

Docket Item #17
BAR CASE #2004-0017

BAR Meeting
March 16, 2005

ISSUE: Accessibility alterations

APPLICANT: Stabler Leadbeater Apothecary Museum, by C. Richard Bierce

LOCATION: 105 South Fairfax Street

ZONE: CD/Commercial

STAFF RECOMMENDATION: Staff recommends approval of the application with the condition that an encroachment ordinance for the ramp is approved by the Planning Commission and City Council. The Staff also recommends that this approval for the temporary ramp be for a period of 18 months so that fund raising efforts can be carried out and a platform lift installed as a permanent solution.

I. ISSUE

The applicant is requesting approval of a Certificate of Appropriateness for a wheelchair accessible ramp at the Stabler Leadbeater Apothecary Museum at 105 and 107 South Fairfax Street. The new ramp will rise up approximately 18", starting at a location in front of the northernmost bow window at 107 South Fairfax Street (the museum) and continuing north at a 1/9 pitch to turn in at the entrance of 105 South Fairfax Street (the gift shop). The ramp will be located 1'4" off the face of the buildings and will be 3'8" wide. A set of stairs with two steps will be located at the north end of the ramp, providing an alternate means of access. The total encroachment into the public sidewalk will be 17' in length and 5' in width. The sidewalk in this location is approximately 12' wide. The ramp will have a steel framework and steel railings with a wood deck. The handrails will be 1 ½" round and the posts 1 1/4" square section. The railings and posts will be painted black while the ramp, stoop base and stair treads will be painted Benjamin Moore "Country Redwood." All existing fabric will be retained in place, including the stone steps and at-grade cellar hatch at 105 South Fairfax Street.

The ramp will allow access through the existing double wood doors into the museum shop at 105 South Fairfax. The shop is slated for renovations which include alterations to the floor to create a ramp through the shop and into the adjacent museum space at 107 South Fairfax Street. The two buildings currently have different floor heights.

II. HISTORY

A. History of the building and the apothecary shop

105 South Fairfax Street is part of the Stabler-Leadbeater Apothecary Museum. It is a three story, three bay brick Federal style building that was originally constructed by John Watts in ca. 1807 according to Ethelyn Cox in *Alexandria Street by Street* (p.40). It was purchased by Edward Stabler in 1829 and served as the Stabler-Leadbeater Apothecary until 1933. Today, it is operated as a museum.



The Stabler-Leadbeater Apothecary facades were restored in the 1930s by Thomas Tileston Waterman(1900-1951). According to an article in the *Winterthur Portfolio*, Waterman "became involved in most of the key projects in the eastern seaboard states that affected buildings of the colonial period and the early Republic. His attitudes and opinions influenced many decisions bearing on the treatment or recording of historic American buildings." He was one of the original architects for the restoration of Colonial Williamsburg beginning in 1928 and was responsible for the restoration or reconstruction of such buildings as the Governor's Palace. His association with Williamsburg ended when the architectural office was disbanded in 1933. Shortly thereafter he joined the staff of the newly established Historic American Buildings Survey (HABS) as assistant and then associate architect in the National Park Service. In that capacity he was responsible for the supervision of all drawings that emanated from the HABS offices. He remained with HABS until 1942. Beginning in the mid-1930s he was associated with the work of Henry Francis duPont and was largely responsible for the expansion of duPont's mansion and the creation of the Winterthur museum. He was the author of a number of influential architectural books including *Domestic Colonial Architecture of Tidewater Virginia* (1950).¹ Rebecca Ramsay Reese, one of the most prominent preservationists in the city, called Waterman "a great genius".²

Waterman was responsible for a number of influential restoration projects including the facade and window restoration at the Stabler-Leadbeater Apothecary at 105 and 107 South Fairfax Street in 1936-1938.³ Although there is no pictorial evidence for the appearance of the shop in the late eighteenth or early nineteenth centuries, Waterman found a shutter for a bow window in the attic of the Apothecary and deduced from that that the shop had bow front windows in the eighteenth century. In 1941, Waterman documented his work at the Apothecary in a HABS form. He noted that the restoration had been based on "extensive evidence" and that the "existing curved glass doors are original...including paneled shutters for the...shop windows... The form of the shop windows was determined by the old paneled shutters, which gave both the plan and the height." He was also careful to point out what portions of the restoration were conjectural and noted that while 107 had been restored to an eighteenth-century appearance that the storefront at 105 was restored to a period of ca. 1840 because there had been so much change out of the brickwork during the Victorian period that he could not determine its eighteenth-century appearance but could discern the frame of a large ca. 1840 window.⁴

Thus, the stoop and accessibility alterations that are proposed will affect only the most conjectural part of Waterman's facade restoration of the mid- 1930s.

B. Purchase of the building and establishment of the museum

In 1933 when the apothecary ceased operations the buildings were purchased by the Landmarks Society of Alexandria. The contents were sold separately but were eventually donated to the Society. It has been operated as a museum since the late 1930s.

C. The need for upgrading access

While some exterior stabilization work was performed under the direction of Cole & Denny Architects in the late 1980s, much of the money for that phase of the restoration was diverted to pay for soil remediation in the basement. By the early 1990s it had become painfully obvious that if the museum were to continue operations, major life safety improvements were needed that included such things as additional means of egress, fire alarm systems, and a fire rated stairway. To help offset the cost the museum applied for funding to the City.

D. The City contribution

Based on schematic designs and cost estimates by the City Architect in 1998, City Council approved funding of a one time, \$620,000 grant within the FY 2000 - FY 2005 Capital Improvement Program, for capital renovations only, to generally provide: structural stabilization; fire protection: sprinklers, alarm, stair and emergency egress; handicap access to the first floor and toilet; all new HVAC, wiring and plumbing systems; and all A/E fees.

A Historic Structure Report was completed by John Milner Associates in July 2000. Restoration Architect, Richard Bierce, AIA, was retained October 2, 2000. The project construction was delayed by pursuit of a required emergency egress easement through a private service alley in the rear from the adjacent property owner, MPR, at 320 King Street. The emergency egress easement was obtained on April 20, 2004. A Building Permit application was submitted to Code Enforcement May 6, 2004 and issued on July 13, 2004. The interior restoration is approximately 70% complete.

III. ANALYSIS

A. The code requirements and exploration of alternatives

Because the buildings are undergoing substantial renovation, it is required that the buildings become accessible. As buildings in the historic districts are upgraded, they in turn will be required to provide accessibility.

Following a BOCA National Building Code (BNBC) Chapter 34 evaluation for historic structures and several building code modifications, the project was issued a building permit on July 13, 2004. At the time that bids for the renovation were received, the museum determined that the disappearing sidewalk lift which had been enthusiastically approved by the BAR (BAR Case #2003-0173, 8/6/2003), and City Council through encroachment approval, was financially infeasible. The low bid of \$108,400 for this lift, plus other accessibility improvements required on the first floor, exceeded the 20% project cost threshold of the building code and could not be required by Code Enforcement.

The museum architect explored alteration of the facade to put a lift or ramp on the interior but the loss of historic fabric and interior floor area was deemed too great. Another brief study looked at

entering through the side of the adjacent restaurant but the differing floor levels and fire wall requirements made this infeasible.

The museum then made application to the BAR on February 2, 2004 for a minimal and easily reversible handicap ramp at the South Fairfax Street entrance. The Planning Department held that application because of aesthetic concerns and required the museum to continue exploring other alternatives. The museum was specifically asked by BAR Chairman Tom Hulfish to explore use of the private pedestrian alley in the rear, which is owned by the MPR Corporation at 320 King Street. The museum made numerous overtures to MPR which were rejected until Randy Kell of the Mark Winkler Company, which manages the 320 King Street property for MPR, kindly intervened at the museum's request.

The museum then spent approximately ten thousand dollars on architectural and attorney fees to secure easements and to study renovation of the alley to make it presentable for use by disabled persons. Despite the effort to respond to the adverse physical conditions created by the restaurant which shares this narrow service alley, the Director of Code Enforcement rejected the alley proposal by letter of January 18, 2005, following consultation with members of the Alexandria Commission on Persons With Disabilities. In the Director's opinion, the proposed improvements to the alley would still not provide an entrance for the disabled public equal to that afforded to other individuals and were not compliant with section 3406 of the 1996 BNBC.

Some persons have suggested that a roll-away ramp would be a preferable solution. However, this type of device does not meet the requirements of the code and does not provide an entrance equal to that afforded other individuals under the American's with Disabilities Act as it cannot be utilized independently by a disabled person.

B. Alley access alternative

In 2003 the Board considered the demolition of portions of the rear wall of the building which would have allowed construction of a handicap toilet addition and significant aesthetic improvements to the existing narrow private pedestrian service alley behind the museum to provide accessibility at grade (BAR Case #2002-0303, 1/15/03). However, the construction of the addition was dependent upon an encroachment and easement being granted by MPR, the owners of 320 King Street and the alley between the two properties. MPR ultimately rejected the request for the encroachment required for this addition.

A subsequent easement was sought for the museum to improve MPR's private alley only for grade level handicap access to the museum's west entry. Proposed improvements for the alley were bid at approximately \$55,000. Conceptual approval for the reduced easement was received from MPR on June 29, 2004. However, the Director of Code Enforcement, in consultation with members of the Alexandria Commission on Disabilities, determined that the proposed service alley alterations would not provide a dignified entrance to the museum equal to that afforded to other individuals and has denied this proposal by letter of January 18, 2005 (attached).



Alley looking north



Alley looking south

There does not appear to be one specific element that is a fatal flaw in the alley proposal. Rather, it is the cumulative sum of items ranging from odors, grease and trash disposal from the adjacent restaurant kitchen; concern for personal security and visibility from King Street in a dead end alley; noise and heat generated by multiple air conditioning compressors; and an abundance of urban birds that make this service area an aesthetically undesirable space which the Director of Code Enforcement does not believe is compliant with the guidelines of the Americans With Disabilities Act (ADA).

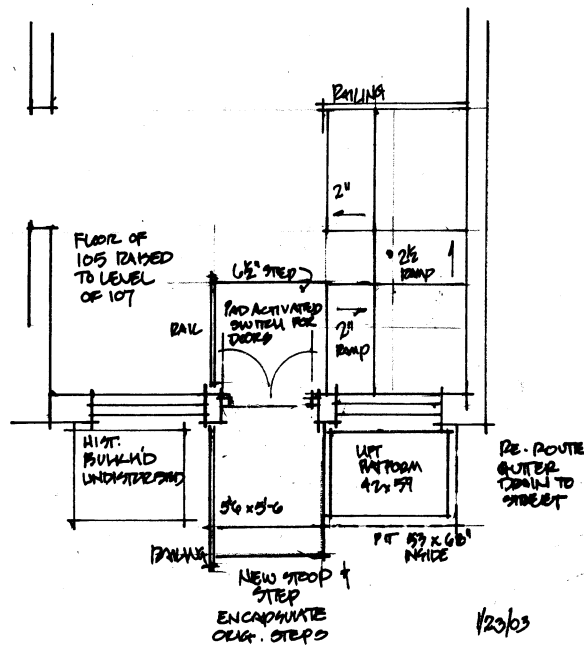
Although all of the environmental issues were addressed by the applicant to some degree, ongoing daily maintenance of the portion of the alley used by the restaurant is practically beyond the museum's control and the deleterious effects of this kitchen service area are simply not compatible with a public entrance to a museum. As the alley is only intended to be used as an entrance to the museum for handicapped patrons, and not the general public or even museum staff, it is the Director of Code Enforcement's considered opinion that this proposal does not meet the spirit and intent of the building code nor does he believe that members of the disability community will not find this secondary entrance acceptable. This situation could potentially expose the museum, and the City, to future civil litigation under Title III of the ADA.

C. The lift alternative

A "disappearing" lift was considered by the museum as an accessibility alternative to use of the alley. The lift was approved by the Board of Architectural Review in 2003.

Wheelchair access to the stoop would have been from a retractable accessibility platform lift which was proposed in a pit on the north side of the new stoop. When retracted, the lift would be flush with the sidewalk, would have a new brick surface to match the surrounding sidewalk and the mechanism would be entirely below grade. The first stone step would have been removed, but retained on site. The remainder of the stone steps were to be encapsulated by the new brick steps and stoop. Cost considerations aside, at this point in the construction, utilities inside the

basement, including electrical service panels and fire sprinkler lines, may preclude a lift being installed in this location.



The lift alternative as approved by the Board.

While the stainless steel lift itself is very expensive, this low bid of \$108,400 is in large part due to numerous utilities below the sidewalk which would have to be relocated to construct the elevator pit. The cost of the lift, plus other accessibility improvements required on the first floor, exceeded the 20% cost threshold of the building code and cannot be required by Code Enforcement.

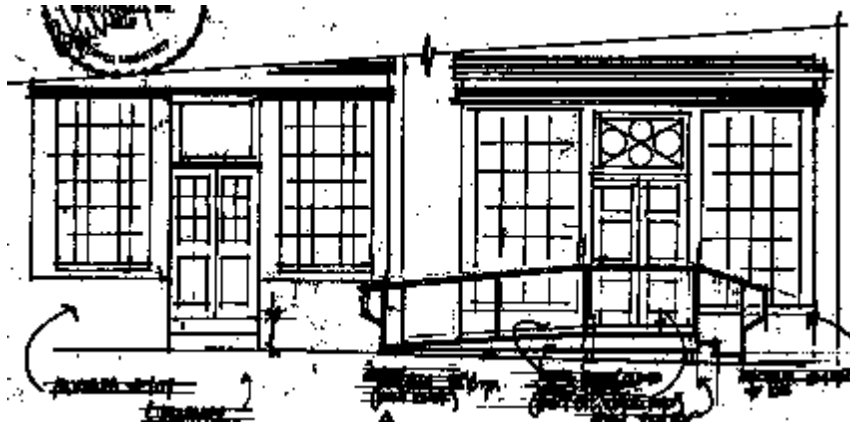
Based on schematic drawings of a ramp and the apparent space available to construct a surface platform lift at the South Fairfax Street entrance, the Director of Code Enforcement determined that the museum must still provide access to the building because it is readily achievable and is not "technically infeasible" per BNBC sec. 1110.2. However, a surface platform lift was rejected by the museum because of the high cost of this alternative.

D. The ramp alternative

In February 2004, the museum submitted an application to the BAR for an approximately 18" tall, 12' long "temporary" ramp, stoop and steps at the 105 South Fairfax Street entrance. This ramp application was held by staff of the Department of Planning & Zoning because of aesthetic concerns and the precedent this ramp may set for other historic Alexandria buildings and asked whether a waiver for handicap access could legally be obtained for this historic structure. However, the City Attorney and Director of Code Enforcement are extremely reluctant to grant a waiver of the accessibility requirements for this historic structure, potentially allowed by BNBC

secs. 1110.4 and 3406.1, in part because of the precedent it may set for other Alexandria buildings but primarily because access is still technically feasible, as defined in the building code, and because this waiver would not prevent potential future civil lawsuits under the Americans With Disabilities Act, which offers no such waiver.

What is now before the Board is a revised ramp proposal at the entrance of 105 South Fairfax Street. The Director of Code Enforcement has allowed the ramp slope to be increased to 1:9, based on the CABO/ANSI A117.1 commentary for a 16" tall ramp. By working with the existing sidewalk grade on the south side of the entrance, the ramp itself is now shortened slightly to approximately 9' in length and 3'8" in width. The wood stoop is 5' x 5' and two wood steps allow access to the stoop from the north. The handrails are the minimum allowed by code. The ramp section will have to be removable to access the historic cellar hatch and basement.



The current ramp alternative.

The brick red color of the ramp is intended to blend with the sidewalk and the minimal design and materials are not expected to compete with the historic storefront or confuse visitors that the ramp is a historic element. While, this alternative has the most visual impact on the historic appearance of the museum, it is intended to be ephemeral in nature. The ramp will require approval of a new, or amendment of the previously approved, encroachment ordinance by the Planning Commission and the City Council.

IV. STAFF RECOMMENDATION

In the opinion of Staff, the alley alternative is the best accessibility solution from an impact perspective, but is not a viable solution given code requirements and the condition of the alley. As a second best alternative the practical and financial feasibility of the platform lift should be explored.

Therefore, Staff reluctantly recommends approval of the temporary accessibility ramp with the condition that an encroachment ordinance for the ramp is approved by the Planning Commission

and City Council.

While the ramp is least desirable from a historic appearance perspective, it is the only remaining feasible alternative to allow the museum to reopen this Spring. It is easily reversible without damage to any historic fabric.

The Staff also recommends that this approval for the temporary ramp be for a period of 18 months so that fund raising efforts can be carried out and a platform lift installed as a permanent solution.