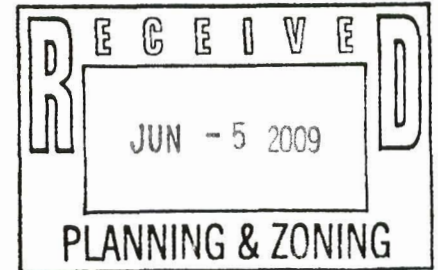
In commercial zones and residential projects involving the construction of three or more houses, the ground disturbing activities associated with the demolition of existing structures in whole or in part may necessitate compliance with the Alexandria Archaeological Protection Procedure (§ 11-411 of the Zoning Ordinance). The specific requirements may be obtained from the City Archaeologist. Occasionally, compliance in such projects may require the property owner to contract with an independent archaeologist to document conditions before and during construction. Property owners should contact the City Archaeologist as early as possible so that there are no project delays.

ATTACHMENT 3

GOUGHNOUR
ENGINEERING, PC

June 5, 2009

Mr. Bill Cromley
421 North Alfred Street
Alexandria, VA 22314



Re: 224 North Fayette Street
Alexandria, VA
09087

Dear Mr. Cromley;

At your request, a representative of Goughnour Engineering, PC was present at the referenced project on June 4, 2009. The purpose of this site visit was to observe and provide a report of the existing condition of the structure located at the referenced address.

The existing structure is a one story, wood framed building. The building was constructed in 1944. The roof is supported by wood trusses that span from side to side and are supported by wood stud exterior walls. The floors are constructed of wood joists that span side to side and are supported by a center beam. The foundations are continuous concrete spread footings under the exterior walls and shallow spread footings supporting the piers supporting the center beam. The roof is clad with asphalt shingles on plywood sheathing. The exterior walls are clad with asbestos shingles with diagonal wood sheathing.

At the time of our site visit we made the following observations;

1. The roof shingles are approximately fifty years old. A portion of the roof is covered with tarps and there is evidence of extensive leaking through the roof in the interior of the building.
2. The extensive evidence of rot and damage to the roof framing and sheathing.
3. Evidence of extensive rot and damage to the exterior wall framing and to wood window frames.
4. Evidence of extensive rot and damage to wood floor framing.

224 North Fayette Street
June 5, 2009
09087
Page 2

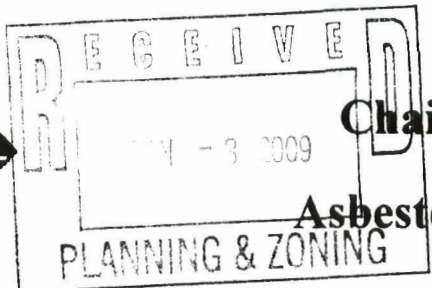
5. There are cracks in the foundation at the West end of the building.
6. The chimneys at the South side of the building are leaning away from the building.
7. There is poor drainage and standing water at the North side of the building.

In our opinion the existing building has poor potential for renovation. The roof and exterior wall cladding need to be removed and replaced. The interior finishes need to be stripped to the framing and replaced. Most of the wood framing is exhibiting evidence of rot and will need to be replaced. The foundation needs to be underpinned and the site needs to be regarded to drain storm water from the site.

Thank you for this opportunity to be of service. If you have any further questions regarding this matter, please feel free to contact us.

Very truly yours,

Steven D. Goughnour, P.E.
President



Chain of Custody

Asbestos Lab Services

190905212

EMSL Analytical, Inc.
10768 Baltimore Avenue
Beltsville, MD 20705

Phone: (301) 937-5700
Fax: (301) 937-5701
<http://www.emsl.com>

Please print all information legibly.

Company:	Gormley Environmental Corp.	Bill To:	Gormley Environmental Corp.
Address1:	P.O. Box 28	Address1:	P.O. Box 28
Address2:		Address2:	
City, State:	Bryans Road, MD	City, State:	Bryans Road, MD
Zip/Post Code:	20616	Zip/Post Code:	20616
Country:	US	Country:	US
Contact Name:	Larry Gormley	Attn:	Larry Gormley
Phone:	301-753-5659	Phone:	301-753-5659
Fax:	301-753-6476	Fax:	301-753-6476
Email:	lgormley@gormleyenvironmental.com	Email:	lgormley@gormleyenvironmental.com
EMSL Rep:		P.O. Number:	
Project Name/Number: 224 N. Fayette Street			

MATRIX			TURNAROUND			
<input type="checkbox"/> Air	<input type="checkbox"/> Soil	<input type="checkbox"/> Micro-Vac	<input checked="" type="checkbox"/> 3 Hours	<input type="checkbox"/> 6 Hours		<input type="checkbox"/> 24 Hours (1 day)
<input checked="" type="checkbox"/> Bulk	<input type="checkbox"/> Drinking Water		<input type="checkbox"/> 48 Hours (2 days)	<input type="checkbox"/> 72 Hours (3 days)	<input type="checkbox"/> 96 Hours (4 days)	<input type="checkbox"/> 120 Hours (5 days)
<input type="checkbox"/> Wipe	<input type="checkbox"/> Wastewater		<input type="checkbox"/> 144+ hours (6-10 days)			

TEM AIR, 3 hours, 6 hours, Please call ahead to schedule. There is a premium charge for 3-hour tat, please call 1-800-220-3675 for price prior to sending samples. You will be asked to sign an authorization form for this service.

<p>PCM - Air</p> <input type="checkbox"/> NIOSH 7400(A) Issue 2: August 1994 <input type="checkbox"/> OSHA w/TWA <input type="checkbox"/> Other:	<p>TEM Air</p> <input type="checkbox"/> AHERA 40 CFR, Part 763 Subpart E <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> EPA Level II	<p>TEM WATER</p> <input type="checkbox"/> EPA 100.1 <input type="checkbox"/> EPA 100.2 <input type="checkbox"/> NYS 198.2
<p>PLM - Bulk</p> <input checked="" type="checkbox"/> EPA 600/R-93/116 <input type="checkbox"/> EPA Point Count <input type="checkbox"/> NY Stratified Point Count <input type="checkbox"/> PLM NOB (Gravimetric) NYS 198.1 <input type="checkbox"/> NIOSH 9002: <input type="checkbox"/> EMSL Standard Addition:	<p>TEM BULK</p> <input type="checkbox"/> Drop Mount (Qualitative) <input type="checkbox"/> Chatfield SOP - 1988-02 <input type="checkbox"/> TEM NOB (Gravimetric) NYS 198.4 <input type="checkbox"/> EMSL Standard Addition:	<p>TEM Microvac/Wipe</p> <input type="checkbox"/> ASTM D 5755-95 (quantative method) <input type="checkbox"/> Wipe Qualitative
<p>SEM Air or Bulk</p> <input type="checkbox"/> Qualitative <input type="checkbox"/> Quantitative	<p>PLM Soil</p> <input type="checkbox"/> EPA Protocol Qualitative <input type="checkbox"/> EPA Protocol Quantitative <input type="checkbox"/> EMSL MSD 9000 Method fibers/gram	<p>XRD</p> <input type="checkbox"/> Asbestos <input type="checkbox"/> Silica NIOSH 7500
<p>OTHER</p> <input type="checkbox"/>		

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EMSL Analytical, Inc.

10768 Baltimore Avenue, Beltsville, MD 20705

Phone: (301) 937-5700 Fax: (301) 937-5701 Email: beltsvillelab@emsl.com

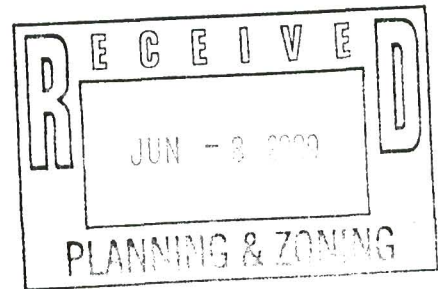
Attn: **Larry Gormley**
Gormley Environmental
P.O. Box 28
Bryans Road, MD 20616

Fax: (301) 753-6476 Phone: (301) 753-9358
Project: **224 N. FAYETTE STREET**

Customer ID: GORM50
Customer PO:
Received: 06/05/09 12:50 PM
EMSL Order: 190905212
EMSL Proj:
Analysis Date: 6/5/2009

Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
F 1 <i>190905212-0001</i>	FLOOR TILE	Black Non-Fibrous Heterogeneous		90% Non-fibrous (other)	10% Chrysotile
F 2 <i>190905212-0002</i>	EXTERIOR SIDING	Beige Non-Fibrous Heterogeneous		70% Non-fibrous (other)	30% Chrysotile



Analyst(s)

Alexis Turner (2)

Joe Centifonti, Laboratory Manager
or other approved signatory

Due to magnification limitations inherent in PLM, asbestos fibers in dimensions below the resolution capability of PLM may not be detected. The limit of detection as stated in the method is 1%. The above test report relates only to the items tested and may not be reproduced in any form without the express written approval of EMSL Analytical, Inc. EMSL's liability is limited to the cost of analysis. EMSL bears no responsibility for sample collection activities or analytical method limitations. Interpretation and use of test results are the responsibility of the client. Samples received in good condition unless otherwise noted. This report must not be used to claim product endorsement by NVLAP or any agency of the U.S. Government.

NVLAP Lab Code 200293-0

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Chain of Custody Asbestos Lab Services

EMSL Analytical, Inc.
10768 Baltimore
Avenue
Beltsville, MD 20705

Phone: (301) 937-5700
Fax: (301) 937-5701
<http://www.emsl.com>

Please print all information legibly.

Client Sample # (s) F1 - F2
Relinquished: [Signature] Date: 6/5/09
Received: [Signature] Date: 6/5/09
Relinquished: _____ Date: _____
Received: _____ Date: _____

Total Samples #: 2
Time: _____
Time: 12:50pm W/W
Time: _____
Time: _____

SAMPLE NUMBER	SAMPLE DESCRIPTION/LOCATION	VOLUME (if applicable)
F1	FLOOR TILE	BULK
F2	EXTERIOR SIDING	BULK

RECEIVED
JUN - 8 2009
ANALYTICAL SERVICES

53

LAND, CLARK, CARROLL, MENDELSON AND BLAIR, P.C.

Attorneys & Counsellors at Law

524 KING ST.

ALEXANDRIA, VA 22314-3104

H. CARTER LAND, III
JAMES C. CLARK
F. ANDREW CARROLL, III
RICHARD S. MENDELSON
DUNCAN W. BLAIR

.....
(703) 836-1000

FACSIMILE
(703) 549-3335

June 5, 2009

Lee Webb
Principal Planner
City of Alexandria
Department of Planning and Zoning
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

JUN 5 2009

Delivered by Hand and Email as a PDF

Re: 224 North Fayette Street, Alexandria, Virginia 22314 (the "Property")

Dear Mr. Webb:

I am writing on behalf of our client William Cromley, the owner of the Property and the applicant for a Permit to Demolish filed on May 22, 2009 for the June 24, 2009 Parker-Gray Historic District Board of Architectural Review (the "BAR") public hearing. This letter is in response to your email transmittal sent to him on June 3, 2009 at 10:01 AM indicating receipt of the application and requesting an extraordinary and an unprecedented amount of supplemental information. The requested information, specifically a Historic Building Structures Report, greatly exceeds the City filing requirement as set forth on the City published application and in Chapter 4 of the Design Guidelines: Demolition of Existing Structures.

The Design Guidelines specify that additional information may be required for a building that has been determined by the City as meeting the Design Guidelines criteria for "significant buildings." It is astounding that this information is being requested in this instance, especially when compared to the recent application for the Permit to Demolish the 379 James Bland public housing units (BAR Case #2008-0150). In that case the buildings that were approved for demolition were heralded by the City's Historic Preservation Staff in four pages of analysis, opining as to the significance of the James Bland Public Housing Project to the Parker-Gray Historic District. Significantly, none of the information being demanded of Mr. Cromley was required of the applicants in advance of the BAR public hearings in the James Bland case.

Lee Webb, Manager
Principal Planner
City of Alexandria
Department of Planning and Zoning
June 5, 2009
Page -2-

The Design Guidelines permit the BAR to condition the approval of the demolition of significant buildings on the Permit Holder providing a history of the structure, photographs of the structure and measured drawings prior to the issuance of a "building permit to demolish the structure"; such requirements were imposed as conditions of approval in the James Bland case. To arbitrarily impose those extremely expensive requirements at the application stage of Mr. Cromley request is overly burdensome and has a chilling effect on his right to apply for a fair and impartial hearing based on the criteria of Section 10-205 (B) of the Alexandria Zoning Ordinance, 1992, as amended (the "**Ordinance**").

It should be noted that Mr. Cromley's application is not premised on structural issues as the basis for his request to the BAR for a Permit to Demolish; but rather on his determination that the building does not meet the Design Guidelines' criteria set forth in Section 10-205 (B) of the Ordinance, namely that preserving the building does not serve a substantial public benefit, that the building is functionally obsolete, and that it does not lend itself to a long term viable adaptive reuse. The structure was erected for a purpose, a temporary nursery, and then reused as an American Legion Post whose members ultimately sold the Property and relocated to a building more suitable for the Post's use on Mount Vernon Avenue outside of the Parker-Gray Historic District. Mr. Cromley's application is to permit the Property to be reused and have, subject to BAR approval, a new structure erected that will contribute to the vibrancy of the Parker-Gray Historic District.

Notwithstanding Mr. Cromley's non-reliance on the building's structural condition as the premise of the application, the Design Guidelines do provide that in "some instances, the Boards may require a structural analysis of the building by a licensed professional engineer in order to make an informed decision regarding the structural integrity of a building." I assume the requirement is intended to validate and substantiate applicants' claims that the structural condition is such that building needs to be demolished. Since such a report was requested by the Chair of the Board, Mr Cromley has commissioned and will provide the City with a structural report prepared by a licensed professional engineer by close the of business Monday, June 8, 2009. This should provide more than sufficient time for the information to be provided to the BAR members prior to the June 24, 2009 Public Hearing.

Lastly, the City cites as a basis for the not docketing the item for June 24, 2009, the need for "additional input from the community" and to formulate strategies for "commemoration of this building." The purpose of the regularly scheduled, noticed and

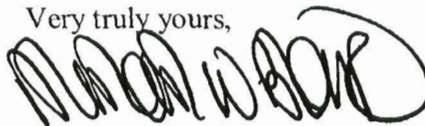
Lee Webb, Manager
Principal Planner
City of Alexandria
Department of Planning and Zoning
June 5, 2009
Page -3-

advertised public hearing is for the BAR to gather, in a public forum, input from the community to assist the BAR in making its decision based on the criteria of the Ordinance and to further assist the BAR in determining what, if any, conditions are appropriate to commemorate the building. For the City to arbitrarily determine that Mr. Cromley's case may not be heard before the Board based on the fact that "staff feels that additional input must be received" puts Mr. Cromley at the mercy of a vague, overly broad, completely subjective, unquantifiable and illegitimate standard that City staff is applying to determine if an application is ripe to be heard, placing him in governmental limbo with no certainty that he will be afforded a timely hearing. This situation is clearly untenable.

For these reasons, Mr Cromley strenuously objects to the City's removing consideration of his duly applied for and statutorily complete application for the BAR's June 24, 2009 public hearing. No one other than Mr Cromley is prejudiced by adhering to the established published schedule, and Mr. Cromley's rights are clearly prejudiced by not adhering to the established published schedule.

For these reasons, we submit that the City acted improperly in determining (i) that the application would be removed from the scheduled docket, (ii) that a supplemental Historic Structures Report is required, and (iii) that forums for public discussion other than the regularly scheduled and advertised public hearing for which he applied to be heard are required for Mr. Cromley's application to be heard before the Board. As such the application must be redocketed for the June 24, 2009 BAR public hearing.

Very truly yours,



Duncan W. Blair

DWB:kl\Webb-Cromley 0609

cc: William Cromley
Faroll Hamer
Gwen Wright
Steve Milone
Christopher Spera, Esquire
Christina Kelley

LAND, CLARK, CARROLL, MENDELSON AND BLAIR, P.C.

Attorneys & Counsellors at Law

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.....
(703) 836-1000

FACSIMILE
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June 25, 2009

Lee Webb
Principal Planner
City of Alexandria
Department of Planning and Zoning
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

BY FIRST CLASS MAIL AND EMAIL AS A PDF

**Re: 224 North Fayette Street, Alexandria, Virginia
BAR #2009-0109**

Dear Lee:

As represented at last night's informational meeting on the above-referenced case, I enclose a copy of the information concerning the City Council's June 25, 2002 action releasing the City's first right of refusal to acquire the above-referenced property from American Legion Post #129. It is my understanding that you will forward the enclosed information to the members of the Parker Gray Board of Architectural Review. If you are able to find any additional information concerning the history surrounding the City Council's action, I would appreciate your advising us and providing me with copies of that information.

I would appreciate your letting me know when the video tape of last night's discussion has been received and placed in the BAR Case No. 2009-0109 file as part of the official record of the case. Further, it is my understanding that you will contact both Mr. Meick and Mr. Lloyd to let them know that a video of last night's proceedings is available for their review.

Lee Webb
Principal Planner
City of Alexandria
Department of Planning and Zoning
June 25, 2009
Page -2-

If you have any questions concerning this, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Duncan W. Blair', with a stylized, cursive script.

Duncan W. Blair

DWB:kl\Webb-Cromley 0709

cc: William Cromley, by PDF only
Faroll Hamer, by PDF only
Steve Milone, by PDF only
Christina Kelley, by PDF only



OFFICE OF THE CITY MANAGER
301 King Street, Suite 3500
Alexandria, Virginia 22314-3211

Philip Sunderland
City Manager

(703) 838-4900
Fax: (703) 838-6343

July 1, 2002

Cordell R. Credit, Sr.
Commander
The American Legion William Thomas
Post #129, Inc.
224 North Fayette Street
Alexandria, Virginia 22314

Dear Mr. Credit:

In response to the notification by the American Legion Post #129 that it wishes to sell its property at 224 North Fayette, this letter serves as the City of Alexandria's official notice that it will not be exercising its right of first refusal to purchase this property. City Council discussed this matter at its June 25, 2002, meeting and concurred with the staff recommendation not to exercise its right of first refusal.

We wish you the best in your process of selling your property. If you, or any potential buyer, wishes to discuss what redevelopment is permitted on the property under City land use and zoning regulations, feel free to contact Ms. Kimberley Johnson (703-838-4666) in the City's Department of Planning and Zoning.

Sincerely,

Philip Sunderland
City Manager

cc: Mark Jinks, Assistant City Manager
Kimberley Johnson, Division Chief, Planning and Zoning
Steve Rosenberg, Assistant City Attorney

CITY CLERK & CLERK OF COUNCIL
CI2000 Report - Legislative History (Detailed)

Doc. Ref. Cod	Doc. Date	Item Ref.	Action Code	Brief Description	Ret. Code
Cont. Date	Exp. Date	Name Referred to		File Reference #	Security Class
Abstract				Keywords	
75T	06/25/2002	ORALE	NO	AMERICAN LEGION; SALE OF NORTH FAYETTE STR	
()		CITY MANAGER SUNDERLAND REPORTED		ORAL PRESENTATIONS	
		THAT THE AMERICAN LEGION HAS DECIDED TO		SUNDERLAND, CITY MANAGER	
		SELL ITS PROPERTY ON NORTH FAYETTE		AMERICAN LEGION	
		STREET. AFTR DISCUSSION, IT WAS DECIDED		SALE	
		NOT TO EXERCISE THE CITY'S RIGHT TO BUY		FAYETTE STREET, NORTH	
		THE PROPERTY.			

Total Items Printed: 1

(d) Councilwoman Pepper announced that Hubert Hoffman died on June 15.

(e) City Manager Sunderland reported that the American Legion has decided to sell its property on North Fayette Street. After discussion, it was decided not to exercise the City's right to buy the property.

(A copy of an aerial photograph of this site is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Oral Presentation (e); 6/25/02, and is incorporated herewith as part of this record by reference.)

(f) Police Chief Samarra updated the Council on a couple of gang-related items, i.e., regarding the case involving the shooting of four teens, and the most recent, a cutting which took place on Taney Avenue.

(g) Mayor Donley announced the "United We Sail" program which is a program run by youth for youth and is sponsored by the City of Alexandria Court Service Unit. You can purchase and build miniature sail boats, sail in a miniature pond, and learn about Alexandria's maritime history every Tuesday and Wednesday from 11 to 3 during the summer. The location is on the dock behind the Torpedo Factory.

ORDINANCES AND RESOLUTIONS

31. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the Master Plan to change the land use designation of a portion of the property at 2100 Mt. Vernon Avenue to CL/Commercial Low. (#13 6/15/02) **[ROLL-CALL VOTE]**

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

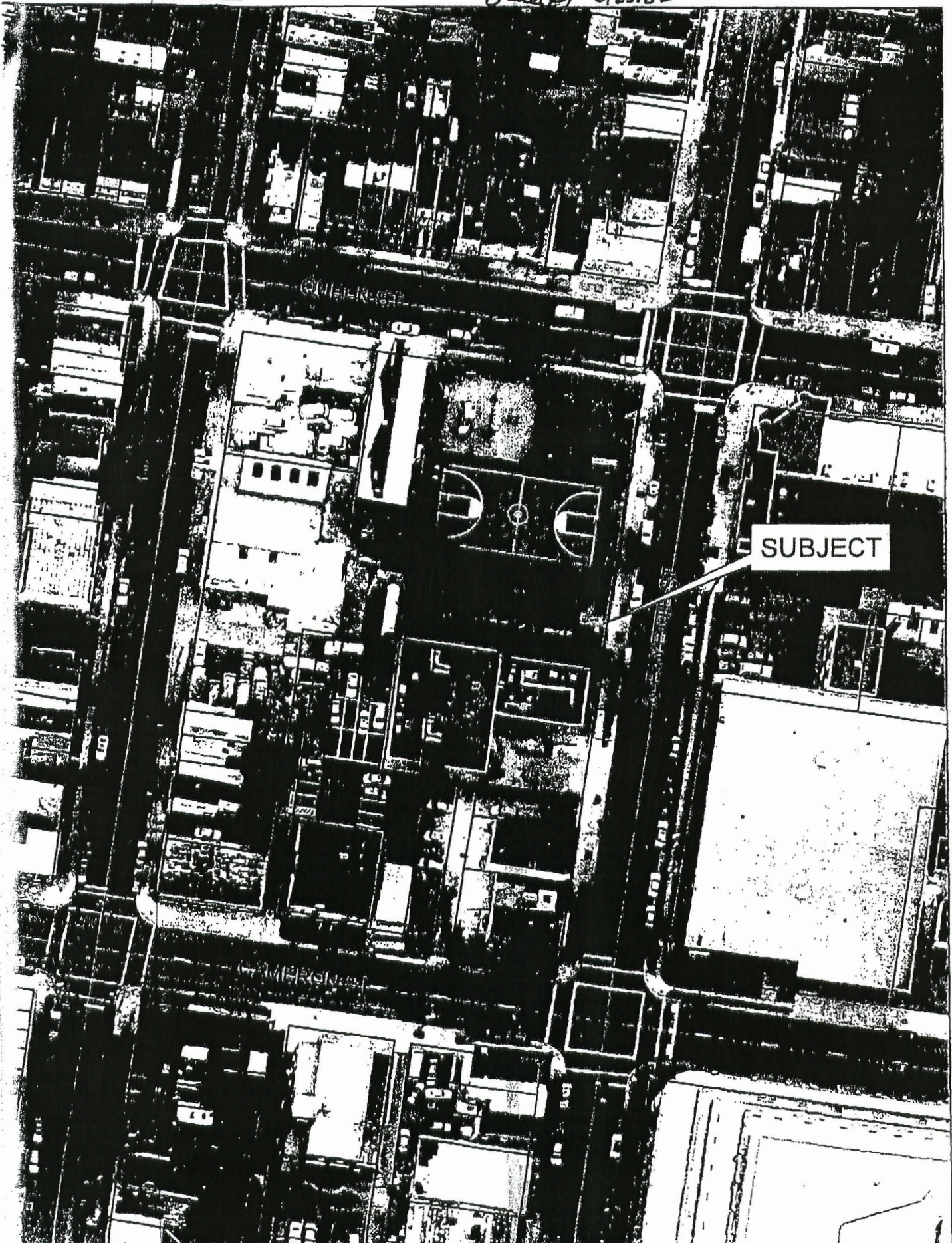
Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4261

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2002-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:



EHT TRACERIES INC

1121 FIFTH STREET, NW, WASHINGTON, DC 20001-3605 TEL (202) 393-1199 FAX (202) 393-1056 E-MAIL
EHT@TRACERIES.COM

July 16, 2009

Mr. Lee Webb
Principal Planner, Historic Preservation
Planning & Zoning
City hall, Room 2100
Alexandria, Virginia 22314

RE: Alexandria Nursery School at 224 North Fayette Street

Dear Mr. Webb:

As a resident of the City of Alexandria, and a profession architectural historian with over seventeen years of experience recording and assessing historic buildings in the Washington metropolitan area, I feel that I must express my concern over the assessments made thus far regarding the former African-American Nursery School at 224 North Fayette Street. I believe the architectural and historical significance of this building have been greatly underestimated. This building is essential and contributing to the historic context and significance of the Uptown/Parker-Gray Alexandria Historic District and the City of Alexandria, and therefore must be preserved.

The Preliminary Information Form (PIF) prepared for the Uptown/Parker-Gray Alexandria Historic District in which the former nursery school stands provides an excellent history of the neighborhood. This extensive documentation presents the proper context for which to assess the building, however it lacks to recognize it as a school. Rather, the form states "there are no extant historic school buildings in the Uptown/Parker-Gray Alexandria Historic District..."¹ However, articles published in 1944 in the *Washington Post* and the architectural drawings produced by the Division of School Buildings, State Department of Education, clearly document the building at 224 North Fayette Street was constructed by the City of Alexandria as a school.² Moreover, the articles attest to the building's construction for the African-American children of Alexandria, specifically those living near Fayette and Queen Streets in what has been

¹ Terry A. Necciai, John Milner Associates, Inc., "Preliminary Information Form: Uptown/Parker-Gray Alexandria Historic District," undated, page 26.

² "Nursery School for Alexandria Virginia, Plan No. 1162," Division of School Buildings, State Department of Education, Richmond, Virginia, August 1943 (archived at the Virginia State Library, Richmond, Virginia); "Alexandria School Head Makes Annual Report," *Washington Post*, 14 July 1944, page 6; "Building Permits Rise," *Washington Post*, 4 February 1944, page 7.

defined as the Uptown/Parker-Gray Alexandria Historic District. Although only a nursery school, a resource too often erroneously discarded as simply a daycare center, this building represents the early education of Alexandria's African-American children and thus greatly affected their success at the Parker-Gray Elementary and High Schools. The PIF form explains that the significance of the historic district is derived "from the African American institutions that were located there during the segregation era."³ Because of the demolition of the Parker-Gray Elementary and High Schools in the 1970s, the Alexandria Nursery School at 224 North Fayette Street is the best and only extant example of this important context in the history of Alexandria.

This modest building subsequently served as the American Legion Lodge (William Thomas Post 129). The PIF recognizes this significant association and thus the building's contribution to the historic context of African-American Institutions. Unfortunately, the document states the building presents "features, such as exposed rafter ends, characteristic of mail-order buildings from ca. 1910-1940." This statement, although correct in a broader sense, has mischaracterized the building's architectural significance as the product of the Virginia Department of Education. The drawings discovered by your office at the Virginia State Library document the building was produced using a standardized plan (Plan No. 1162) prepared by the Division of School Buildings and was not a mail-order design. This is one of six nursery school buildings erected in the City of Alexandria utilizing funding from the Federal Works Agency (FWA) in 1944; it was the only one of the six buildings constructed for African-American children. Although the building's tenure as a FWA-funded facility was short-lived and the school was subsequently closed, it continues to be representative of federally supported schools and clearly illustrates the architectural form, style, and materials espoused by Virginia's Division of School Buildings in the early 1940s.

The building exhibits many elements commonly associated with the Craftsman style, including its wood-frame structure, front-gabled roof, masonry pier foundation, large double-hung windows with 6/6 and 12/12 wood sash, pedimented entry hood with knee brackets, and exposed rafter ends. Completed in 1944 from drawings produced in 1943, the nursery school is a late example of the Craftsman style, which was largely out of favor by the early 1930s. This attests to the Division of School Buildings' reuse of an existing standardized plan in the design of the nursery school. These drawings, which I commend your office in locating, testify to the building's physical integrity at present. The National Register of Historic Places directs buildings be evaluated for their integrity; this includes understanding the building's integrity of location, design, setting, materials, workmanship, feeling, and association. The nursery school's integrity of location and setting are intact as the building remains in its original location within the residential African-American neighborhood for which it was erected. Although presently vacant, the building's integrity of design, materials, and workmanship are remarkably intact. The building retains its original asbestos shingle cladding, a modern material for exterior cladding in the 1940s. The asbestos shingles have been painted, however that was a maintenance point promoted by the manufacturer and thus a common occurrence. The drawings note this material is original and not a replacement cladding.

³ Necciai, page 27.

The original 6/6 and 12/12, double-hung, wood-sash windows are intact, framed by square-edged surrounds. The roof retains its asphalt shingles, raking cornice, and exposed rafter ends. The main entry fronting North Fayette Street, although it now holds a replacement door, is sheltered by the original shed roof supported by knee brackets. These elements are clearly specified on the original 1943 drawings and remain intact on the building today. The building's integrity of feeling and association has not been greatly affected by its discontinued use as a school or lodge because the design and location assert its original and subsequent uses. The recent construction of the Hunter/Miller Park only supports its original use as a nursery school. Furthermore, the nursery school remains a visual landmark of the Uptown/Parker-Gray neighborhood.

Therefore, as a resident of the City of Alexandria and an architectural historian, I urge the Historic Preservation Office to reconsider the architectural and historical significance of the former Nursery School at 244 North Fayette Street. This building, which retains a high degree of physical integrity, is not only a contributing resource in the Uptown/Parker-Gray Alexandria Historic District, but is essential to our understanding and appreciation of the City of Alexandria as a whole.

Thank you for your time.

Sincerely,

Laura V. Trieschmann
Director, Survey and Documentation
EHT Tracerics

Attachments

Lee Webb/Alex
07/20/2009 04:41 PM

To bconkey00@gmail.com, ckelley@tdlengineers.com,
deborah4fun@gmail.com, dmei@loc.gov,
pmoffat@bdlaw.com, rloyd@lovetesting.com,
cc P&Z - Hist. Pres. Staff, Julie Fuerth/Alex@ALEX, "Duncan"
<Dblair@landclark.com>, Faroll Hamer/Alex@ALEX
bcc

Subject June 24, 2009 Parker-Gray BAR Meeting

Dear Parker-Gray Board members--

This afternoon I received an email containing a letter regarding the American Legion Building that I have attached for your review. Please let me know if you trouble opening the attachment and I will fax you a copy.

Lee,

Please forward this to the members of the Parker Gray Board.

Boyd Walker



Paker Gray Board of Architectural Review and Staff.doc

--Lee

Lee Webb
Manager, Historic Preservation Section
Department of Planning and Zoning
City of Alexandria
703.746.3830

July 20, 2009

Dear Board Members of the Parker Gray Board of Architectural Review and Staff,

I am writing in regard to the proposed Demolition of 224 South Fayette by William Cromley. I have supported Mr. Cromley's last two projects, even though I know there was disagreement among the historic preservation community concerning the details of each project, I think Mr. Cromley's projects are of high quality and serve to improve the neighborhoods they are in. 1210 Queen St., a former laundry building has been converted into 8 high quality loft style apartments that could compete with many other projects across the region, and the alley house which adaptively reused a stable/garage building is bringing life to an Alley that not many people would know about or connect with the history of Moses Hepburn if not for his project. I still look forward to a historic sign and perhaps a renaming of the Alley to honor Moses Hepburn. The Alexandria Laundry Building would be an appropriate place for a historic marker as well.

At the root of the dispute on the second building was whether Moses Hepburn, as the National Register listing says, built the building in the Alley. Whether he did or not, the building surely served the houses in front of it, and so by association can be connected to Moses Hepburn. The other argument centered on whether the stable/garage could be turned in to a museum or historic sight, which is one of the criteria in the Old and Historic District Ordinance, and it did not meet this criteria, so the house, which is almost complete, was allowed to be built. Now we arrive at the current project, which does not involve adaptive reuse but demolition of an existing building, to be replaced with similar building to Cromley Lofts, around the corner, containing possibly 8 additional residential units. I m sure the building would be high quality and would include even more Green Technology, and I am sure I would be reluctant to oppose such building if it were on a vacant lot or would not replace an existing historic building. But I am adamantly opposed to the demolition of this historic structure.

224 N. Fayette St. was recently listed as a contributing building in the Uptown/Parker Gray National Register District, a lengthy process because of the importance of the district, the number of buildings and other structures, and to which the city allocated \$100,000 dollars to accomplish, not to mention additional staff time to complete and oversee the project. There was little opposition to this district, even though it expanded beyond the local register district. This new district provides a catalog of 1500 plus structures in the new district, greatly enhancing our knowledge of what structures are historic or not. Not every structure within a district is contributing and even though a building is 50 years

old does not necessarily mean it is contributing. The whole district must meet a national set of criteria, and Parker Gray met at least two, which are relevant to this project. One is that there are enough existing structures that embody the architectural style of the district and the second is that Parker Gray/Uptown has an important social history that can help us understand African American culture and community. A district then will only be listed if it reaches a level of National or Regional importance and its preservation will contribute to our understanding and knowledge.

Unfortunately, some of the most important buildings in the district, like the two Parker Gray Schools, have already been lost. But many unique and important buildings remain, like the Watson Reading Room, Third St. Baptist, The Carver and Capital Theaters built by John Zinn for the Alexandria Amusement Company. It does not take a lot to realize that this building is unique. There is not another one like it in the district, or anywhere else in Alexandria, and one would be hard pressed to find one like anywhere else, as most similar schools and structures have been lost. The condition of the building, although certainly of concern, is not beyond repair, and in fact almost all of its original details are intact. It had asphalt shingles and asbestos siding and there would have to be some discussion as to whether to keep these features, but they were both characteristic of the time the building was built and are on the building presently. It is my understanding with Asbestos siding that it is only when it is disturbed that proper disposal must be applied so perhaps the existing siding can be repaired. The building can definitely be saved, and I have seen examples of buildings in much worse shape restored

Secondly we must go to the plans. I recently rebuilt the canopy to my 1932 Ice House at 200 Commerce St. thanks in part to plans provided by the city. But they were a bad copy of the originals, which were not detailed, and so there was a fair amount of guesswork. Here, that is not the case. There are detailed plans available, which would enable one to see that the original structure is largely intact, including the foundation that it sits on, the site, and its connection to the park. According to deeds they were once part of the same parcel. The detailed plans also would greatly speed and add to the ability to restore the building to its original appearance. In fact the plans include almost every detail, including the interior kitchen, shelves, workbench, storage, etc. The interior could also be restored to its original appearance, which would certainly make it eligible as a museum or historic site.

The building, as far as we know, pending further research, was not designed by a known architect. We do know exactly where the plans came from and who supplied them. I think this is where a very remarkable history begins, and although some may see the neglect this building has suffered as cause to demolish it, it can also be seen as a blessing in that it still exists, ready for a new history. On the plans are "Division of School Buildings, State Department of Education, Richmond VA." Google these three terms and there is a wealth of

information. There is a folder on this school at the Virginia Library. There are annual reports that will tell us how much was spent on this school, and will shed light on the whole program. I wonder how many of these buildings still exist. I imagine very few, and of those few, I would conjecture few of them are in an urban setting and survived pressures of development. There is a list of each school built so I am sure there will be scholarly research done to find out how many schools exist, and their condition, and books will be written connecting these stories. How great it is to have an intact building in our community that will become a place that people visit to understand history.

The history of Parker Gray is, because of the period of significance, the history of segregation. Parker Gray was the African American High School. At Queen and Fayette was built a "Nursery School" for African American children. You can see it was a nursery as the plans even show where the cots should be stored. It is not something we think about today, but in the 1940's there was a Supervisor of Negro Education. Here is part of the 1941 Annual School report referring to Negro Education:

NEGRO EDUCATION

The Program of State Supervision. — The Supervisor of Negro Education and his assistant during 1940-41 aided citizens, teachers, and local school authorities in their efforts to provide the necessary facilities and the kind of instruction designed to meet the needs of Negro people. In the State as a whole continued emphasis was placed upon three fundamental objectives; (1) enrolling all Negro children of school age in school; (2) keeping Negro children in regular attendance; and (3) improving the quality of instruction in Negro schools.

In attempting to meet the needs of Negro children emphasis was placed upon providing them with opportunities to solve their own personal problems of living through a wide variety of experiences in academic courses, industrial arts and fine arts, as well as through experiences involving the development of character and good citizenship.

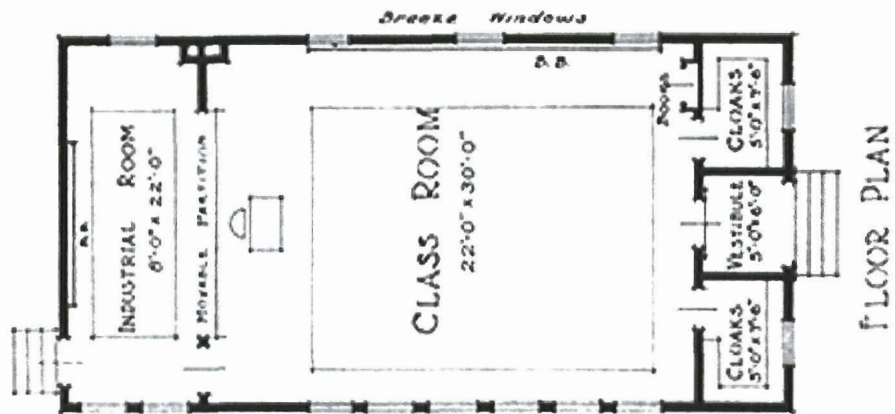
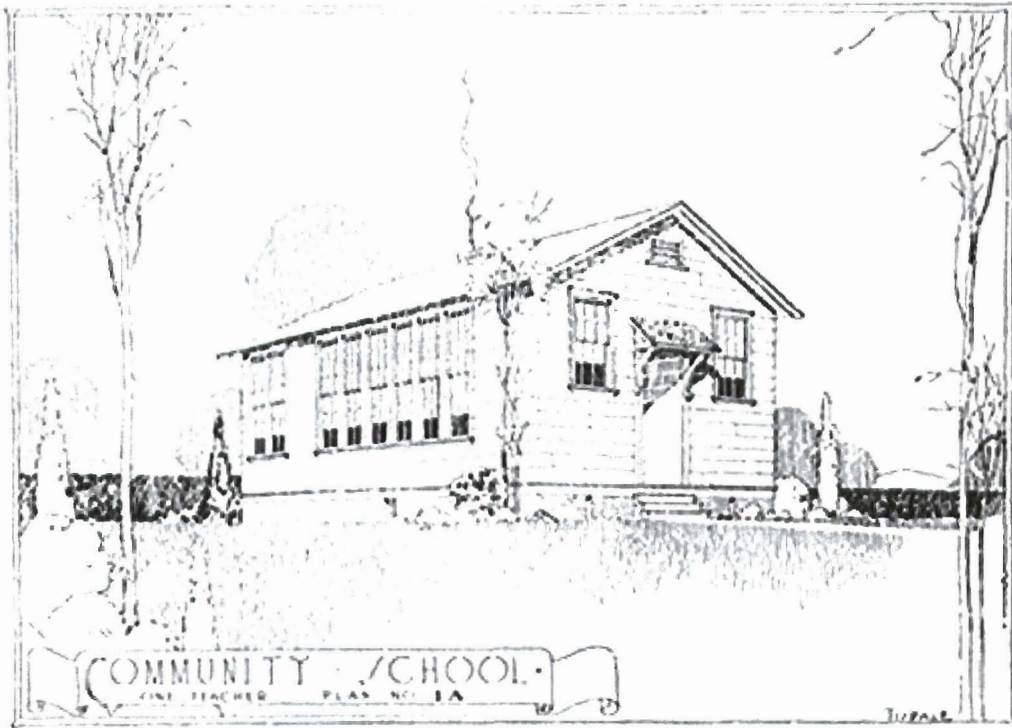
We can see by this that creating facilities for children was part of a larger program with a specific set of goals, although clearly different from the set of goals for white students. This school embodies the history of the community as it faced segregation and separate and unequal facilities. Is the history of this school less important than other historic sites in Alexandria? It is likely that with concerted effort we can find people still living familiar with the school and its origins. Its mere existence can illustrate how schools were separate and unequal,

and how this led up to Brown vs. the Board of Education. Today there was an article in the New York Times on the School in Topeka, Kansas, which was at the center of Brown vs. the Board of Education, and efforts to save it. Why would we not save this school if we can.

I know this is not a Rosenwald School, but it is certainly part of the same history of providing buildings in African American communities so that black children would have facilities where there were none. This goes back to Booker T. Washington who wanted to build schools, but needed funding, so he approached Julius Rosenwald who was the head of Sears Roebuck. Through the Rosenwald foundation, 1000's of schools were built throughout the south using local funds. Rosenwald had architects design plans that could be adapted to each local community. Local labor and donations were provided to match the donation by the Rosenwald foundation, and I believe here too, we might find local labor and materials were provided.

The Virginia Department of Education program was similar in that it provided plans and some funding. I am sure we can discover the exact amount. It is also similar in that it provided a school where none existed for this community. The building is very similar in its simplicity to a the "one teacher plan" of the Rosenwald schools (Fisk University Rosenwald Fund Card File Database).





ONE-TEACHER
COMMUNITY SCHOOL PLAN NO 1-A
TO FACE NORTH OR SOUTH ONLY



In 1944, when 224 N.Fayette was built, there would have been many Rosenwald schools standing and plans available so it would be very easy to model this building from a Rosenwald school.

Clearly it is not a Rosenwald school, as that program ended one year after Julius Rosenwald's death in 1933. The last Rosenwald School was built in 1937 at the request of Franklin Roosevelt and was dedicated by and named for Eleanor Roosevelt. Even though the Rosenwald program ended, I believe it is possible that States then picked up the mantle and continued to build schools for African American and provide Industrial Training, as suggested by Booker T. Washington. The involvement of foundations to help fund these programs continued and is evident in one of the supervisors report:

Southern Education Foundation. — The Jeanes, Slater, Peabody, and Virginia Randolph Funds have been consolidated under the administration of one board designated as the Southern Education Foundation, Incorporated. Dr. Arthur D. Wright, 726 Jackson Place, N. W., Washington, D. C, is President of the Foundation.

The Foundation appropriated \$7,347 to Virginia for the session 1940-41. The amount was used in part payment of the salaries of the Jeanes Supervisors. Aid from this Foundation is no longer available for the purchase of equipment and libraries.

Although we can also see how the funds from these foundation were limited.

Without full voting rights or positions on school boards African Americans were not likely to be the first to get funds to build schools. This school was built just 7 years after the Rosenwald program ended, so I think it is likely that other foundations stepped in, and that we may find sources of private funding that helped build this school.

Clearly there was pressure to provide adequate schools for African Americans. Perhaps this was seen as necessary in order to resist integration or to keep Negroes occupied and employed. Here is a list of goals that illustrates what pressures were being responded to:

1. That programs of instruction be based on the needs of the people and the local community and include the opportunity to pursue training in fine arts and vocational arts as well as academic subjects.
2. That regional high schools be developed in areas that are sparsely settled with Negroes such as the Southwest, the Valley and the northern part of Virginia.
3. That more Negro schools be consolidated where practicable and that adequate transportation be provided for the children attending these schools.
4. That compulsory attendance laws be enforced and applied to Negroes in all counties and cities.
5. That the law be complied with in regard to safe and sanitary water supply for Negro schools.
6. That safe and comfortable school buildings be provided for Negro children where needed.

So how was the school built? What story does it tell. I have heard it described as a kit house, and this is certainly possible, as the railroad ran right down Fayette, and given its simple construction of walls and trusses, it could have been delivered on a boxcar, as kit houses generally were. It is also remarkable that it was built in the middle of WW II, while segregated troops were fighting abroad. Maybe it was because of the war and that the defense department was building housing for defense workers in the neighborhood that there was a need for a nursery. I think it is clear that there is a lot more history in the existence of the building than can be put on a plaque, or cataloged in special collections. The only way to truly preserve the history of the building is to restore the building on its existing foundation on the existing site.

The zoning code for Parker Gray is clear as it states:

The board of architectural review or the city council on appeal may refuse such permit for any building or structure of such architectural or historic interest, the moving, removing, capsulating or demolition in whole or in part of which, in the opinion of the board or the city council on appeal, would be detrimental to the public interest of the city.

The demolition of this building would be detrimental to the public interest. It also meets all 6 of the criteria requiring preservation of the building. The Buildings removal would be of detriment to the public interest (1); the building could be made into a historic shrine (2); the building could be reproduced only with great difficulty, given its two chimneys, brick foundation, 8 over 8 windows, and its connection to the site (3); the retention of the building would preserve both a historic place and historic are of the city (4); it would promote the general welfare, perhaps creating jobs, attracting writers and artists, encouraging study and interest in American history, study in architecture and design, and making the city a more attractive and interesting place to live (5); and it would help maintain the scale and character of the neighborhood. The building also should not be demolished as it "is composed of materials or utilizes construction techniques which appear to be original to the building or structure," which help determine its historic and architectural significance (section 10-209A).

What to do? Who should own it?

Although the city had other opportunities to purchase this building, it is now time, because of its significant history, and because of the threat of demolition that the city step up to the plate and purchase the building for the price that the developer paid for it. I do not think the city should have to pay any more, as any legal fees or other costs incurred were at the risk of the purchaser, who as far as I know did not have a study period or do due diligence before the purchase. There are plenty of lots available where the developer can proceed to build the building he has in mind. The design guidelines advise:

Applicants are strongly urged to contact the Staff of the B.A.R. as early in the design process as possible to discuss courses of action, design alternatives and application procedures. The purpose of early consultation is to develop a proposal that is as sensitive to the importance of the historic and architectural resources of the historic districts as possible while trying to achieve the programmatic needs of the applicant. The B.A.R. Staff is often able to convey previous Board actions on similar issues and save the applicant time, money and frustration.

So the owner of this property proceeded at his own risk.

Why should the city purchase this building.

1. It is the only way to assure its complete preservation.
2. It can be restored to be a historic sight or museum.
3. It would be able to apply for grants like Restore America, used on Lloyd House.
4. It represents a significant story about African American history.
5. It is contributing structure in the Parker Gray/Uptown National Register district, and one of a kind.

Here is the description of the building in the preliminary application for the National Register district on the city website:

Other private institutions within the district established by African Americans include an American Legion Lodge (William Thomas Post 129) at 224 N. Fayette Street and a Masonic lodge (Lincoln Lodge #11) at 1356 Madison Street. Both are contributing buildings. The American Legion lodge occupies a frame building in somewhat deteriorating condition. It has features, such as exposed rafter ends, characteristic of mail-order buildings from ca.1910-1940. The building, however, dates from ca.1944 and was originally built to house a nursery school operated by the city school system. It has been an American Legion lodge since ca.1950. The lodge was chartered in 1931 and is named for the first African American from Alexandria killed in World War I.

There is also information about the importance of education in the African American Community, including that it was illegal to educate black children in Virginia. The first schools were not free, and it was not till after the civil war that two schools wer built by the Freedmans Bureau for African Americans. That this nursery school only operated for a few years is understandable given that it was built during a period when there was pressure to provide more advanced education to "Negroes", and that the benefits of what we now know as Head Start, or early child hood education were not known. It became an American Legion Lodge in 1950. Many Rosenwald schools were closed in 1954 because of Brown vs. The Board of Education, but Virginia schools were not integrated till 1965. This building surely illustrates the struggles of education and child rearing

in the African American Community.

What should the city do with it once it is purchased? First, a historic structure report should be done so that its condition can be assessed. Second a plan for restoration, including a site plan for how it can be integrated into the park (my first suggestion would be to take down the fence around the basketball court, and thereby opening up the park.) Drawings should also be done to show how the building will look when finished so that a goal is established. It would be a great opportunity to once again involve VA Tech students in landscape, site design and the restoration.

Lastly, only the city would have the ability to work with a non-profit to provide programming. It would also have available grants that would not be available through private ownership. For instance those for Certified Local Governments:

Certified Local Government Grants. Certified Local Governments are eligible for grants that can be used to survey architectural and archaeological resources, prepare nominations to the National Register of Historic Places, create preservation planning documents and programs, create public education programs, and rehabilitate publicly owned buildings listed on the national register. (VA Department of Historic Resources website).

Other grants would be available through the General Assembly:

State Grants. General Assembly grants are available to local governments, nonprofit historical associations, organizations, and museums for rehabilitation, maintenance, and operation of sites or facilities, or maintenance of collections and exhibitions.

This would not preclude open space easements and tax credits that would be available. It could be part of the Black History Museum, or be leased to another non-profit, such as Hopkins house, or the Alexandria Seaport Foundation or to entertain new ideas for programming, such as an art center. With such programming the inside could also be restored. I hope you will consider not just the denial of the demolition request but urge the City of Alexandria Manager and Elected officials to make the purchase and preservation of this building a priority. This is a building that through its restoration could serve all the citizens of Alexandria and be a destination for those wanting to learn more about American History.

Boyd Walker

2

**Elizabeth F. "Penny" Jones
4906 Gardner Drive
Alexandria VA 22304**

July 21, 2009

BAR Case 2009-0109

Members of the Parker-Gray Board of Architectural Review

Dear Board Members:

As you are aware, The American Legion Building at 224 North Fayette Street, is a contributing building as presented in the National Register of Historic Places Nomination Form for the Parker-Gray District. This alone, however, is not the reason the request for demolition of the building should be denied. The building is an integral part of the history of African-Americans in the district, and is one of very few remaining buildings existing to represent the educational and social aspects of the neighborhood. This is an important building that represents the history of an area that is undergoing rapid change.

The American Legion Building represents over 65 years of African-American history from its construction as a nursery school during World War II, to its use by the American Legion, as well as other uses. I will not dwell on the history of the structure since you are well aware of the history from a myriad of other sources.

My concern, as an architectural historian and preservationist, is that the building be preserved, that demolition be denied, and the City of Alexandria, the community and Mr. Cromley work toward a solution to save the structure and find an adaptive use for the building. There are several tax incentives that can be utilized.

Our historic resources are dwindling every day through demolition and neglect. The opportunity is before you to help preserve this building that is so important to the history of the Parker-Gray District, African-American history in Alexandria, and the general history of the City of Alexandria.

Thank you for the important work that you do to preserve our heritage for future generations.

Sincerely,

Elizabeth F. "Penny" Jones

LAND, CLARK, CARROLL, MENDELSON AND BLAIR, P.C.

Attorneys & Counsellors at Law

524 KING ST.

ALEXANDRIA, VA 22314-3104

REC'D AUG 04 2009

H. CARTER LAND, III
JAMES C. CLARK
F. ANDREW CARROLL, III
RICHARD S. MENDELSON
DUNCAN W. BLAIR

.....
(703) 836-1000

FACSIMILE
(703)549-3335

August 4, 2009

Jackie M. Henderson
City Clerk & Clerk of Council
301 King Street
City Hall, Room 2300
Alexandria, Virginia 22314

DELIVERED BY HAND

In re: 224 North Fayette Street, Alexandria, Virginia

Dear Ms. Henderson:

I am writing on behalf of our client, William Cromley, the owner of the above-referenced property. It is Mr. Cromley's understanding that a Petition appealing the Board of Architectural Review's granting a permit to demolish the structure located at 224 North Fayette Street is being circulated in the Parker-Gray District.

Last Friday Mr. Cromley was given a letter by Sara Harris, one of the signator's of the Petition, requesting that her name be taken off the Petition as when it was presented to her she was unclear as to the subject matter. In the event you receive such a Petition, Mrs. Harris' signature should be invalidated as a retraction has occurred prior to the filing of the Petition.

If you have any questions concerning this, or require any further information, please do not hesitate to call.

Very truly yours,


Duncan W. Blair

DWB:kIHenderson-Cromley 0709

Enclosure

cc: William Cromley
Lee Webb, Planning & Zoning
Boyd Walker

Aug. 1, 2009

To Whom it may concern,

This is to inform you that I mistakenly signed the petition re: the American Legion Hall on Fayette St. as I was unclear to the subject matter. I am requesting that you please take my name off of the petition.

Sara Harris

Signed: Sara Harris

Letter
received 8/10/09

LAND, CLARK, CARROLL, MENDELSON AND BLAIR, P.C.

Attorneys & Counsellors at Law

524 KING ST.

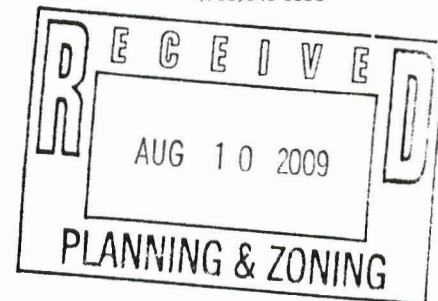
ALEXANDRIA, VA 22314-3104

H. CARTER LAND, III
JAMES C. CLARK
F. ANDREW CARROLL, III
RICHARD S. MENDELSON
DUNCAN W. BLAIR

.....
(703) 836-1000

FACSIMILE
(703)549-3335

August 5, 2009



Jackie M. Henderson
City Clerk & Clerk of Council
301 King Street
City Hall, Room 2300
Alexandria, Virginia 22314

DELIVERED BY HAND

In re: 224 North Fayette Street, Alexandria, Virginia

Dear Ms. Henderson:

In connection with the above-referenced matter, enclosed is a letter from Dorothy Taylor requesting that her signature be removed from the Petition.

If you have any questions concerning this, or require any further information, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Duncan W. Blair".

Duncan W. Blair

DWB:kl\Henderson-Cromley 0809

Enclosure

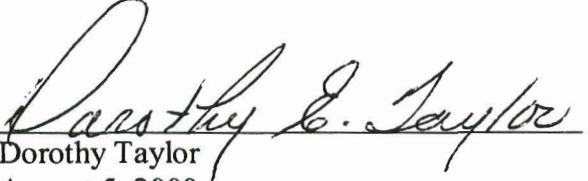
cc: William Cromley
Lee Webb, Planning & Zoning
Boyd Walker

August 5, 2009

To Whom It May Concern:

I, Dorothy Taylor, the owner of 406 North Alfred Street located in the Parker-Gray Historic District, signed a petition circulated by B. Walker to appeal a decision of the Board of Architectural Review granting a Permit to Demolish the former American Legion Building at 224 North Fayette Street.

It is my desire to have my name removed from the Petition. While my family and I had a close relationship with Post 129 and fond memories of times spent in the building, those memories will be cherished forever, but the building is not significant to the preservation of those memories and I do not object to its demolition.


Dorothy Taylor
August 5, 2009