Gerald L. Fischer
Director of Community Development

427 Patton Street P. O. Box 3300 Danville, Virginia 24543 Phone: (434) 799-5260 TTY: (434) 778-8142 Fax: (434) 797-8919

www.damville-va.gov



Kenneth C. Gillie, Jr. Director of Planning

Jerry D. Rigney Director of Inspections

Diamie W. Morris
Director of Housing & Development

Randy L. Gentry Development Coordinator

IN HUD RIC OEE
170ELOS
X. Johnson

December 2, 2008

Ms. Charlene Dwin Vaughn, AICP Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW Suite 809 Washington, DC 20004

RE: MOA - 922 GREEN ST.

Dear Ms. Vaughn:

As required to complete the City of Danville's compliance responsibilities under Section 106 of the National Historic Preservation Act, please find enclosed a copy of the signed MOA for the rehabilitation of 922 Green Street using CDBG funds.

We have also enclosed a copy of the letter that was mailed to the Danville Historical Society inviting them to participate in the development of the MOA. We did not receive a reply. A hard copy of the intensive level documentation will be provided to the Danville Public Library as a public benefit once approved by the Office of Review and Compliance of the Virginia Department of Historic Resources.

Should you have any questions, please feel free to contact us at (434) 799-5260.

Best regards,

Sherry B. Jones

Housing & Development Coordinator

c: M. Amanda Lee, Virginia Dept. of Historic Resources

Enclosures

MEMORANDUM OF AGREEMENT BETWEEN CITY OF DANVILLE AND

THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE (SHPO) REGARDING

PARTIAL DEMOLITION OF 922 GREEN STREET WITHIN THE DANVILLE (OLD WEST) END HISTORIC DISTRICT

WHEREAS, the City of Danville, Virginia (City) is an entitlement community receiving a Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds to address critical housing needs in the City of Danville; and

WHEREAS, in accordance with 24 CFR Part 58, the City has assumed responsibility for compliance with applicable State and Federal laws and requirements, including the National Historic Preservation Act (16 U.S.C. 470f) (NHPA); and

WHEREAS, the City will use CDBG funds to demolish the rear portion of the building at 922 Green Street and rehabilitate the remaining portions of this property which is considered a contributing element of the Danville (Old West End) Historic District (District)(DHR Id# 108-0056)), Danville, Virginia (Attachment A), a district listed in the National Register of Historic Places; (Undertaking); and

WHEREAS, the City will partner with Mr. Gary Grant on this project, and he has therefore been invited to sign this agreement; and

WHEREAS, the City, in consultation with the Virginia Department of Historic Resources, the Virginia State Historic Preservation Office (SHPO), has established the Undertaking's Area of Potential Effect (APE) as the District (as depicted on the attached map; Attachment A); and

WHEREAS, the City, in consultation with the SHPO, has determined that the partial demolition of 922 Green Street will result in an adverse effect on the District pursuant to 36 CFR Part 800.6 of the regulations implementing Section 106 of the NHPA; and

WHEREAS, the City has invited the Danville Historical Society to concur in this Agreement and the Danville Historical society has declined; and

WHEREAS, the City has afforded the interested public an opportunity to comment in accordance with the public participation plan approved by HUD as part of the CDBG grant process; and

WHEREAS, the City has provided notification to the Advisory Council on Historic Preservation (ACHP) in accordance with 36 CFR Part 800.6(a)(1) and the ACHP elected not to participate in consultation.

NOW, THEREFORE, the City and the SHPO agree that the City shall ensure that the following stipulations are implemented in order to take into account the effects of the Undertaking on historic properties.

STIPULATIONS

The City shall ensure that the following stipulations are implemented:

1. Documentation and Recordation

- A. The City shall contract with a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44 738-9) to provide intensive level documentation of 922 Green Street to include photographs, floor plans, a site plan, a narrative description and the completion of the Data Sharing System intensive level survey for the entire property. The Intensive Level Survey will be completed in accordance with DHR's Guidelines for Conducting Cultural Resource Survey in Virginia. The City shall submit the Intensive Level Survey Forms and supporting documentation to the SHPO for review and approval within six (6) months of the last signature on this Agreement.
- B. The SHPO shall have thirty (30) days upon receipt of the complete documentation package to review and respond to the Intensive Level Survey Forms and supporting documentation. If no response is received within thirty (30) days of confirmed receipt of the Intensive Level Survey Forms and supporting documentation, the City may assume the SHPO has no comments. The City shall address all comments received within the thirty (30) day comment period and proceed.
- C. The City shall not demolish the rear wing of 922 Green Street until either:
- 1. the SHPO has approved the Intensive Level Survey Forms and the supporting documentation, or
 - 2. the SHPO has failed to respond within the thirty- (30) day review period.
- D. Within one (1) month of SHPO review and approval of the Intensive Level Survey Forms and supporting documentation, or after receiving no comments during the thirty (30) day review period from the SHPO, the City shall provide a hard copy of the documentation and recordation materials to the Danville Public Library.

II. Demolition and Rehabilitation

- A. Within six (6) months of the last signature on this Agreement, the City shall transfer ownership of the property to Mr. Grant and shall provide funds for the demolition of the rear wing. Due to the level of deterioration of the rear half of the existing building, the City is proposing to remove the first offset on each side. This consists of two stories, up to thirteen (13) rooms, rear porch and hallways. The original materials removed from the exterior shall be used to enclose the rear half. Immediately after demolition, the property will be secured from weather and vandalism.
- B. Mr. Grant shall submit rehabilitation plans to the City, the SHPO and other consulting parties for review and comment once they have become available. The City shall ensure that the plans meet the Secretary of the Interior's Standards for Rehabilitation. Mr.

treat all human remains in a manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007, http://www.achp.gov/docs/brpolicy0207.pdf.).

- A. Human remains and associated funerary objects encountered during the course of actions taken as a result of this Agreement shall be treated in the manner consistent with the provisions of the Virginia Antiquities Act, Section 10.1-2305 of the Code of Virginia, and with the final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register of July 15, 1991.
- B. In the event that the human remains encountered are likely to be of Native American origin, whether prehistoric or historic, the City shall immediately notify the Virginia Council on Indians (VCI). The treatment of Native American human remains and associated funerary objects will be determined in consultation with the VCI and appropriate tribal leaders. To the extent possible, the City shall ensure that the general public is excluded from viewing any Native American gravesites and associated artifacts. No photographs of any Native American gravesites and/or associated funerary objects shall be released to the press or to the general public.
- C. The City may obtain a permit from the SHPO for the removal of human remains in accordance with the regulations stated above. In reviewing a permit involving removal of Native American human remains, the SHPO shall notify and consult with the VCI and appropriate tribal leaders as required by the regulations stated above.

V. Administrative Stipulations

A. Dispute Resolution

- 1. Should any party to this Agreement object in writing to the City regarding any action carried out or proposed with respect to the Undertaking or implementation of this Agreement, the City shall consult with the objecting party to resolve the objection. If after initiating such consultation, the City determines that the objection cannot be resolved through consultation, the City shall forward all documentation relevant to the objection to the ACHP, including the City's proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
- a. Advise the City that the ACHP concurs in the City's proposed response to the objection, whereupon the agency will respond to the objection accordingly;
- b. Provide the City with recommendations, which the City shall take into account in reaching a final decision regarding its response to the objection; or
- c. Notify the City that the objection will be referred for comment pursuant to 36 CFR Part 800.7(a) (4), and proceed to refer the objection and comment. The City shall take the resulting comment into account in accordance with 36 CFR Part 800.7(c) (4) and Section 110(1) of the NHPA.
- 2. Should the ACHP not exercise one of the above options within thirty (30) days after receipt of all pertinent documentation, the City may assume the ACHP's concurrence in its proposed response to the objection.
- 3. The City shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; the City's responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.

4. At any time during implementation of the measures stipulated in this Agreement, should an objection pertaining to this Agreement or the effect of any individual undertaking on historic properties be raised by a member of the public, the City shall notify the parties to this Agreement and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this Agreement to resolve the objection.

B. Amendment and Termination

- 1. Any signatory to this Agreement may request that it be amended, whereupon the parties shall consult in accordance with 36 CFR Part 800.13 to consider such an amendment.
- 2. If the City or Gary Grant determines that it/he cannot implement the terms of this Agreement, or if the SHPO determines that the Agreement is not being properly implemented, the City, Gary Grant or the SHPO may propose to the other signatory that it be terminated.
- 3. Termination shall include the submission of any outstanding documentation on any work done up to and including the date of termination.
- 4. A party proposing to terminate this Agreement shall so notify all parties to the Agreement, explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. The parties shall then consult.
 - 5. Should this Agreement be terminated, the City shall either:
 - a. Consult in accordance with 36 CFR 800.6 to develop a new Agreement or
 - b. Request the comments of the ACHP pursuant to 36 CFR 800.7.

C. Duration of the Agreement

This Agreement shall continue in full force and effect until five (5) years after the date of the last signature. At any time in the six (6)-month period prior to such date, the City may request Gary Grant and the SHPO to consider an extension or modification of this Agreement. No extension or modification will be effective unless the City, Gary Grant and the SHPO have agreed with it in writing.

Execution of this Agreement by the City and the SHPO, and its submission to the ACHP in accordance with 36 CFR Part 800.6(b) (1) (iv), pursuant to 36 CFR Part 800.6(c), shall be considered to be an agreement with the ACHP for the purposes of Section 110(1) of the NHPA. Execution and submission of the Agreement and implementation of its terms evidence that the City has afforded the ACHP an opportunity to comment on the Undertaking, and its effects on historic properties and that the City has taken into account the effects of the Undertaking on historic properties.

SIGNATORIES

Ву: _	Gerald 2 Finds	Date: 11/20/03	_
	Gerald L. Fischer, City Administrator; (City of Danville, VA	
By:	Corace Crant	Date:	
,	Gary Grant, Property Owner		nne
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By:		Date: 11/9.5-/35	
~ ;	Kathleen S. Kilpatrick, Director, Virgin	Date: 2555 nia Department of Historic Resources and	
	Virginia State Historic Preservation Off	ficer	

APPENDIX A

DANVILLE (OLD WEST END) HISTORIC DISTRICT & MAP OF THE PROJECT AREA / APE

VLR-6/16/93 NRHP-8/12/93

Form 10-300 (July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY - NOMINATION FORM

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Architectural styles and periods of construction in the Danville Historic District cover the full spectrum of design preferences in favor during Danville's history as a city. Based on available historic research, two early nimeteenth century houses, in all probability the oldest in Danville, 770 Main Street and 225 Jefferson Avenue, are located in the District. The architectural kaleidoscope continues with examples of the Greek Revival, Gothic Revival (notably 893 Pine Street), Italianate, Romanesque, Eastlake, American Queen Anne and the Beaux Arts Classicism of the early twentieth century. The District contains examples of virtually all styles and periods which exist in Danville, with the exception of industrial structures and mill-housing.

Existing land and building use in the District is confined to residential, public and institutional and office uses, with only a small concentration of commercial, at Jefferson and Loyal. Main and West Main Streets are characterized by a high number of public uses (primarily churches and related) medical—the hospital and a great number of doctor's offices, clinic and medically oriented uses, sometimes combined with residential, Stratford College, and quality, rather large scale residential uses interspersed along the entire length of the two streets. The area to the east of Main Street is almost exclusively residential, one and two family structures, with a somewhat uniform character and quality. There are no incompatible uses of major proportions within the District. There are, however, pressures beginning to manifest themselves that may be injurious to the character of the District if proper land use planning is not followed.

Building heights in the Historic District are limited to three stories, with the exception of a new hospital addition and the many church steeples and towers. The predominant height, both along Main and West Main Streets and in the residential area to the east is two stories to two and one-half stories. This factor must be taken into account in any new architectural controls that are proposed for the District.

Structural conditions and environmental quality of properties in the District are for the most part excellent. Concentrations of deficient structures are limited to Green Street, between Park and Sutherlin Streets, a section of Pine near Jefferson, and a one block long strip along Jefferson. Loyal to Patton Streets. Most of the properties in these limited areas are in need of only minor repairs such as painting and general maintenance work, with a relatively small number in need of major repairs, which might include structural replacements, new siding or roofs, etc. The environmental quality of the proposed district is, in general, high, with Green and Jeffer son suffering from lack of maintenance, overcrowding on individual lots of small size, lack of maintenance of lawns and planting, and sidewalk deficiencies.

Facade materials vary throughout the Historic District and include brick, clapboard, shingle, stucco, stone and artificial sidings such as asbestos, asphalt shingle and aluminum. The pre-dominant facade material along Main and West Main Streets is brick, with a

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STOTEMENT OF MODIFICATION

The Danville Historic District boasts perhaps the finest and most concentrated collection of Victorian and Edwardian residential architecture in the Commonwealth. Lining Main Street and adjacent side streets is a splendid assemblage of the full range of architectural styles from the Ante-Bellum era to World War I. The District is particularly rich in distinguished examples of the post-Civil War styles such as the High Victorian Italianate, the High Victorian Gothic, French Renaissance Revival, Romanesque Revival, Eastlake, Queen Anne and Beaux Arts; styles in which good examples are generally rare in the South, The existence of these impressive dwellings can be explained by the fact that Danville remained unusually prosperous throughout the late nineteenth century. While most of Virginia was suffering an economic depression brought on by the War and Reconstruction, Danville was thriving from its tobacco trade and other industries. In the 1850's, Thomas Neel instigated the "Danville System", and suction warehouse method which revolutionized the sale of tobacco throughout the South. This method took on new dimensions after the Civil War and many new warehouses were put up in Danville. The leaders of the tobacco industry were among the first groups to erect handsome manaions along Main Street, and the sumptuous Penn-Wyatt house, erected in 1876 by James Gabriel Penn at 862 Main Street, stands as visual evidence of the wealth and taste of the tobacconists.

The houses of the tobacco industrialists soon began to vis in splendor with those of the leaders of Danville's growing textile industry. In 1882, the three Schoolfield brothers along with Thomas Fitzgerald founded the textile mills now known as Dan River, Inc., makers of world famous Dan River fabrics. The Schoolfields erected several fine houses in the District, and 844 Main Street (the Schoolfield-Compson House) ranks among the finest High Victorian dwellings in the state.

Most of this post-Civil War residential growth took place on the hill to the south of the commercial district, in farm land that once was dominated by the Italianate villa-style house of Major William T. Sutherlin. Long used as the public library, the house now serves as the headquarters of the Danville Chapter of the Virginia Museum of Fine Arts. The Sutherlin Mansion received fame in 1865 when it served as the last official residence of Fresident Jefferson Davis.

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9. MAJOR BIBLIOGRAPHICAL REFERENCES

Form 10-300s (July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY - NOMINATION FORM

(Continuation Sheet)

STATE		
Virginia		
COUNTY		
Danville (in city)
FOR NPS	SE ONLY	
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(Number all entries)

#7 Description

number of clapboarded and stucco structures. Clapboard is the predominant material in the residential area to the east of Main Street, with some brick, shingle, and artificial siding interspersed. One of the least pleasing visual aspects of the proposed district is this use of artificial siding materials—asbestos, asphalt and aluminum, a mid-twentieth century phenomenon.

Building coverage and setback are fairly constant, with most buildings maintaining a common setback line along the street frontage. This is particularly true in the residential area east of Main Street, where the only changes to the setback line occur at the school and large open lot on Holbrook Avenue, and two vacant lots along the west side of Green Street. The east side of Main Street is broken visually in the 800 block, with vacant lots between residences and the deeper setback for the Church. The large vacent lots at the corners of Main and Chestnut and Main and Holbrook are of critical importance to the visual character of Main Street. The Sutherlin House, or Confederate Memorial is set back to its rear lot line, but because of the visual importance of the structure itself, and the well kept grounds, this break in Main Street is a welcome open space. The one violation to the general rule of setbacks fronting on the west side of Main Street is the YWCA, while West Main Street retains a common setback except for a new funeral home at Aiken Street and a parcel now under construction at West End Avenue. Lot coverage is not as critical in the District, because of the depth of most of the lots. Existing zoning is limited to three classifications within the District, Residence R-3, Commercial L-C, and Commercial C-2. A review of the zoning regulations points out a serious potential problem in the Commercial C-2 District, which is centered along Jefferson Avenue.

R. W.

Form 10-300a (July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY - HOMINATION FORM

(Continuation Sheet)

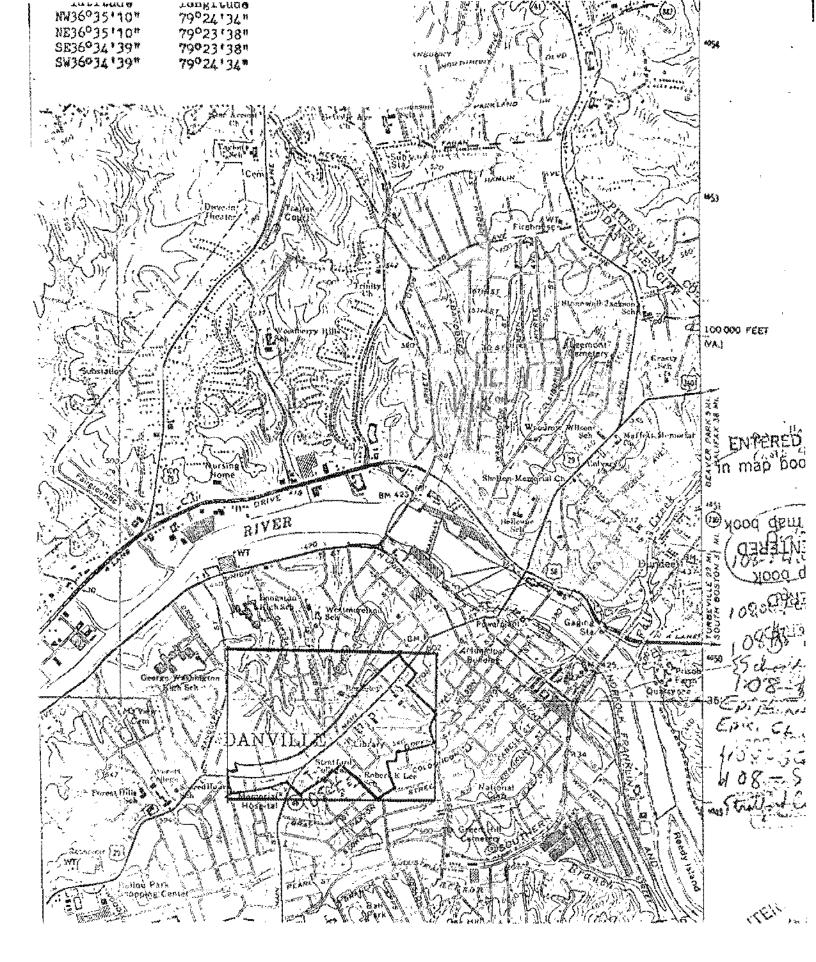
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(Number all entries)

#8 Significance

The most fashionable address for the Danville industrialists was along Main Street, in the vicinity of the Sutherlin Mansion, but many equally fine dwellings were erected along the quiet streets to the east. Interspersed among the ornate piles and their more modest neighbors were elaborate houses of worship, usually in a Gothic mode. Although a number of important houses have disappeared over the years, and several modern intrusions have been introduced, the District as a whole maintains a turn-of-the-century character. Unlike many neighborhoods of its age and type, the District has not become an economically depressed area, and the uses of the buildings have not been changed significantly. Indeed many of the houses still are lived in by the families of the builders. Recently protected by historic district soning the District has been given new hope for preservation.

CCL



J.S.G.S. 7%1 quadrangle (acale:1:24000) Manville, Va. 1965

UMITTULE SUMBINATULE VIRGINIA-NORTH CAROLINA

7.5 MINUTE SERIES (TOPOGRAPHIC) % SWIND ON THE IS OUNDRANGE OF ME 79*22'30"

4 . .