LEESBURG BOARD OF ARCHITECTURAL REVIEW STAFF REPORT

REGULAR BUSINESS MEETING: MONDAY, DECEMBER 15, 2014

AGENDA ITEM # 10F

BAR Case Number:	**TLHP-2014-0118 (Certificate of Appropriateness)**
Address:	**106 Edwards Ferry Road NE**
Proposed Action:	**Demolish contributing building for courthouse expansion**
PIN (Parcel ID#):	231-38-8886
Zoning/Overlay:	GC/H-1 Overlay District
Applicant:	Marlene Walli Shade, AIA, Dewberry Architects Inc.
Owner:	Loudoun County c/o Melissa Tello, LEED-AP, Construction Program Manager
Reviewer:	Tom Scofield, AICP, Preservation Planner
Recommendation:	Continue review of application to mutually agreed upon meeting date
Critical Action Date:	February 28, 2014 (75 days from first public hearing)

Proposal

The following request is proposed in this application:

1. Demolish the contributing historic structure at 106 Edwards Ferry Road NE, a primary resource in the Leesburg National Register Historic District and locally designated Old & Historic District, along with three other contributing historic buildings, to construct a new courthouse facility.

Neighborhood and Historic Resource Descriptions

[Excerpts from the Leesburg historic architectural survey quotes in *italics*]

Neighborhood Description

The subject property is located in the *East Market Street Gateway* neighborhood. *Contributing resources in this neighborhood include Dodona Manor as well as vernacular turn-of-the-century single-family houses with shallow setbacks. The mixed character of this gateway is a result of 1970s townhouse developments along Slack Lane and at Colonial Square, and the 1990s dwellings lining Andover Court, in addition to the neighborhood's historic structures.*

Streetscape and Site: single-family with shallow to moderate setbacks, some commercial with no setback, concrete and brick sidewalks, some ribbon driveways, some deeper setbacks and larger lots, stone walls, picket fences Forms, Scale, and Styles: single-family, commercial, 1½ to 2½ stories, vernacular Victorian, vernacular twentieth-century commercial; gable, cross-gable, flat, shed roofs; large-paned, small-paned windows, Colonial Revival storefronts; three-bay and wrap- around porches

Materials: stucco, weatherboard, decorative wooden shingles, German siding, brick, stone, asbestos siding; standing-seam metal, asphalt shingles, stone foundation.

Historic Resources

- 106 Edwards Ferry Road NE, Primary building (dwelling converted to office)

- Year built: Frame house = circa 1880[1] (frame dwelling shown on lot in 1854[2])
- Architectural style or type: Frame vernacular
- Status: Contributing resource in the Leesburg National Register Historic District and locally-designated Old & Historic District.

Architectural Description

This 2-story, 3-bay, gable-roofed, frame Vernacular house has a side passage plan with an entrance on the southwest corner. It is built on an L-plan with a rear wing. The house has German siding, a molded cornice and corner boards. The door is framed by a 2-pane transom and 2-pane sidelights. The rear two bays of the wing are later but still historic. An ell on a concrete foundation with a shed roof is later still. This house now serves as a county government office.

Significance Statement

The street currently known as Edwards Ferry Road was historically a part of Market Street, one of the original roads of Leesburg as laid out in 1759. (Market Street now takes a Y-bend southeast of Church Street. The part east of Church Street is no longer known as Market Street since it was renamed Edwards Ferry Road in the 1970s.) This street has historically contained the town's most important public buildings, and the county jail ~~still remain~~s [was] *within the project area. The road is depicted on the 1853 Yardley Taylor Map of Leesburg with only a few buildings, including a jail, east of Church Street. The 1878 Gray's Map of Leesburg likewise shows only a few scattered houses along the northern side. By 1878, Market Street was also a through-way to Edwards Ferry Road, which crossed the Potomac River into Maryland approximately five miles east of Leesburg. The street contains a mix of residential architecture spanning several different periods, including at least three early-to-mid-nineteenth-century brick residences and the Johnston House/Tavern. By the late nineteenth century, the street was fully developed along its northern side and is marked by several handsome two-story frame Queen Anne and American Foursquare-style houses, several with original garages, outbuildings and fences. The south side has always been less developed, with the large Dodona Manor property dominating the east end of the street.*

This house at 106 Edwards Ferry Road first appears on the lot on the 1878 Gray's map. It is set back from the road and faces west indicating that the house may have been moved. It appears on all later Sanborn maps beginning in 1894. This circa 1880 Vernacular dwelling contributes to the architectural and historic character of the historic district in its scale, size, style, and building materials.

Although a dwelling may have existed on this lot as early as 1834, no evidence has been revealed that verifies the current building at 106 Edwards Ferry Road NE as this original structure. The construction date range identified for the existing building ranges from 1850 to 1880. Frame buildings of vernacular origin for this span of time comprise about 14% of contributing resources in the historic district.

From a historical perspective, the existing building was either built circa 1850 during ownership of the property by John Isett who sold the lot in 1856 along with a “frame house” with the structure being moved later to its present position, or circa 1880 when the property was owned by Lloyd Slack who may have replaced the earlier house with the current residential structure. Lloyd was an undertaker and cabinet maker in Leesburg, the son of Fenelon and Catherine Slack who lived at 112 Edwards Ferry Road and brother of Sarah Elizabeth Slack, who owned the property at 108 Edwards Ferry Road. The property was willed to his son Lloyd Fowler Slack and daughter, Mary Louise Hutchinson upon his death in 1926. It remained in the family until it was purchased by Loudoun County in 1980. Slack Lane located to the north of the property is so named because of the property ownership and commercial enterprises associated with the family in the vicinity.

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[1] Estimated construction date of original dwelling as noted in the Leesburg historic architectural survey, September 1999 and in historical research conducted by John Milner Associates, Inc., March 2014.

[2] 1854 Yardley Taylor map shows a dwelling on lot; 1878 Gray’s map of Leesburg shows L-plan dwelling with deep setback.

The street in front of this property was once part of Market Street, one of the original streets platted as part of the 1759 Plan of Leesburg. In the late 18th and 19th centuries this thoroughfare served as the main commercial artery between Leesburg and the ferry crossings on the Potomac River. This property was incorporated into the town as part of the 1814 expansion of the town limits. East Market Street was rerouted in a southeasterly direction east of Church Street at the end of the 19th century and the road in front of this property was renamed Fayette Street. The street name was then changed again in the 1970s to Edwards Ferry Road. Like the other three dwellings proposed for demolition owned by the county on Edwards Ferry Road, the 'Bank of the Valley' building to the west, and 114 Edwards Ferry Road NE immediately to the east, 108 Edwards Ferry Road NE was built on or very close to the front property line following the architectural precedent established in Leesburg during the Colonial Period.

The Leesburg National Register Historic District was designated specifically because the town's "*numerous dwellings and commercial buildings…combine to make Leesburg one of the best preserved and most picturesque communities in Virginia*." This significance is demonstrated along the streetscape of Edwards Ferry Road, from its intersection with Church Street past Dodona Manor to the eastern extent of the current National Register boundary and beyond to Mayfair Drive. It is remarkable in that the residential character and appearance of this 19th century thoroughfare is largely maintained with little disruption. The historical evolution of the Leesburg community is intact and well-represented as one travels from west to east along Edwards Ferry Road with architecture dating from the Colonial era and the 1813 incorporation transitioning through the early and late Victorian era to the 'House Beautiful' movement of the early 20th century.

Potential Zoning (ZO), Plan Review (DCSM) or Development (SLDR) Issues

Previous COA approvals:

- Case # 573 106 Edwards Ferry Rd – "Renovation" 1984-07-23
- TLHP-2004-0031 2 CHURCH ST NE-FENCE-LOUDOUN CTY 2004-03-29 APPRVD
- TLHP-2004-0046 2 CHURCH ST NE-L'SCAPING-LOUDOUN CTY 2005-08-24 APPRVD
- TLHP-2006-0131 2 CHURCH ST NE-COUNTY JAIL 2006-10-10 ACTIVE
- TLHP-2009-0118 111 CORNWALL ST NE-DEMOLISH BRICK BLDG 2009-09-15 APPRVD

Site conditions & constraints:

- Four (4) buildings that contribute to the historic character and integrity of the Old and Historic District and are designated as 'historic' in the Leesburg architectural survey currently stand on the property.
- There is a substantial change in elevation between the west and east sides of the property.
- The size of the New District Courthouse is estimated to be 92,000 square feet.
- The public entrance to the new facility is proposed to face Church Street NE.
- A tunnel is proposed under Church Street NE to connect the New District Courthouse with the existing courthouse facility.
- Stormwater management has been identified as one of the major challenges faced in developing the property and is cited as a reason for demolishing the four contributing historic buildings. A storm drain is to be located where the contributing resource at 106 Edwards Ferry Road NE currently stands.
- The staging of construction for the New District Courthouse has been identified as one of the major challenges faced in developing the property and is cited as a reason for demolishing the four contributing historic buildings.
- The actual footprint of the proposed courthouse building does not touch or overlap the contributing resource at 106 Edwards Ferry Road NE.

- An archeological assessment survey has already been completed for the property.

Zoning: The property is already zoned 'Government Center' (GC). However, it is currently subject to proffered rezoning ZM #155, a.k.a. TLZM-1998-0155 (a copy is provided with TLHP-2014-0115). The courthouse design team has met with Town staff and acknowledges that an application to amend the Concept Plan and Proffers for ZM #155 is required in order to construct the New District Courthouse, as proposed.

Please note that the existing Concept Plan and Proffer for ZM #155: a) includes a maximum of 60,000 square feet as a future phase of construction for additional courtroom space (only 65% of the current projected requirement); b) shows the footprint of the proposed building to be constructed on the current vacant lot adjacent to 106 Edwards Ferry Road; and c) maintains the four contributing historic buildings in place, although with a parking lot ramp constructed between 108 and 110 Edwards Ferry Road NE.

Plan Review: The review and approval of a site plan by the Department of Plan Review will be required for the New District Courthouse project.

SLDR: No issues identified at this time.

Post-Demolition Plans

Section 7.5.8.C of the Zoning Ordinance directs the Board of Architectural Review to consider, and applicants to provide, post-demolition plans for all principal structures to be demolished. The Board is to determine the appropriateness of such plans to the architectural character of the historic district.

To date, the applicant has submitted the following information relating to post-demolition plans:

- A project narrative (4 pages) providing background and context for the conceptual development of the New District Courthouse and associated support infrastructure including general statements about program and functional requirements. Thirteen (13) possible layouts have been considered by the courthouse design team, none of which included preservation of the four contributing resources as a priority.
- A Site Concept Diagram (1 page) that shows the relationship of the New District Courthouse with historic buildings on the existing courthouse campus.
- Oblique drawings from an aerial perspective of the New District Courthouse in context of the county courts campus and surrounding neighborhood (4 pages).
- A plan diagram (1 page) showing the proposed building footprint of the New District Courthouse in relationship to the footprints of the four contributing buildings on the property with proposed utility locations.
- Conceptual floor plans for the New District Courthouse (3 pages).
- The applicant states in the project narrative that the two final design concepts for the New District Courthouse are included in the application although this information has not been formally submitted. (The two final design concepts were shown to the Board of Architectural Review during the presentation made by the courthouse design team in August 2014.)

Applicable Design Guidelines

[Excerpts from O&HD Guidelines in *italics*; staff response follows hollow circle bullet=○]

- **Proposal – Demolish the contributing structure at 106 Edwards Ferry Road NE, a primary resource in the Leesburg National Register Historic District and locally designated Old & Historic District, along with three other contributing historic buildings, to construct a new courthouse facility.**

Applicable guidelines:

Chapter VIII - DEMOLITION & RELOCATION
A. Demolition (pgs. 116-117)

Historic buildings are irreplaceable community assets and once they are gone, they are gone forever. With each demolition or relocation, the integrity of the district is further eroded. Therefore, the demolition or relocation of any building in the Old and Historic District should be considered very carefully. The demolition or relocation of contributing buildings should be avoided.

The Leesburg Zoning Ordinance defines demolition as the removal of 40% or more of the exterior wall or roof surface of a building. The demolition of any building must be reviewed and approved by the BAR prior the removal of the structure.

Removal of less than 40% of the exterior wall or roof surface is considered an alteration to a building, and property owners need to follow the guidelines for obtaining a Certificate of Appropriateness…

Consideration of demolition requests necessitates the BAR's approval of post-demolition plans prior to removal of the structure. Depending on the circumstances surrounding the demolition, these plans may involve site preparation and maintenance or the construction of a new building. The BAR will consider the impact of the demolition, as well as the post-demolition plans, on the property and the surrounding area.

For projects involving new construction, applicants must follow the guidelines in Chapter VII of [the Old & Historic District Design Guidelines.]

Demolition of Primary Buildings and Structures

For the purpose of reviewing applications for the demolition of any primary building, such as a house or commercial building, the BAR uses the Certified Local Government (CLG) grant-funded building surveys for properties in the Old and Historic District. A building listed in the survey forms as "historic" is considered to contribute to the historic character and integrity of the Old and Historic District unless it is determined to be a non-contributing resource in accordance with the steps below.

The buildings listed as "non-historic" in the building surveys are considered non-contributing to the district's historic character. On a case-by-case basis, the BAR will evaluate whether or not the demolition of any primary building or structure will have a detrimental effect upon the immediate context of the Old and Historic District. The BAR will review requests for demolition in accordance with the following steps:

1. *Is the building or structure designated historic in the architectural survey for the property?*
   - The building located at 106 Edwards Ferry Road NE is identified as a 'primary building' that contributes to the historic character and integrity of the Old and Historic District and is designated as 'historic' in the Leesburg architectural survey.
   - In the project narrative provided by the applicant the statement is made that, "*based on current documentation it is unlikely that this structure would be eligible for individual listing in the National Register of Historic Places*." The following statement is made by the applicant's cultural resource consultant, John Milner Associates, Inc. in the Intensive Architectural Survey Management Summary that "*there is no recorded individual determination of eligibility for any of these buildings.*"
   - The consultant closing sentence in the Additional Property Information section of the Virginia Department of Historic Resources Architectural Survey Form prepared by the applicant's cultural resource consultant reads:

     "*The changes made to the building since it was last surveyed do not impact its status as a contributing resource to the Leesburg Historic District. It contributes to the architectural*

and historic character of the historic district in its scale, size, style, and building materials."

Also the data field on this form titled 'Surveyor Recommendation' has the response "*Recommended Eligible*" entered which refers to National Register eligibility.

- The applicant disputes the integrity of the building's historic fabric through a diagram that highlights "components of the house that are not original" and a list of 'non-historic features' provided in the narrative. This information is potentially misleading in that certain components in the diagram are highlighted and certain features on the list are categorized as 'non-historic.'

  As per Section 3.10.6.A of the Zoning Ordinance, *Review and Approval Criteria*, the design guidelines to be used by the Board of Architectural Review are to include the *Secretary of the Interior's Standards for Rehabilitation.* These standards include the following statement that, "*most properties change over time [and] those changes that have acquired historic significance in their own right shall be retained and preserved*." As a matter of clarification, it is the opinion of the Preservation Planner that the frame addition that may have been added as the second floor circa 1910 has acquired historic significance in its own right. This major building component should be included and considered as part of the 'historic' portion of the building regardless of whether or not it is part of the original house.

  As architectural features and components age and deteriorate they are replaced with new material over time. As long as the replacement material is appropriate in appearance it will continue to convey the architectural and historic character of the building as a contributing property in the historic district. The presence of newer materials on a historic building associated with a properly executed renovation or rehabilitation typically does not diminish its historic significance or architectural importance.

  As for the list of individual building components identified as 'non-historic' in the applicant's narrative and highlighted on the diagram the following comments should be considered:

  a. Doors – Unfortunately, the historic 4-panel front door, as seen in the 1975 architectural survey photo (see Exhibit A), has been replaced with a 6-panel door. Although generic in appearance, it may be viewed as an appropriate representation of a door typical of the historical period reflected in the architecture of this building.

  b. Door frames – Unfortunately, the historic flanking pilaster capitals, as seen in the 1975 architectural survey photo (see Exhibit A) have been removed when the storm door was installed. The other historic door frame details including the transom, sidelights and trimwork remain in place.

  c. Windows – Upon examination it is evident that the windows in the building are not 'historic.' The replacement windows were likely installed as part of the 1984 renovations made by Loudoun County (see Exhibit L). Although the replacement windows are not ideal in regard to current historic preservation best practices, they are similar in appearance to the 2/2 wood double-hung windows seen in the 1975 architectural survey photo (see Exhibit A).

  d. Exterior lights – The Preservation Planner concurs that the exterior lights flanking the front door are not part of the 'historic' portion of the building and do not represent an original or historic architectural feature (see Exhibit K below).

  e. Gable vent – The Preservation Planner concurs that the small rectangular vent on each gable end are not part of the 'historic' portion of the building and do not represent an original or historic architectural feature (see Exhibits C, and H thru K), but provide an important function by ventilating the attic space.

f. Concrete foundation – The Preservation Planner concurs that the concrete foundation under the rear addition constructed by the county are not part of the 'historic' portion of the building and do not represent an original or historic architectural feature (see Exhibit I below).

g. Siding – The siding on the rear addition of the building is listed as a 'non-historic' feature in the narrative, and all of the siding is highlighted as such on the diagram. If the information is available, the applicant should provide additional evidence that the siding on the historic portion of the building is of recent installation. The applicant's diagram highlighting 'non-historic' components may not convey or identify actual historic siding found on the building.

2. *If the building or structure is designated as historic in the architectural survey, is it a resource that contributes to the architectural and historic integrity of the property, neighborhood, and historic district? A property is considered to be non-contributing if it does not have or retain integrity of any of the following:*

   a. *Location - By being able to interpret the structure in its original location, it is possible to understand why the property was created and its contribution to the history of the area.*
      - The building located at 106 Edwards Ferry Road NE retains integrity of location because it currently stands where the original frame dwelling was constructed or historically moved circa 1880.
      - No information has been provided by the applicant disputing the integrity of location for this contributing historic building.

   b. *Design - Defined as a combination of the elements that create the form, plan, space, structure, and style of a property. Integrity of design is applied to historic districts through the way in which buildings, sites and structures relate to one another and the rhythms of the streetscape.*
      - Removal of this building, along with the three other houses proposed for demolition, will fundamentally change and reconfigure the rhythms of the streetscape and the manner in which remaining contributing resources including buildings, sites and structures will relate to one another in this sector of the historic district.
      - Because the effort is made by the applicant to identify "components of the house that are not original" in the diagram and narrative, it appears that the applicant is disputing the integrity of design for this contributing resource. However, by definition a contributing resource includes additions and changes "*that have acquired historic significance in their own right*" therefore, the argument is not well-supported and the claim is not justified.

   c. *Setting - The physical character of the property in which the building is situated, and the building's relationship to surrounding features, open space, and adjacent structures.*
      - The building at 106 Edwards Ferry Road retains integrity of setting because it represents a mid to late 19th century example of the Colonial Period development pattern. Also it reinforces the precedent for the minimal front yard setback seen for most of the historic buildings located in the western-most block/section of Edwards Ferry Road.
      - The acquisition of this house by the Slack family in 1874, along with the other three buildings proposed for demolition, represents a substantial holding by a prosperous local trades and merchant family that lasted over one hundred years.

- The dwelling is representational of an evolution of residential building forms along this streetscape especially on the northern side. The improvements associated with the house relocation and expansion is consistent and compatible with later development further east along Edwards Ferry Road.
- Removal of this building, along with the three other houses proposed for demolition, will fundamentally change and reconfigure the relationship of surrounding features open space, and adjacent contributing structures in the historic district.
- The applicant provides the argument that the proposed design for the New District Courthouse reflects the setbacks of the existing historic courthouse campus to the west and therefore will visually relate to and be compatible with the feeling and setting of the historic district.
- No information has been provided by the applicant disputing the integrity of setting for this contributing historic building.

d. *Materials - The choice and combination of materials reveal the preferences of those who created the property and the availability of particular types of materials and technologies and help define an area's sense of time and place. It is necessary that buildings retain key exterior materials dating from the district's period of significance in order to properly convey the history of the district's development.*

- For reasons outlined in this staff report, the Preservation Planner is in disagreement with the following statement made in the applicant's narrative that "*the structure has been significantly altered, with very little original or historical materials remaining.*" Detailed comments in response to the list of 'non-historic' architectural features and the diagram highlighting such features included in the application are provided on pages 6 and 7 above.
- Because of the statement above, the effort made to list 'non-historic' architectural features, and the accompanying diagram, it is apparent that the applicant is disputing the integrity of materials for this contributing resource. It is the opinion of both the Preservation Planner and the applicant's cultural resource consultant, John Milner Associates, Inc., that the changes made to the building since it was last surveyed do not impact its status as a contributing resource to the Leesburg Historic District. Its integrity is retained as it relates "*to the architectural and historic character of the historic district in its scale, style, size and <u>building materials</u>*" [emphasis added]. To date the information provided by the applicant is insufficient to support this claim and the statements made by the cultural resource consultant for the project contradict this assertion, therefore, the argument is not well-supported and the claim is not justified.

e. *Workmanship - This aspect can apply to a structure as a whole or to its individual components and provides evidence of the builder's labor, skill, and available technology.*

- Integrity of workmanship is retained as demonstrated in the building's design, appearance, and historic building materials as outlined above.
- No information has been provided by the applicant disputing the integrity of workmanship for this contributing historic building.

f. *Feeling - Results from the presence of physical features that when considered together convey the district's historic character. The original materials, design, workmanship and setting can, for example, either convey the feeling of a mid-nineteenth century working-class neighborhood or a warehouse district of the same time period.*

- Removal of this building, along with the three other houses proposed for demolition, will fundamentally change and reconfigure the character and feeling of this portion of the historic district and streetscape of Edwards Ferry Road by:
    1. Eliminating the established Colonial Period development pattern seen to the west along Market Street and the 19th century residential development pattern seen to the east along Edwards Ferry Road;
    2. Introducing a new building of a size, mass and scale substantially different than the contributing resources found in the historic district;
    3. Increasing the density and intensity of noncontributing properties in the northeast quadrant of the historic district; and
    4. Diminishing the integrity of setting, feeling, and association for adjacent contributing resources in the historic district, specifically, the Bank of the Valley building to the east and 114 Edwards Ferry Road NE to the west.
- The applicant provides the argument that the proposed design for the New District Courthouse reflects the setbacks of the existing historic courthouse campus to the west and therefore will visually relate to and be compatible with the feeling and setting of the historic district.
- No information has been provided by the applicant disputing the integrity of feeling for this contributing historic building.

g. *Association - The presence of physical features that remains sufficiently intact to link a district's historic character to an important historical event or person and to convey such to an observer.*

- Additional research on this property provided by the cultural resource consultant for the courthouse design team along with the compilation of several local sources during the Preservation Planner's review of this application has resulted in a better understanding of the association of this property with the character of the historic district and previous owners of the property as summarized in the Historic Resource Description on pages 2 and 3 above.
- No information has been provided by the applicant disputing the integrity of association for this contributing historic building.

3. *If the resource has been determined to be a structure that contributes to the architectural and historic integrity of the property, neighborhood, and historic district, does the building retain structural integrity? In order to document the building's structural condition, the BAR may:*

a. *Require a site visit by the BAR members to more closely inspect and evaluate the building.*

- It is recommended that the applicant arrange a site visit for BAR members with access provided to the interior of the building.

b. *Require the applicant to submit an unbiased structural engineering report that documents the building's physical condition.*

- The applicant is not making a claim that the building is structurally unsound or in a deteriorated condition. The statement is made in the applicant's cover letter that all four of the historic buildings owned by the county and proposed for demolition as part of the New District Courthouse project are "structurally sound." However, a structural engineering report may be needed to determine the physical condition of the building if relocation is considered as an alternative by the applicant and the Board of Architectural Review.

c. *Require the applicant to submit an economic and structural feasibility study for rehabilitating or reusing the structure.*
   - Loudoun County purchased this property in 1980 and applied for a Certificate of Appropriateness in 1984 (the content contained in this application was not available when this staff report was prepared) to rehabilitate the building as office space. Since that time the county has invested in the building's ongoing maintenance and upkeep. The building is currently used and occupied as office space thereby demonstrating its continued viability and function. The applicant's narrative states that the building is structurally sound.
   - The design team for the New District Courthouse has expressed a preference that the building be removed from the site to make way for the proposed courts facility. The various diagrams submitted by the applicant show the new building with a setback from the street similar in distance to the existing historic courthouse buildings on the block to the west. The area where the contributing historic building currently stands at 106 Edwards Ferry Road NE is shown as landscaped open space with stormwater infrastructure and utility connections to be located below the ground surface. The footprint of the New District Courthouse does not overlap the footprint of the contributing historic building as shown on the diagram submitted by the applicant.
   - It appears arguable that, as currently designed, the proposed setback of the new courthouse facility could accommodate the contributing historic building where it stands as long as the proposed stormwater infrastructure and utility connections are relocated. To date, the information submitted does not adequately justify the proposed demolition of this contributing historic building. More information should be submitted by the applicant regarding proposed stormwater treatment including an explanation why the infrastructure must be installed at this specific location thereby proving that the proposed demolition is a necessity, not just a preference.

d. *Require the applicant to submit a feasibility study for the relocation of the building as an alternative to demolition.*
   - The applicant states in their cover letter that relocation of this building was explored as an alternative, but the condition of the building makes this a "poor solution." This potentially contradicts the statement made earlier in the same letter that the building is "structurally sound."
   - The design guidelines for the Old and Historic District state that "*relocation should only be considered after it is determined that to remain in its original location would result in the structure's complete demolition*."
   - Staff recommends that the Board of Architectural Review consider whether relocation of this building is a viable option as provided for in the design guidelines. Therefore, a relocation study may be warranted.

e. *Require the testimony of expert witnesses at the public hearing at which the demolition request is being considered.*
   - In this Certificate of Appropriateness application staff has identified some contradictions and certain statements that are not well-supported. The Board of Architectural Review should request the applicant to provide additional information including expert testimony during deliberations to resolve these matters, as needed. Also it should be noted that the Board may seek outside advice as authorized by Section 3.10.7 of the Zoning Ordinance.

Staff Findings

The following issues and comments have been identified by the Preservation Planner in review of this Certificate of Appropriateness application:

A. *Importance of County Courthouse in Downtown Leesburg* – The applicant rightfully states, and staff concurs, that a primary objective of the New District Courthouse project is to maintain the presence of the County Courthouse in downtown Leesburg and that the court system is "*vital to the growth and enhancement of a healthy, historic downtown."* The Town of Leesburg considers Loudoun County as a major partner in ensuring that the downtown area continues to serve and function as a regional destination and hub for civic, commercial and residential activity. Also the Town of Leesburg seeks to be recognized by Loudoun County as a stakeholder in the planning, design, and construction of the new courts facility.

B. *Leesburg Town Plan* – An entire chapter of the Leesburg Town Plan is devoted to the identification, protection, and interpretation of "heritage resources" recognizing that the perpetuation of these resources contributes to the identity and uniqueness of the Town and quality of life for its citizens. The third objective stated in this chapter reads as follows: "*Use the review process of private and public development to ensure that heritage resources are identified, conserved, and/or preserved. Ensure that potential impacts on heritage resources are identified and mitigated*." The Certificate of Appropriateness application process for proposed projects in the locally-designated Old & Historic District (H-1 Overlay District) with review by the Board of Architectural Review is one of the procedures used by the Town of Leesburg to further this objective having been local practice for over half a century.

C. *National Register individual eligibility* - A summary of the historic and architectural significance of the property at 106 Edwards Ferry Road NE is included in this staff report as compiled by staff from several local sources and the report prepared by John Milner Associates, Inc, the cultural resource consultant for the courthouse project team. The collective effort has revealed historical and architectural information for the property not previously documented or recognized in the 1998 Leesburg architectural survey form.

   Issue: The applicant's narrative states that "*based on current documentation it is unlikely that this structure would be eligible for individual listing in the National Register of Historic Places."* There are no specific guidelines or requirements currently in use by the Board of Architectural that allow or encourage differentiation between a 'contributing' historic building in the historic district and a building 'eligible for individual listing' when considering demolition requests.

D. *Historic district contributing status* – The Preservation Planner finds that the primary building (a single-family dwelling converted to storage use) at 106 Edwards Ferry Road NE retains integrity as a significant, contributing structure in the Leesburg National Register Historic District and the locally-designated Old and Historic District and contributes to the historic character and integrity of these districts for the reasons outlined in this staff report. The following contradictory statement is made in the application narrative and is not necessarily consistent with this finding: "*The subject structure is contributing to the historic district. However, the structure has been significantly altered, with very little original or historical materials remaining*." The presence of newer materials on a historic building associated with a properly executed renovation or rehabilitation typically does not diminish its historic significance or architectural importance.

   Issue: The applicant's narrative includes unsupported and contradictory statements that potentially conflict with the staff finding and, arguably, imply that the building is a 'noncontributing' resource in the historic district. Specifically, the applicant challenges the integrity of 'materials' and 'design'—two of the seven criteria to be used by the Board of Architectural Review in review of the 'contributing' status of this building. Statements made by the cultural resource consultant on the courthouse

project team appear to confirm the staff finding and is potentially inconsistent with the applicant's narrative. If the applicant is to continue to argue the contributing status of the building, the Board may want to consider additional evidence be provided in the form of expert testimony by a qualified cultural resource professional.

E. *National Register historic district boundary* - The Leesburg National Register Historic District was designated specifically because the town "*possesses an important collection of structures dating from the late-eighteenth century through the early-nineteenth century*…" and the "*numerous dwellings and commercial buildings…combine to make Leesburg one of the best preserved and most picturesque communities in Virginia*."

   Issue: Demolition of the four buildings proposed by the county represents a significant loss to the fabric of the Leesburg National Register Historic District and would result in the eventual adjustment of the northern boundary line, reducing the overall size of the historic district (see Exhibit M below). In addition, it will sever the connection and transition by nearly a full block between the original 1758 Nicholas Minor plan to the west and the later 19th and early 20th century development found along Edwards Ferry Road to the east.

F. *Impact of new building* - The various diagrams submitted by the applicant show the position of the proposed courts facility with a setback from the street similar in distance to the existing historic courthouse buildings on the block to the west. The area where the contributing historic building currently stands at 106 Edwards Ferry Road NE is shown as landscaped open space. The footprint of the New District Courthouse, including its foundation, does not overlap the footprint of the contributing historic building as shown on the diagram submitted by the applicant. The existing proffered rezoning for the property (ZM #155) retains all four contributing historic buildings in place and potentially enhances the current historic streetscape by placing the footprint of the proposed court facility on the street with a similar minimal setback.

   Issue: Although the design team for the New District Courthouse has expressed a preference that the building be removed from the site to make way for the proposed courts facility, it appears arguable that, as currently designed, the proposed setback of the new facility could accommodate the contributing historic building where it stands. The revised footprint of the new court facility is only 35% larger than what was approved under the existing proffered rezoning and does not fully take advantage of the available vacant lot west of 106 Edwards Ferry Road where the jail once stood. To date, information provided by the applicant does not adequately justify the proposed demolition of this contributing historic building. Additional information and justification should be provided by the applicant that demonstrates the proposed demolition is a necessity, not just a preference.

G. *Impact of stormwater infrastructure* - The projective narrative states and the diagrams submitted by the applicant show, that the area where the contributing historic building currently stands at 106 Edwards Ferry Road NE is the proposed location for stormwater infrastructure to be installed below the ground surface.

   Issue: The design team for the New District Courthouse has expressed a preference that the proposed stormwater infrastructure be located where the contributing historic building currently stands. However, it appears arguable that the stormwater infrastructure could be redesigned and/or relocated in a manner that avoids demolition of the contributing historic building. To date, information provided by the applicant does not adequately explain or justify the proposed demolition of this contributing historic building for purposes of installing stormwater infrastructure connections. Additional information and justification, which may include expert testimony, should be provided by the applicant that demonstrates that this is the only reasonable location for stormwater infrastructure and that other methods of stormwater treatment are not practical.

H. *Impact of construction staging* - The applicant's narrative states that the area where the contributing historic building currently stands at 106 Edwards Ferry Road NE is needed for staging construction of the New District Courthouse.

Issue: The courthouse design team has expressed a preference that the location where the contributing historic building currently stands be used for staging construction of the New District Courthouse. However, it appears arguable that alternatives are available that would allow such activity without demolishing the contributing historic building. To date, information provided by the applicant does not adequately explain or justify the proposed demolition of this contributing historic building for purposes of construction staging. Additional information and justification should be provided by the applicant that demonstrates that this is the only reasonable location for staging construction and that other sites and/or methods are not practical.

I. *Conceptual layouts for the District Courthouse* - The applicant has stated that thirteen (13) conceptual layouts for the New District Courthouse were considered during the conceptual planning phase, none of which included the preservation of any of the four contributing historic buildings currently owned, used, and maintained by the county. The application narrative includes a summary of conceptual planning for the project including the identification of site constraints and programming requirements for the new courts facility. It is understood that the design of a modern judicial services facility typically involves a wide array of security/access issues and support infrastructure needs along with vital engagement with a large number of stakeholders. However, it has not been clearly communicated by the applicant why preservation of one or more the buildings was never considered as a priority by the courthouse design team in any of the conceptual layouts.

Issue: Since the Town's policy as stated in the design guidelines for the Old & Historic District reads that "*demolition of contributing buildings should be avoided*" (page 115) and the four contributing historic buildings are structurally sound, it is reasonable to expect that one of the 'site constraints' that should have been examined and considered by the courthouse design team is preservation of the contributing historic buildings in place for at least one of the conceptual layouts. It appears that the applicant has not has not explored alternatives in addressing Town policy by prioritizing the preservation of the four contributing resources on the property thereby avoiding demolition.

Staff strongly encourages the applicant to enter into one or more work sessions with the Board of Architectural Review to develop at least one conceptual layout whereby one or more of the contributing historic buildings are retained in place. It is suggested that the overall allotted program space of 92,000 square feet not be modified, but that flexibility be used when considering certain infrastructure position and placement including, but not limited to: minimizing the use of surface parking lots; maximizing use of available county land; providing stormwater treatment alternatives; and the possible waiving of height restrictions. Even if the exercise does not result in the final solution, the Board of Architectural Review will thoroughly understand the detailed thinking behind the project and will become a stakeholder in the process. In the event that the applicant does not desire to enter into such a conceptual planning exercise, the Board of Architectural Review may consider seeking outside advice as authorized by Section 3.10.7 of the Zoning Ordinance.

J. *Alternative designs for the District Courthouse* - The applicant states in the project narrative that two selections have been made from the five design concepts for the New District Courthouse. Images for the two alternatives were not included this Certificate of Appropriateness application although the two concepts were shown to the Board of Architectural Review during the presentation made by the courthouse design team in August 2014. As stated in Section 7.5.8.C the Board of Architectural Review is to determine "*the appropriateness of such plans to the architectural character of the historic district"* as part of the review of the demolition request.

Issue: The two design concepts for the New District Courthouse shown to the Board of Architectural Review during the August 2014 presentation are very different in appearance. Additional information should be submitted to the Board of Architectural Review by the applicant providing details of the conceptual appearance of the preferred alternative including conceptual elevations of all four sides of the building.

K. *Relocation study* - The Old and Historic District Design Guidelines state that "*relocation should only be considered after it is determined that to remain in its original location would result in the structure's complete demolition*." It is the opinion of the Preservation Planner that the applicant does not currently provide adequate justification to forego the preparation of a relocation study and it is reasonable for the Board of Architectural Review to consider the relocation of the building as a viable final option as provided for in the design guidelines.

If the Board of Architectural Review pursues the relocation of the building as a viable alternative to demolition, a feasibility study for relocation should be prepared that addresses the following:

1. A cost estimate for the relocation of the building within a 3-mile radius of the project site prepared by a professional building mover with experience in relocating historic frame dwellings. The building mover should provide the estimate in writing and should be prepared to provide expert testimony.
2. An assessment by a structural engineer with experience in evaluating historic buildings identifying any major structural issues or causes for concern. The engineer shall coordinate and consult with the building mover identified above. The engineering professional should provide the assessment in writing and should be prepared to provide expert testimony.
3. A conceptual drawing and cost estimate for the construction of a proper foundation that meets code requirements on which the building may be placed.
4. A strategy endorsed by the county for offering the building to an interested party including an estimated schedule and time frame; means of advertising including targeted publications and other forms of media outreach; bid requirements, if any; sale price, if any; insurance requirements, if needed; and a summary of any incentives and/or assistance that may be offered.

L. *Impacts on adjacent historic resources* - Several contributing resources in the historic district are located in close proximity to the proposed construction site such as the Bank of the Valley building on the courthouse campus, St. James cemetery, and 114 Edwards Ferry Road. An analysis of the anticipated impacts of demolition and new construction on contributing historic resources immediately adjacent to the project site and a strategy to mitigate any negative impacts identified should be provided to the Board by the applicant. A copy of the archeological survey report prepared by John Milner Associates for the recent work completed at 106 Edwards Ferry Road should also be submitted, when available.

M. *Federal and State participation* – Frequently, complicated public projects such as this use federal and state funds as part of project financing or require a federal and/or state action through a permit or program. Federal and/or state participation in a project may activate other review processes such as those defined in the National Environmental Policy Act, National Historic Preservation Act, and the Virginia Antiquities Act. The proposed demolition of the four contributing historic buildings may be an action that would require mitigation of adverse impacts under certain federal and state permitting, program, or funding requirements. It is to the benefit of the applicant, Loudoun County, and the Town of Leesburg to anticipate any parallel, and possibly competing, historic preservation review processes. The Town asks that the applicant and Loudoun County share any information that is available regarding the use of federal and state funds, non-financial assistance, and/or permit

approval requirements associated with the construction of the New District Courthouse that may activate such a review.

Staff Assessment and Recommendation

There are **two** preservation goals that should be considered with the courts expansion proposal. First, the Courthouse complex is, and always has been, a defining historic feature in Leesburg's downtown. Over the past several years, discussions between the Town Council and the County about the need for the court system expansion has yielded consensus among both governing bodies to continue this historic precedent by keeping the courts system in Leesburg's downtown and developing an expansion plan that respects this tradition. The second preservation goal is to plan for this expansion while assuring that the historic integrity of the District will be maintained. Here in is the challenge presented by this demolition request. The applicant has devised options for the courts expansion thereby addressing the first preservation goal, but has not fully explored how to execute this expansion and also meet the second preservation goal. Conceptual planning for the latest courts expansion proposal seems to have started with the demolition of the four contributing historic resources as a 'given.' At a minimum, the courts expansion proposal should '*do no harm'* to the historic district. A higher aspiration would be to plan for the courts expansion by *enhancing* the District through avoidance of negative impacts on existing historic resources and by preparing site and building plans that are respectful of the historic resources in the district. As such, it is the obligation of this Certificate of Appropriateness review process to fully ascertain the contributing status of the four structures proposed for demolition and to fully explore the options for retention of these structures before entertaining a discussion of demolition.

With this in mind, it is the opinion of staff that the primary building located at 106 Edwards Ferry Road NE should maintain its designation as a historic, contributing resource in the Leesburg National Register Historic District and the locally-designated Old and Historic District. In its current condition, the building retains integrity of location, design, setting, materials, workmanship, feeling and association and substantially contributes to the historic and architectural character of the property, neighborhood, historic district, and Town of Leesburg. The applicant has not provided adequate evidence to support claims to the contrary. It also appears that alternatives to demolition may exist and should be pursued with the applicant in an effort to avoid or mitigate the negative impact that the loss of this, and the other three contributing historic buildings proposed for demolition, represents. It seems arguable that, as currently designed, the proposed setback of the new courts facility could potentially accommodate the contributing historic building where it stands. It should also be noted that the 1998 Concept Plan for a new courts facility on this site, as approved by the Town Council with the associated rezoning, accommodates all four contributing historic buildings in place. Although it is the stated preference of the applicant and owner that this building, and the other three contribution historic buildings, be removed from the site to make way for the New District Courthouse, the Board of Architectural Review cannot grant approval for the request solely on the grounds of applicant preference or convenience.

Since the burden of proof lies with the applicant in providing justification for the proposed demolitions and the information and evidence submitted to date is not well-supported, staff recommends that review of this application by the Board of Architectural Review, along with the other three demolition requests, be CONTINUED to a mutually agreed upon date that may include a series of meetings as outlined below. Staff also strongly encourages the Board to keep the public hearing associated with the review of this application open over the course of these meetings to allow for ongoing comment by concerned citizens and any other affected parties.

The following is a possible meeting schedule:

<u>Meeting #1</u> – Review of property significance and contributing status

Suggested date: January 5, 2015 BAR Work Session

The emphasis of this first meeting would be to review the significance and importance of the four contributing historic buildings in the context of the Slack family ownership, the local and National Register historic districts, the Edwards Ferry Road streetscape, and the Town overall. Arrangements may be made by the applicant for expert witnesses to provide testimony at the public hearing to address these matters. Also the Board of Architectural Review has the option to consider seeking outside advice as authorized by Section 3.10.7 of the Zoning Ordinance.

It is requested that the applicant provide the following information to staff at least one week before this meeting:

1. Name of and resume for any expert witness that may appear before the Board.
2. A copy of the archeological survey report prepared by John Milner Associates for the recent work (2014) completed at 112 Edwards Ferry Road, if available.

Meeting #2 – Site visit

Suggested date: BAR Special Meeting, to be held on mutually agreed upon time and date

A site visit should be scheduled, with the applicant and a majority of the BAR members in attendance, to provide opportunity to closely inspect and evaluate the building including all interior spaces.

Meeting #3 – Discussion on condition, integrity, and adaptive reuse potential for historic buildings

Suggested date: January 21, 2015 BAR Regular Business Meeting -OR- February 2, BAR Work Session

The emphasis of this meeting would be to review the results of the site visit and address the following: a) the general condition of the building; b) integrity of design and historic materials; c) adaptive reuse potential; and d) a preliminary summary outlining relocation issues. Arrangements may be made by the applicant for expert witnesses to provide testimony at the public hearing to address these matters. Also the Board of Architectural Review has the option to consider seeking outside advice as authorized by Section 3.10.7 of the Zoning Ordinance.

It is requested that the applicant provide the following information to staff at least one week before this meeting:

1. Name of and resume for any expert witness that may appear before the Board.
2. Description of anticipated impacts on contributing historic resources immediately adjacent to the project site including, but not limited to, the St. James cemetery, the Bank of the Valley on the courthouse campus, and 114 Edwards Ferry Road.
3. A summary of federal and state funding, permitting, and/or program participation for the New District Courthouse, if any.

Meeting #4 – Discussion on New District Courthouse siting, appearance, construction staging and associated stormwater infrastructure

Suggested date: February 2, BAR Work Session -OR- February 16, 2015 BAR Regular Business Meeting

The emphasis of this meeting would be to address: a) reasons for the rejection of the original Phase 2, Conceptual Plan approved with the 1998 rezoning (TLZM-1998-0155); b) the criteria used and a description of each of the thirteen conceptual layouts considered for the New District Courthouse; c) a detailed layperson's summary of stormwater issues for the site including available alternative methods for treatment, an explanation of the preferred treatment method selected, and justification for position and placement of infrastructure; and d) a detailed layperson's summary of construction staging including available alternatives, an explanation of the preferred method selected, and justification for position and placement of staging areas. The Board may also want to collaborate with the applicant on developing a

conceptual layout that prioritizes the preservation of one or more of the contributing historic buildings in place. Arrangements may be made by the applicant for expert witnesses to provide testimony at the public hearing to address these matters. Also the Board of Architectural Review has the option to consider seeking outside advice as authorized by Section 3.10.7 of the Zoning Ordinance which may include an impartial facilitator who is able to assist with developing the collaborative conceptual layout.

It is requested that the applicant provide the following information to staff at least one week before this meeting:

1. Name of and resume for any expert witness that may appear before the Board.
2. Conceptual drawings for all four elevations and perspective views of the preferred alternative for the New District Courthouse.
3. Detailed evidence and justification in writing and diagrammatic form that demonstrates the proposed demolition is a necessity, not just a preference, in regards to the proposed placement and position of the New District Courthouse building; staging areas for construction, and associated stormwater infrastructure.

Meeting #5 – Review of Historic Building Relocation Feasibility Study, if needed

Suggested date: February 16, 2015 BAR Regular Business Meeting -OR- March 2, 2015 BAR Work Session

The emphasis of this meeting would be to review the relocation feasibility study, If requested by the Board of Architectural Review. Staff recommends that the relocation feasibility study include the information outlined in Staff Finding 'K' as described in this staff report. Arrangements may be made by the applicant for expert witnesses to provide testimony at the public hearing to address these matters. Also the Board of Architectural Review has the option to consider seeking outside advice as authorized by Section 3.10.7 of the Zoning Ordinance.

The applicant should provide the following information to staff at least one week before this meeting:

1. The final draft of the relocation feasibility study.
2. Name of and resume for any expert witness that may appear before the Board.

Exhibits

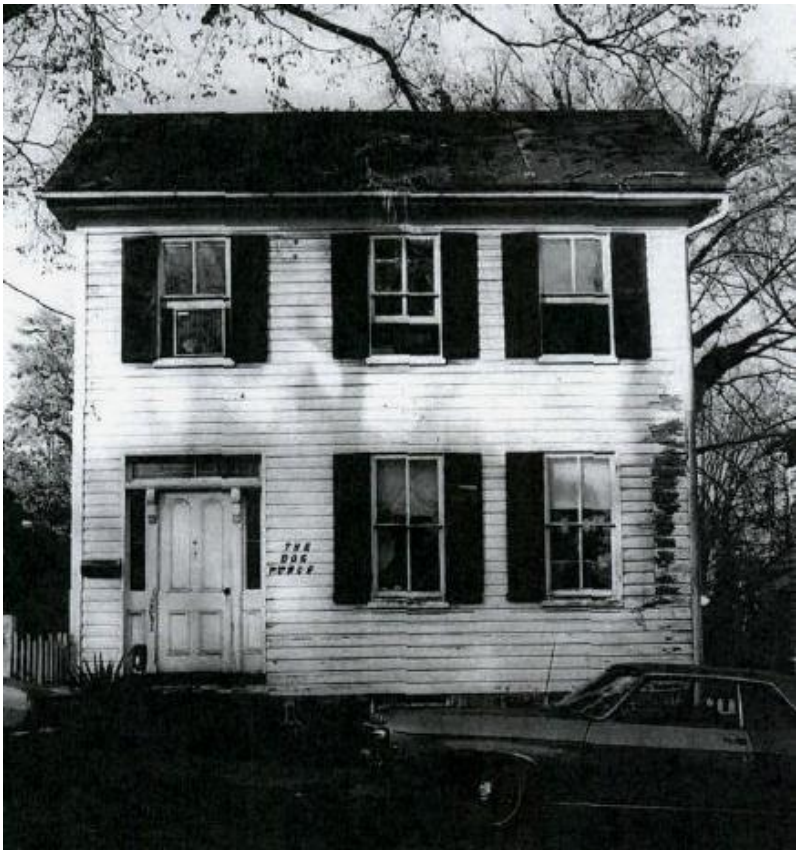

Exhibit A – Façade of 106 Edwards Ferry Road (Leesburg architectural survey, December 1975)

Exhibit B - 106 Edwards Ferry Road (Leesburg architectural survey update, November 1998)

Exhibit C – Façade of 106 Edwards Ferry Road NE (Applicant photo, 2014)

Exhibit D – Streetscape of Edwards Ferry Road NE (TOL staff photo, December 2014)

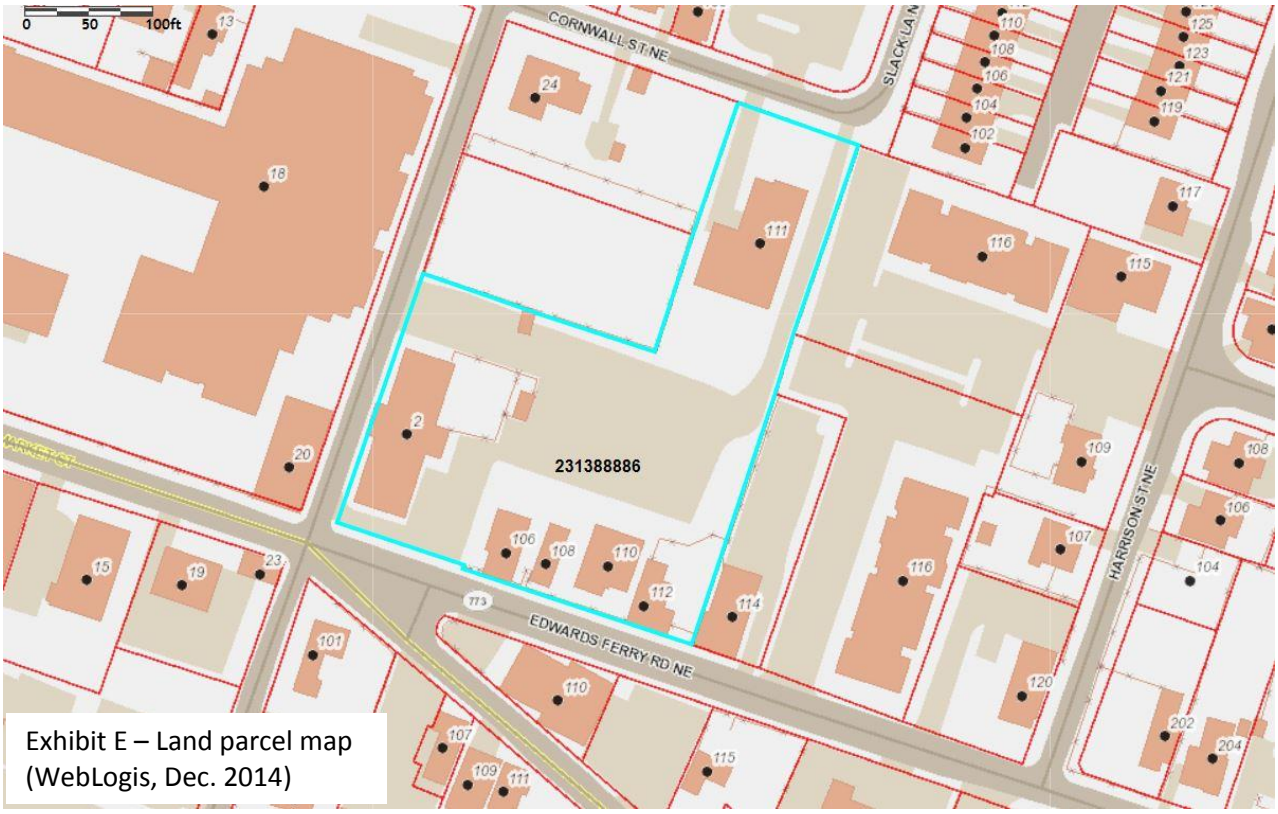

Exhibit E – Land parcel map (WebLogis, Dec. 2014)

Exhibit F – Aerial photo of immediate vicinity with associated land parcel highlighted (Loudoun County WebLogis, screen capture December 2014)

Exhibit G – South (façade) and west sides of 106 Edwards Ferry Road (TOL staff photo, December 2014)

Exhibit H – South (facade) and east sides of 106 Edwards Ferry Road (TOL staff photo, December 2014)

Exhibit I – North (rear) and west sides of 106 Edwards Ferry Road (TOL staff photo, December 2014)

Exhibit J – Detail of stone foundation (TOL staff photo, December 2014)

Exhibit K – Detail of front entrance (TOL staff photo, December 2014)

Exhibit L – Detail of windows (TOL staff photo, December 2014)

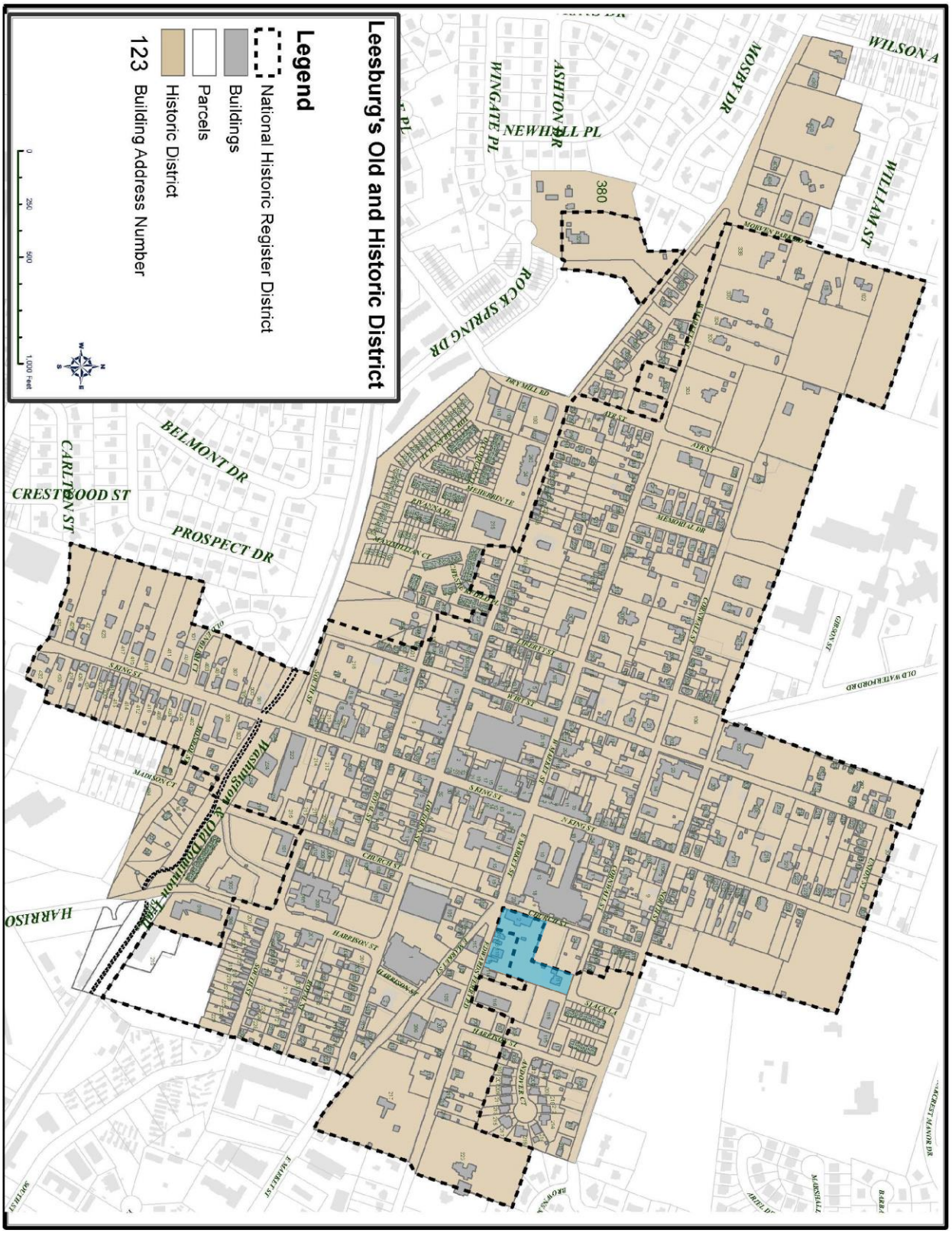

Exhibit M – Map of historic districts with subject property highlighted (D. Parry, TOL)