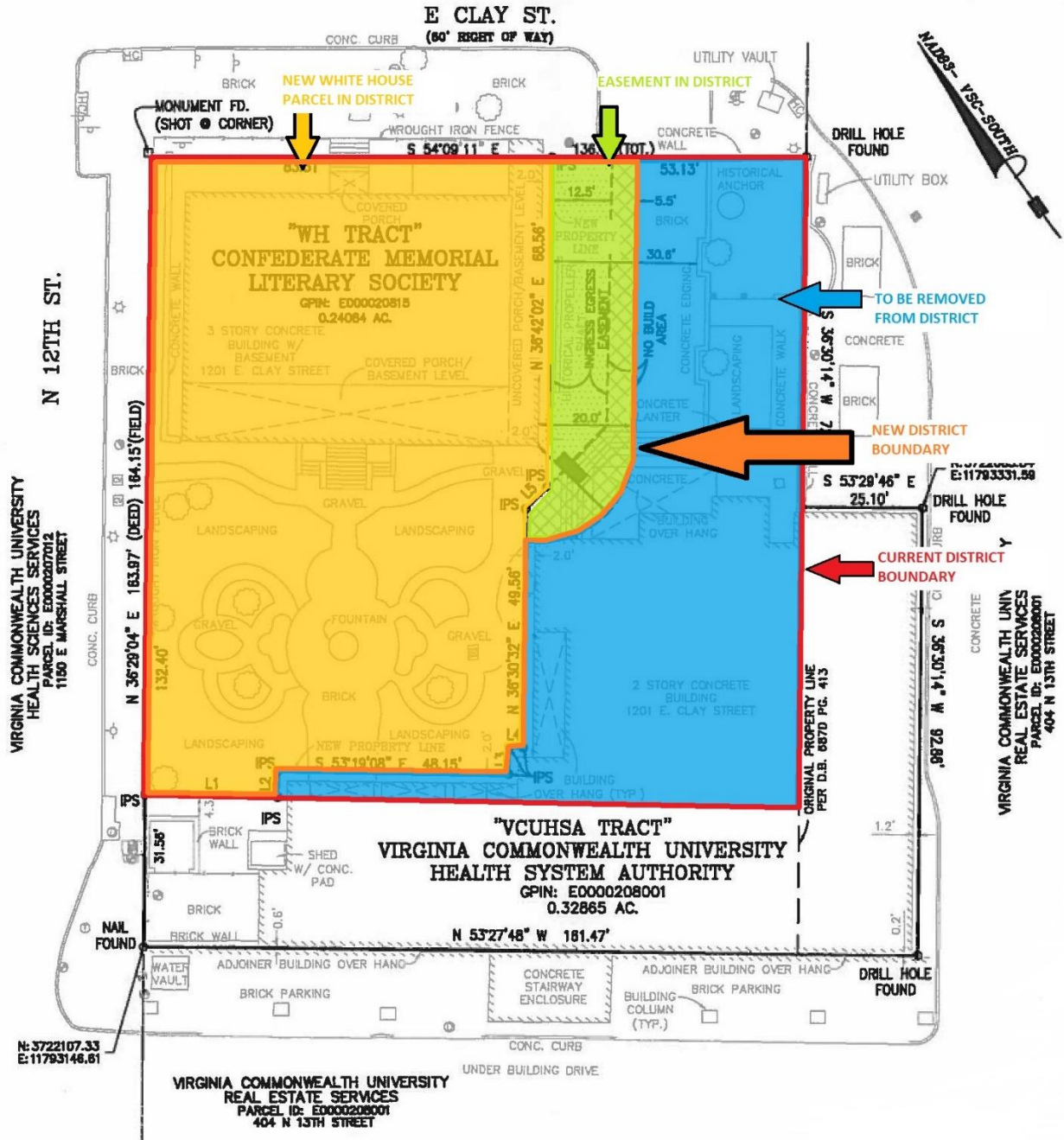


Old and Historic District Amendment Request

REQUEST:

The Confederate Memorial Literary Society and the Virginia Commonwealth University Health System Authority have requested the removal of a parcel (E0000208020 – in blue below) from the White House of the Confederacy City Old and Historic District.



BACKGROUND:

In June 2017, the Confederate Memorial Literary Society subdivided their property and transferred a portion, 1222 E. Marshall Street (E0000208020), to the Virginia Commonwealth University Health System Authority. This parcel contains the Museum of the Confederacy constructed in 1976. The Confederate Memorial Literary Society retained a portion of the property, 1201 E. Clay Street (E000020805), containing the White House of the Confederacy or the Dr. John Brockenbrough House, built in 1818, and the related garden.

Both parcels are currently located in the White House of the Confederacy Old and Historic District created in 1970. Ordinance 70-111 created eleven (11) single structure historic districts all of which were considered to be of "historical or architectural interest." Per City Code section 30-930.2 – "The purpose of creating old and historic districts is to provide a means by which the city council may recognize and protect the historic, architectural, cultural, and artistic heritage of the city."

DESCRIPTION OF THE PROPERTY:

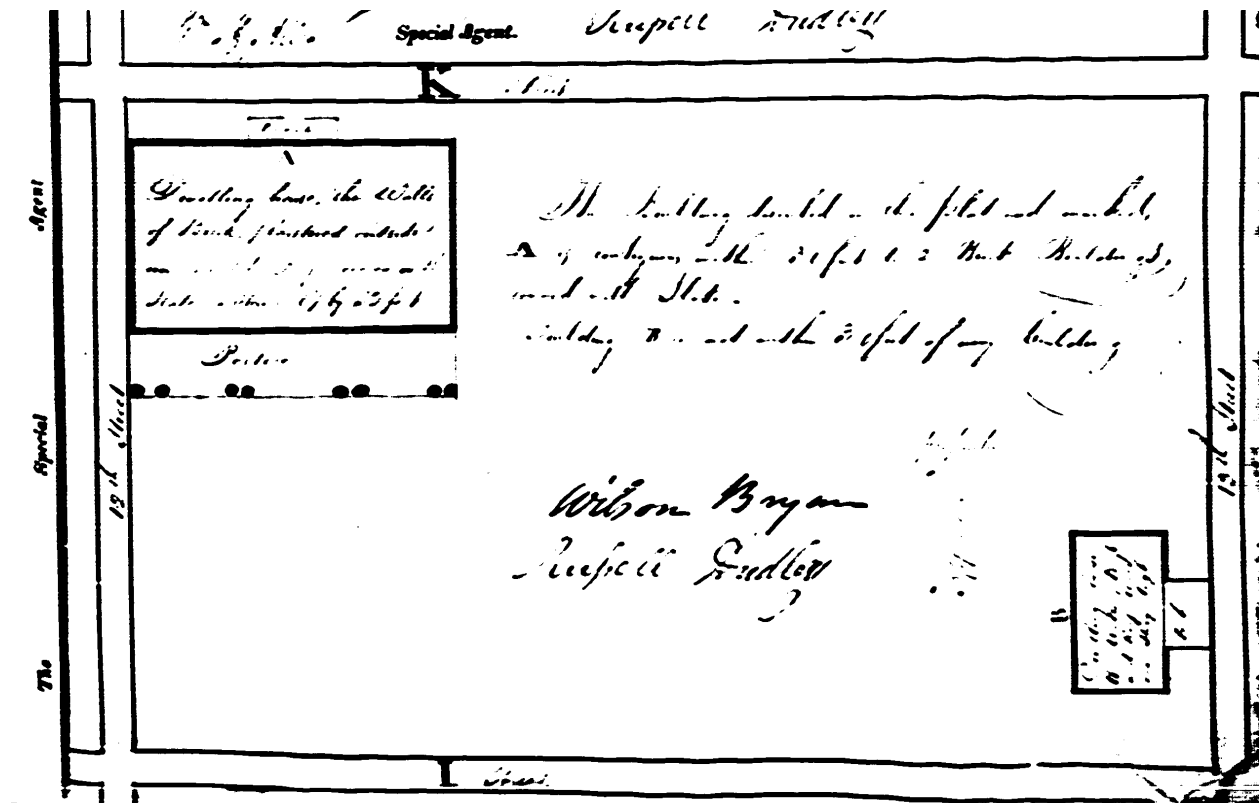


Figure 1: 1818 Mutual Assurance Policy



Figure 2: Unknown date, view of house from southwest

In 1816 and 1817, Dr. John Brockenbrough purchased two lots on the south side of Clay Street, then K Street, to the east of 12th Street on a commanding bluff overlooking the ravine between Church and Shockoe Hills. Robert Mills, considered America's first native architect, had come to Richmond to design Monumental Church and had just completed a nearby home for John Wickham. Mills designed a 2 ½ story stuccoed dwelling with a small front portico and a rear, two-story portico with massive paired Doric columns for Brockenbrough. The house was completed in 1818. Dr. Brockenbrough was the President of the Bank of Virginia and a leading politician and citizen. In 1844, the house was sold to James M. Morson, who owned the home for a year, selling it in 1845 to his sister-in-law, Mrs. James A. Seddon. James Seddon served as Secretary of War of the Confederate States. The Seddon's likely added the third floor and cupola around 1852. Lewis D. Crenshaw purchased the house in 1857 and resided there until 1861 when he sold the house to the City of Richmond and it was offered as a residence for President Jefferson Davis. Davis refused to accept and the house was rented by the Confederate Government for a presidential residence. President Davis and the other government officials fled the city on April 2, 1865 and the house was immediately seized by the Union Army. The United States

government held the mansion until 1870 when it was returned to the City. From 1871 to 1890, the dwelling served as a public school – Central School. In 1889, it was determined that the building was no longer suitable for use as a school and there was a movement to tear it down. The Confederate Literary Society was formed and the property transferred to them for use as a museum on June 3, 1894. On February 22, 1896, the mansion was opened to the public as the Confederate Museum.

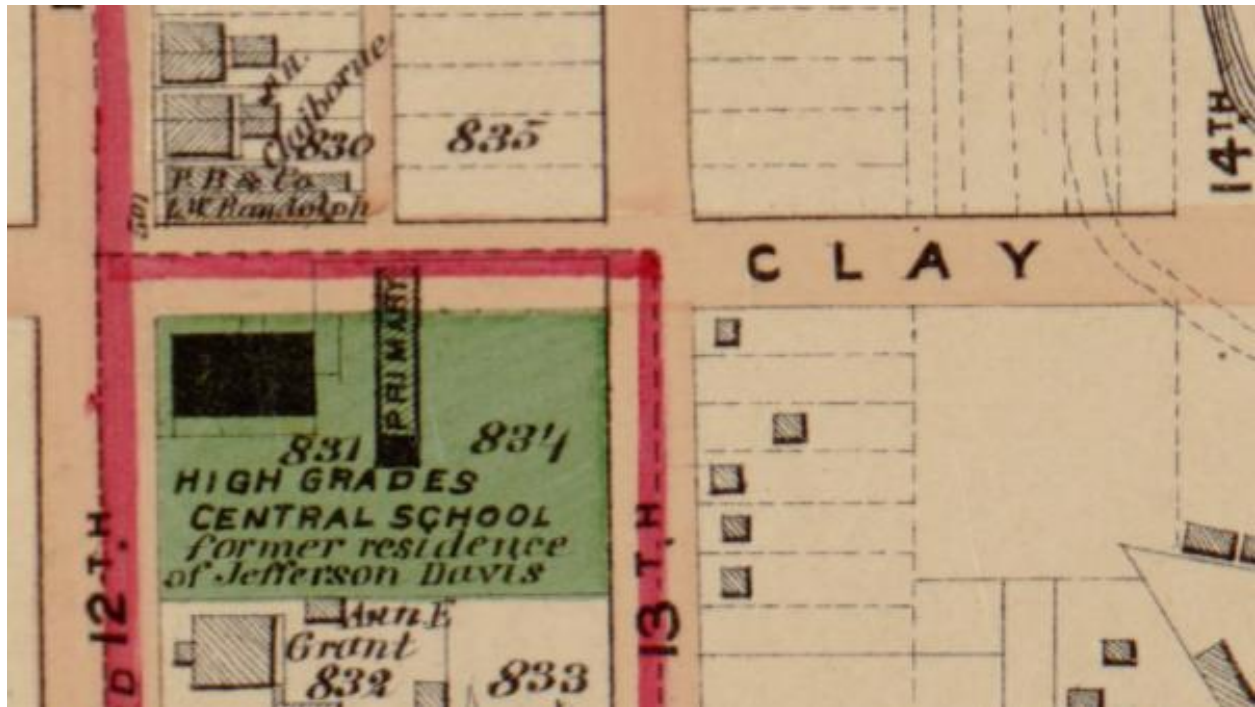


Figure 4: 1876 Beers Atlas



The yard to the south, once enclosed by a high brick wall, contains a terraced garden. There were also once numerous out buildings and dependencies. During the construction of the museum building many of the historic plantings were removed for safe keeping until they could be replanted. During construction of the museum building artifacts from the Central School period of occupancy were uncovered and documented.

Figure 3: Unknown date, Garden behind White House

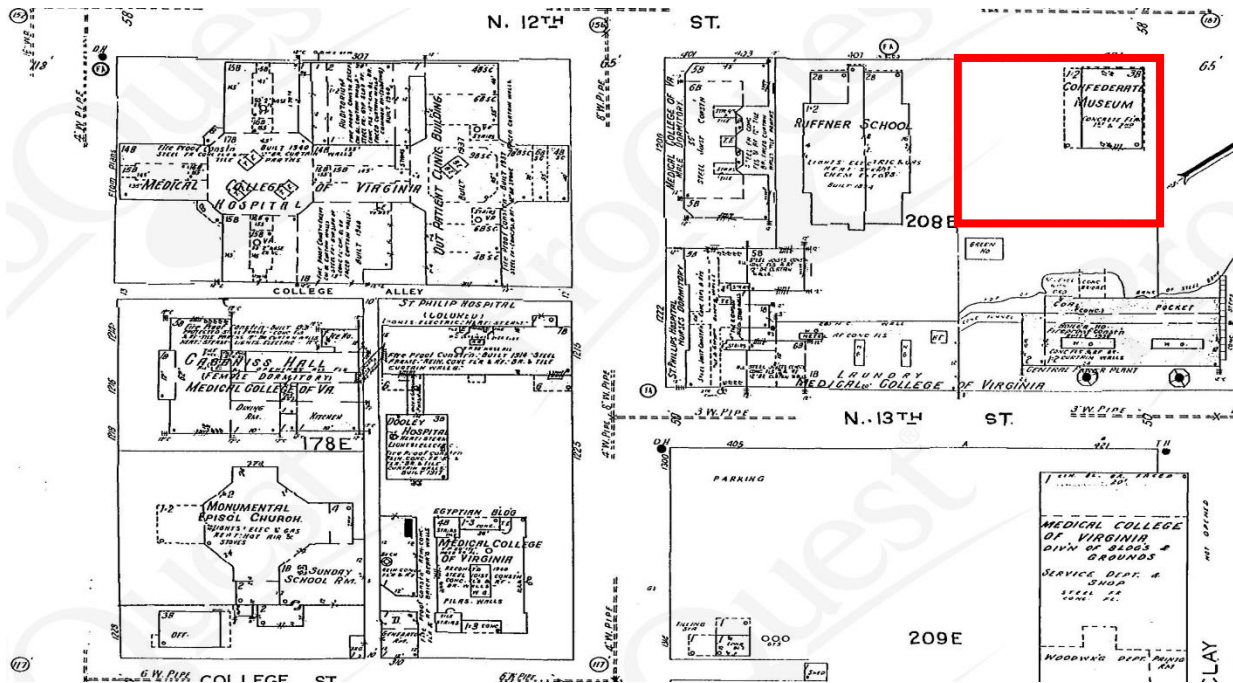


Figure 5: 1952 Sanborn Map

In 1969, the Confederate Literary Society initiated a national campaign to restore the White House of the Confederacy to its appearance during the term of office of President Jefferson Davis and to build a new gallery for the museum’s collection. “We are trying to make the new building attractive but not overwhelming, he (Kurt Brandenburg, museum director) continued. We will keep the garden and try to maintain the serene atmosphere and the dignity of the White House.” (RTD, August 13, 1969) The White House of the Confederacy and a quarter block of property was designated a City Old and Historic District in 1970 along with 10 other individual properties which were recognized for their “historical and architectural interest.” Construction on the new museum, designed by Mills & Peticord Partnership, architects from Washington, DC, began in April 1975. The L-shaped structure, reviewed by the Commission of Architectural Review, forms a courtyard space between the White House of the Confederacy and the high rise buildings on the Medical College campus. The smooth concrete finish, coffers, cantilevers, and symmetrical face reflect the “monumentality and simplicity nearing architectural brutalism” of the historic building. The White House of the Confederacy (Brockenbrough House) was designated a National Historic Landmark in 1960 with a revised nomination prepared in 1975. The revised nomination made note of the two-story glass wall of the new museum facing the garden and the original building and the use of long vertical inset panels which is a prominent motif on the historic dwelling.

PHOTOGRAPHS:



Figure 6: Facade of the White House of the Confederacy



Figure 7: Entrance to the Museum of the Confederacy – to be removed from district



Figure 8: Looking southwest across the garden towards the wing of the Museum – new property line at face of Museum



Figure 9: Looking southeast across the garden towards the Museum – new property line at face of Museum



Figure 10: Rear Elevation of White House of the Confederacy viewed across the garden

PROPERTY OWNERS AFFECTED:

The applicants, the Confederate Memorial Literary Society, owner of 1201 E. Clay Street (E000020805), and the Virginia Commonwealth University Health System Authority, owner of 1222 E. Marshall Street (E0000208020), will be affected by this decision. It has the potential to affect every property owner in every City Old and Historic District by setting a precedent for redacting and removing properties from locally designated districts.

CURRENT LAND USE AND ZONING:

The property is located within the Virginia Commonwealth University Medical College of Virginia Campus in an area zoned B-4, a Central Business District, which allows for a wide variety of uses. In the Downtown Plan and the Pulse Corridor Plan the area is designated as Institutional. Historic Preservation is a Corridor Principle, as outlined in the Pulse Corridor Plan: Retaining existing historic buildings is a priority. Smaller historic buildings add to a diversity of style and use along the Corridor (p. 26).

The property is also included in the VCU Health System Master Plan. According to VCU Health System -- Support Services and Planning, for the foreseeable future -- the current 10 year planning period -- the museum building will be utilized as a gathering area and gift shop for the

White House and as a temporary construction office and later as a faculty and staff training facility for VCU Health System.

INFORMATION FROM THE APPLICANT:

The following information was provided by the applicants – the Confederate Memorial Literary Society and the Virginia Commonwealth University Health System Authority:

The 1970 historic district boundaries match those of the original parcel acquired by the Society in 1894. On June 30, 2017, the Society recorded a lot split and sold the new tract and two outside tracts acquired in 1962 and 1973 to the VCU Health Systems Authority. The American Civil War Museum is currently constructing a new, state-of-the-art museum facility at Historic Tredegar that will be a showcase for the City and further the American Civil War Museum's mission of being the preeminent center for the exploration of the American Civil War. Most of the exhibits and artifacts housed at the Museum will be moved to American Civil War Museum's new facility.

"The Society hereby requests that the District's boundary be amended to remove the Excess Area from the District. The amended District would encompass the Retained Parcel and the Negative Easement Area and is depicted on Exhibit 1 as the area labeled "Proposed New Boundary of White House of the Confederacy Old and Historic District".

This amendment would conform the District's boundary to its sole original intended purpose: preservation of the White House. Unlike other districts enacted under the O&H Ordinance, which in many cases cover several city blocks, the District has always covered one discrete parcel containing only the White House. The District was named after the White House. Its boundaries even omitted one of the Outside Tracts owned by the Society at the time of the District's enactment, most likely because that parcel was not integral to the White House or its preservation. Quite simply the White House's preservation is the only purpose that can be inferred from the City's enactment of the District in its present configuration.

The amendment would not detract from the District's mission of preserving the White House. The Excess Area already houses a portion of the Museum, which is a two-story, late- 20th century modern concrete-block structure. Given the fact that the Museum and other large non-historic buildings already surround the White House removing the Excess Area from the District would not result in any material change in the White House's situation. The retention of the Negative Easement Area in the proposed new District boundary will preserve the spatial relationship between the White House and neighboring structures.

For the foregoing reasons, we believe City Council should adopt an ordinance and resolution amending the District's boundaries as set forth in City Code § 30-930.5(41) to

conform to the surveyed metes and bounds of the Retained Parcel and Negative Easement Area set forth on the attached Exhibit 3.” (Full request and Exhibits attached)

JUSTIFICATION FOR OLD AND HISTORIC DISTRICT DESIGNATION:

- Sec. 30-930.2. - Purpose.

The purpose of creating old and historic districts is to provide a means by which the City Council may recognize and protect the historic, architectural, cultural, and artistic heritage of the City. This process of historic preservation is a part of the promotion of the general welfare and the protection of community health and public safety of the City through the identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, sites and features with special historic, cultural, artistic, and architectural significance. To achieve this general purpose, the City seeks to pursue the following specific purposes:

- 1) The identification, designation, and protection of historic resources throughout the City.
- 2) The promotion of harmony of style, form, color, proportion, texture and material between buildings of historic design and those of more modern design.
- 3) The recognition and protection of appropriate settings and environments for historic districts, buildings, structures and sites.
- 4) The enhancement of the quality of life for residents and the providing of attractions to visitors by preserving the historic resources of the City.
- 5) The education of residents and visitors about the City's historic resources.
- 6) The incorporation of historic preservation into the permit review process of the City.

The White House of the Confederacy was designated as a City Old and Historic District in 1970 to recognize and protect the historic, architectural, cultural, and artistic heritage of the City. The 1970 district boundaries included the entire parcel as acquired by the Confederate Memorial Literary Society in 1894, not a reduced portion of the property confined to the house and garden. The entire parcel serves to protect, preserve and enhance the building, settings, and site associated with the architecturally significant Robert Mills designed John Brockenbrough House, aka the White House of the Confederacy. The museum building constructed in 1976 was intentionally designed to further compliment and protect the building and the garden and maintain the serene atmosphere. One could argue that the 1976 museum building has become a designed and integral part of the district. The ordinance provides guidance for creating and amending districts but does not provide specific guidance for reducing the boundaries of a district or removing a building from a district. Perhaps, with good reason.

Staff recommends against this action on the basis that the original boundaries were established to protect and preserve the White House of the Confederacy building and environs. Further staff

is extremely concerned about the precedent that may be established by this action to encourage or support the removal of buildings from City Old and Historic Districts.

McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Phone: 804.775.1000
Fax: 804.775.1061
www.mcguiirewoods.com

R. Robert Benaicha
Direct: 804.775.1152

McGUIREWOODS

Scan & forward to:

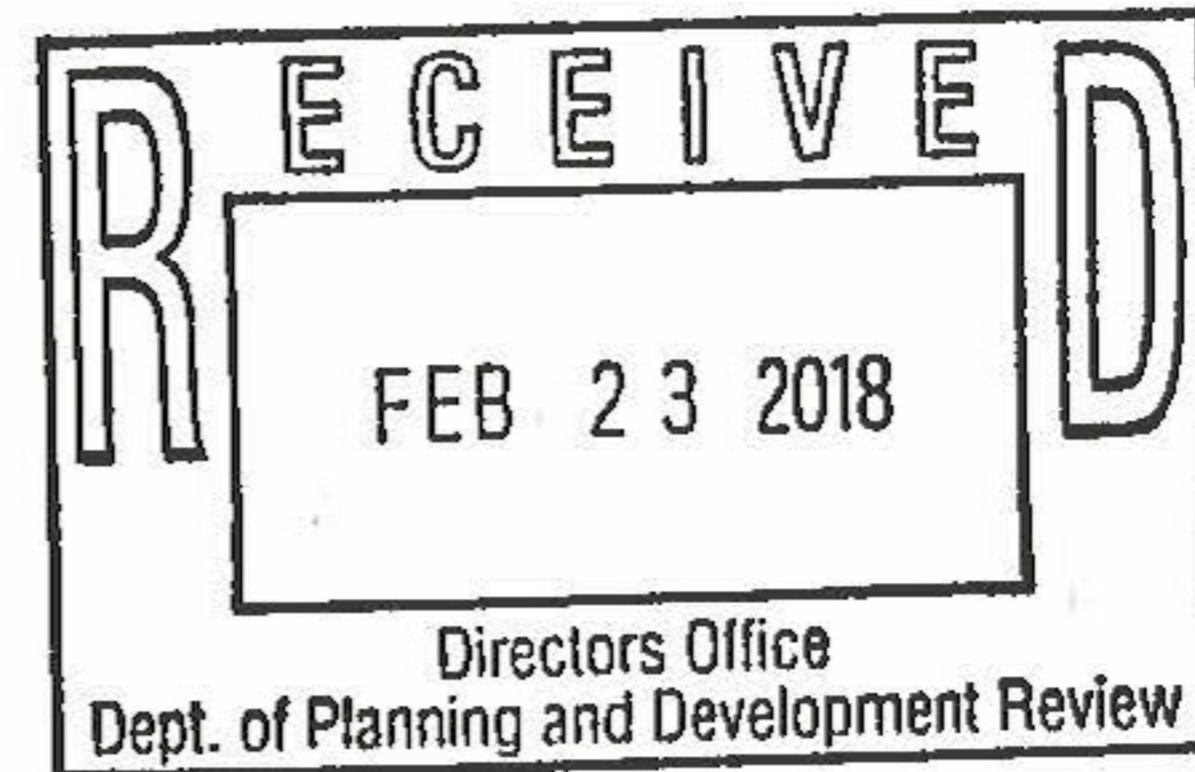
Kenn Chen
Marianne Pitts
Neil Gibson

rbenacha@mcguiirewoods.com
Fax: 804.698.2067

February 23, 2018

By Hand and E-mail

Mr. Mark Olinger
Director
Department of Planning and Development Review
City of Richmond
900 E. Broad St., Room 510
Richmond, VA 23219



Amendment of White House of the Confederacy Old & Historic District

Dear Mark:

On behalf of the Confederate Memorial Literary Society (the "Society") and its sole member, the American Civil War Museum ("ACWM"), I am writing to request an amendment of the boundaries of the White House of the Confederacy Old and Historic District (1200 East Clay Street) (the "District").¹

This amendment would remove from the District 40% of the footprint of the Museum of the Confederacy building (the "Museum"), which lies to the south and east of the historic White House of the Confederacy building and its gardens (collectively, the "White House"). The White House would remain protected within the District, leaving the District's animating purpose unaffected.

I. Background

The District was created in 1970 to protect the White House under the City's Old and Historic District regulations found at City Code § 30-930 *et seq.* (the "O&H Ordinance"). The O&H Ordinance's purpose is to promote "the general welfare...of the City" through the "identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, sites and features with special historic, cultural, artistic, and architectural significance."² The White House was built in 1818 and is listed on the National Register of Historic Places and the Virginia Landmarks Register. It is unquestionably "historic" under the O&H Ordinance's definition since it "pertains to [a period] of development, events, persons, or activities of importance in the history of the City, the Commonwealth, [and] the United States of America."³ Beyond being the District's namesake, the White House is quite clearly the District's reason for being.

¹ See City Code § 30-930.5.

² City Code § 30-930.2.

³ City Code § 30-930.1.

The District's current extent is outlined in red on the Exhibit Plat attached hereto as Exhibit 1.⁴ Since its 1970 enactment the District's boundaries have matched those of the White House's original parcel, acquired by the Society in 1894 (the "1894 Tract"). The part of the District the Society seeks to have removed (the "Excess Area") is marked on Exhibit 1 with horizontal lines and labeled "Portion of Current White House of the Confederacy Old and Historic District to be Removed (Conveyed to VCUHSA in 2017)".

Until last year the Society also owned two additional parcels located just to the east and south of the 1894 Tract (collectively, the "Outside Tracts"), neither of which were ever included in the District.⁵ The Society acquired one of the Outside Tracts in 1962 (before the District's creation), and the other in 1973.

The Museum was built around 1974, after the District's enactment. The Museum's footprint straddles the boundary between the Excess Area and the Outside Tracts, and only about 40% of its footprint is within the District.

On June 30, 2017, the Society recorded the Lot Split Plat attached hereto as Exhibit 2 to carve out of the 1894 Tract both the Excess Area and the area on Exhibit 1 labeled "Negative Easement Area" (collectively, the "New Tract"), and then sold the New Tract, together with the Outside Tracts, to the VCU Health System Authority (the "Authority").⁶ The Society retained the western portion of the 1894 Tract on which the White House is located (the "Retained Parcel") as well as easements over the Negative Easement Area which give the Society a veto over any new construction therein.

ACWM is currently constructing a new, state-of-the-art museum facility at Historic Tredegar that will be a showcase for the City and further ACWM's mission of being the preeminent center for the exploration of the American Civil War. Most of the exhibits and artifacts housed at the Museum will be moved to ACWM's new facility.

II. Request

The Society hereby requests that the District's boundary be amended to remove the Excess Area from the District. The amended District would encompass the Retained Parcel and the Negative Easement Area and is depicted on Exhibit 1 as the area labeled "Proposed New Boundary of White House of the Confederacy Old and Historic District".

This amendment would conform the District's boundary to its sole original intended purpose: preservation of the White House. Unlike other districts enacted under the O&H Ordinance, which in many cases cover several city blocks, the District has always covered one discrete parcel containing only the White House. The District was named after the White House. Its boundaries even omitted one of the Outside Tracts owned by the Society at the time of the District's enactment, most likely because that parcel was not integral to the White House

⁴ Please note that the City's GIS maps do not reflect the District's correct boundary as set forth in the O&H Ordinance and shown on Exhibit 1.

⁵ The Outside Tracts are depicted on Exhibit 1 as the cross-hatched areas labeled "Portion of Former CMLS Parcel Lying Outside Old and Historic District (Conveyed to VCUHSA in 2017)".

⁶ The Authority, whose counsel is copied on this letter, has consented to this amendment request.

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 23, 2018
Page 3

or its preservation. Quite simply, the White House's preservation is the only purpose that can be inferred from the City's enactment of the District in its present configuration.

The amendment would not detract from the District's mission of preserving the White House. The Excess Area already houses a portion of the Museum, which is a two-story, late-20th century modern concrete-block structure. Given the fact that the Museum and other large, non-historic buildings already surround the White House, removing the Excess Area from the District would not result in any material change in the White House's situation. The retention of the Negative Easement Area in the proposed new District boundary will preserve the spatial relationship between the White House and neighboring structures.

For the foregoing reasons, we believe City Council should adopt an ordinance and resolution amending the District's boundaries as set forth in City Code § 30-930.5(41) to conform to the surveyed metes and bounds of the Retained Parcel and Negative Easement Area set forth on the attached Exhibit 3.

Please let me know if you have any questions or need any additional information.

Sincerely,



R. Robert Benaicha

Enclosures

cc: Daniel E. Campbell, Esq. (by email only)
Donald E. King, Esq. (by email only)

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 22, 2018

EXHIBIT 1

Exhibit Plat

[ATTACHED]

CURVE TABLE

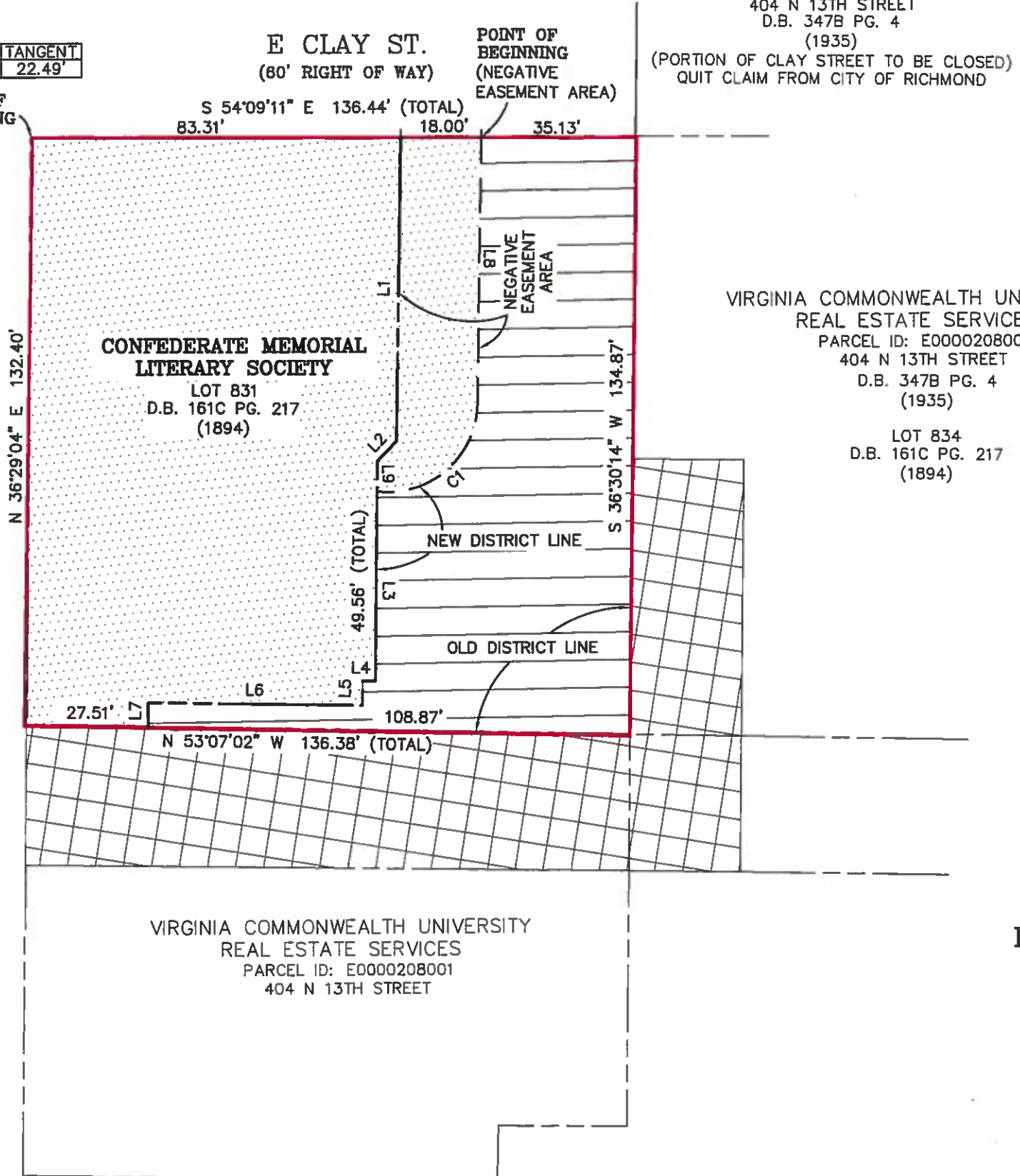
CURVE	RADIUS	LENGTH	BEARING	CHORD	DELTA	TANGENT
C1	20.00'	33.76'	S 85°03'28" W	29.89'	96°42'56"	22.49'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 36°42'02" W	68.56'
L2	S 79°53'58" W	6.37'
L3	S 36°30'32" W	42.82'
L4	N 53°29'28" W	2.97'
L5	S 36°40'52" W	5.51'
L6	N 53°19'08" W	48.15'
L7	S 36°21'23" W	5.42'
L8	S 36°42'02" W	60.35'
L9	N 36°30'32" E	6.74'

VIRGINIA COMMONWEALTH UNIVERSITY
HEALTH SCIENCES SERVICES
PARCEL ID: E0000207012
1150 E MARSHALL STREET

N 12TH ST.

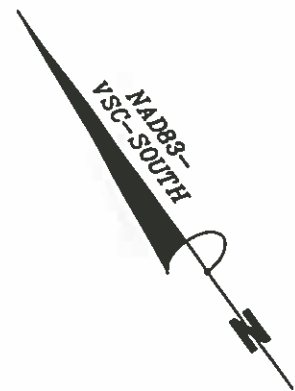


VIRGINIA COMMONWEALTH UNIVERSITY
REAL ESTATE SERVICES
PARCEL ID: E0000208001
404 N 13TH STREET
D.B. 347B PG. 4
(1935)
(PORTION OF CLAY STREET TO BE CLOSED)
QUIT CLAIM FROM CITY OF RICHMOND




VIRGINIA COMMONWEALTH UNIVERSITY
REAL ESTATE SERVICES
PARCEL ID: E0000208001
404 N 13TH STREET
D.B. 347B PG. 4
(1935)

LOT 834
D.B. 161C PG. 217
(1894)

VIRGINIA COMMONWEALTH UNIVERSITY
REAL ESTATE SERVICES
PARCEL ID: E0000208001
404 N 13TH STREET



LEGEND

-  PROPOSED NEW BOUNDARY OF WHITE HOUSE OF THE CONFEDERACY OLD AND HISTORIC DISTRICT
-  PORTION OF CURRENT WHITE HOUSE OF THE CONFEDERACY OLD AND HISTORIC DISTRICT TO BE REMOVED (CONVEYED TO VCUHSA IN 2017)
-  PORTION OF FORMER CMLS PARCEL LYING OUTSIDE OLD AND HISTORIC DISTRICT (CONVEYED TO VCUHSA IN 2017)

Bowman
CONSULTING

Bowman Consulting Group, Ltd.
3951 Westliffe Parkway
Suite 150
Richmond, Virginia 23233
Phone: (804) 616-3240
Fax: (804) 2701-2008

EXHIBIT PLAT
WHITE HOUSE OF THE CONFEDERACY
OLD AND HISTORIC DISTRICT

VIRGINIA

PARCEL ID: E0000208015

CITY OF RICHMOND

PLAN STATUS		
DATE	DESCRIPTION	
	MGB	CSM
	DRAWN	CHKD
SCALE 1" = 30'		
JOB No. 8905-01-001		
DATE: FEBRUARY 16, 2018		
FILE No.		

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 22, 2018

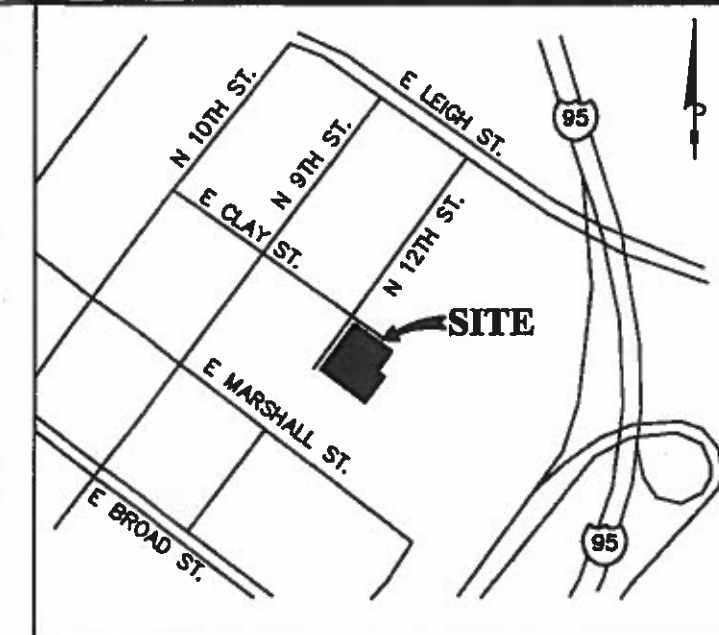
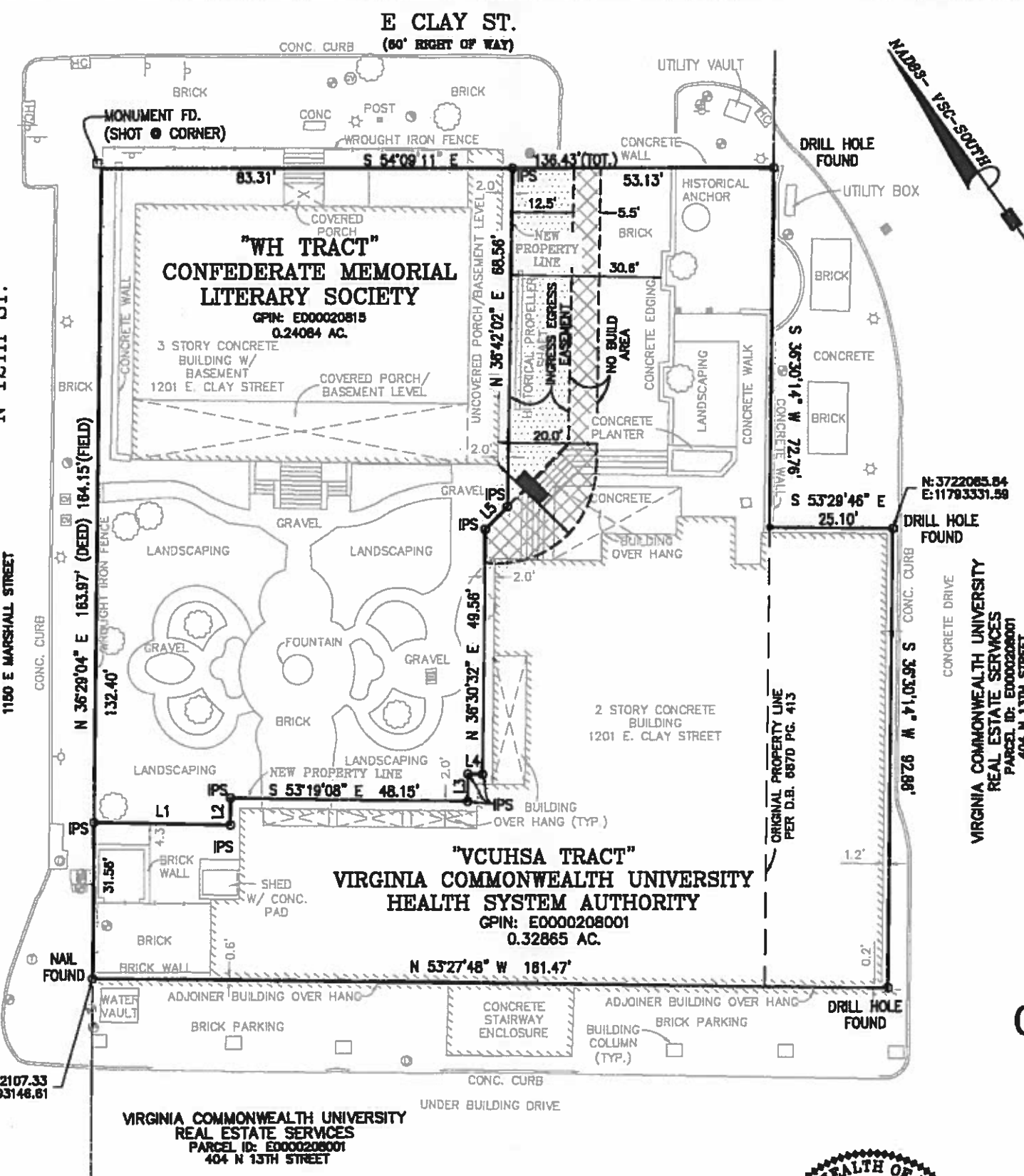
EXHIBIT 2

Lot Split Plat

[ATTACHED]

NOTES

1. THE SURVEYED PROPERTY DELINEATED HEREON IS LOCATED IN THE CITY OF RICHMOND AS PARCEL ID: E0000208015 AND IS ZONED B-4 (CENTRAL BUSINESS).
2. THE SURVEYED PROPERTY IS CURRENTLY IN THE NAME OF CONFEDERATE MEMORIAL LITERARY SOCIETY AND IS RECORDED IN DEED BOOK 181C, PAGE 217, DEED BOOK 615B, PAGE 497, DEED BOOK 687D, PAGE 413 AMONG THE LAND RECORDS OF THE CITY OF RICHMOND, VIRGINIA.
3. BOUNDARY INFORMATION AS SHOWN HEREON IS BASED ON DEED BOOK 181C, PAGE 217, DEED BOOK 397B, PAGE 4, DEED BOOK 615B, PAGE 497, DEED BOOK 687D, PAGE 410, AND DEED BOOK 687D, PAGE 413 AMONG THE LAND RECORDS IN THE CIRCUIT COURT THE CITY OF RICHMOND, VIRGINIA.
4. THIS PLAT WAS MADE WITH THE BENEFIT A TITLE COMMITMENT PROVIDE BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 17-12915, WITH AN EFFECTIVE DATE OF FEBRUARY 17, 2017.
5. THE SURVEYED PROPERTY SHOWN HEREON LIES IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP FOR THE CITY OF RICHMOND, VIRGINIA, COMMUNITY-PANEL NUMBER 5101290041E, EFFECTIVE DATE JULY 18, 2014.
6. NORTH MERIDIAN INFORMATION AS SHOWN HEREON IS BASED ON GPS OPUS SOLUTIONS AND IS NAD83 VIRGINIA STATE COORDINATE SYSTEM, SOUTH ZONE.
7. THIS SURVEY WAS PRODUCED FROM AN ACTUAL FIELD SURVEY PERFORMED BY BOWMAN CONSULTING ON MARCH 8, 2017.



VICINITY MAP
SCALE: 1" = 400'

- LEGEND**
- LAMP POST
 - SIGN
 - POST
 - TELEPHONE MANHOLE
 - GAS VALVE
 - SANITARY CLEANOUT
 - STORM MANHOLE
 - STORM GRATE
 - WATER VALVE
 - FIRE HYDRANT
 - WATER STRUCTURE
 - CONC. CONCRETE
 - HC HANDICAP RAMP
 - FENCE
 - CURB
 - IPS IRON PIPE SET

- EASEMENT LEGEND**
- PROPOSED EASEMENT AREA
 - PROPOSED UNBUILDABLE AREA

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 53°07'02" E	27.51'
L2	N 36°21'23" E	5.42'
L3	N 36°40'52" E	5.51'
L4	S 53°29'28" E	2.97'
L5	N 79°53'58" E	6.37'



APPROVED BY THE CITY OF RICHMOND PLANNING COMMISSION AND/OR DIRECTOR OF PLANNING

DATE _____ ACTING SECRETARY/AGENT _____

SURVEYOR'S CERTIFICATE

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISIONS FOR RECORDATION IN CITY OF RICHMOND, VIRGINIA HAVE BEEN COMPLIED WITH. MONUMENTS WILL BE SET BY JUNE 17, 2017.

BY: CRAIG S. MACAULAY, LS (LIC. NO. 3124)
BOWMAN CONSULTING GROUP, LTD.



AREA TABULATION

TOTAL GPIN E0000208015	24,807 S.F.	0.56948 AC.
VCU HEALTH SYS. AUTH.	14,318 S.F.	0.32865 AC.
CONFED. MEM. LIT. SOC.	10,490 S.F.	0.24084 AC.
TOTAL PLAT	24,807 S.F.	0.56948 AC.

PLAT SHOWING LOT SPLIT ON THE PROPERTY OF
CONFEDERATE MEMORIAL LITERARY SOCIETY
PARCEL ID: E0000208015
DEED BOOK 181C, PAGE 217
DEED BOOK 615B, PAGE 497
DEED BOOK 687D, PAGE 413
CITY OF RICHMOND
HENRICO COUNTY, VIRGINIA

SCALE: 1" = 20' DATE: MAY 19, 2017

Bowman CONSULTING

Bowman Consulting Group, Ltd.
2000 Westmore Parkway, Suite 100
Richmond, Virginia 23260
Phone: 804-688-8800
Fax: 804-678-8808
www.bowmanconsulting.com

BOG PROJECT NO: 8905-01-001 TASK: 1 COUNTY REF NO: SHEET 1 OF 1

8905-C-PP-002

EXHIBIT 3

Surveyed Description of Proposed Amended District Boundary

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF EAST CLAY STREET AND THE EAST LINE OF NORTH TWELFTH STREET; THENCE RUNNING IN AN EASTERLY DIRECTION ALONG THE SOUTH LINE OF EAST CLAY STREET S 54°09'11" E 101.30 FEET TO A POINT; THENCE RUNNING IN A SOUTHERLY DIRECTION S 36°42'02" W 60.35 FEET TO A POINT, BEING A POINT OF CURVATURE; THENCE ALONG AN ARC 33.76 FEET ALONG A CURVE DEFLECTING TO THE RIGHT WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 96°42'56", AND A CHORD BEARING AND DISTANCE OF S 85°03'28" W 29.89 FEET, TO A POINT; THENCE S 36°30'32" W 42.82 FEET TO A POINT; THENCE N 53°29'28" W 2.97 FEET TO A POINT; THENCE S 36°40'52" W 5.51 FEET TO A POINT; THENCE N 53°19'08" W 48.15 FEET TO A POINT; THENCE S 36°21'23" W 5.42 FEET TO A POINT; THENCE RUNNING IN A WESTERLY DIRECTION N 53°07'02" W 27.51 FEET TO A POINT LYING ON THE EAST LINE OF NORTH TWELFTH STREET; THENCE RUNNING IN A NORTHERLY DIRECTION ALONG THE EAST LINE OF NORTH TWELFTH STREET N 36°29'04" E 132.40 FEET TO THE POINT OF BEGINNING.

HUNTON ANDREWS KURTH

HUNTON ANDREWS KURTH LLP
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD STREET
RICHMOND, VIRGINIA 23219-4074

TEL 804 • 788 • 8200
FAX 804 • 788 • 8218

DANIEL M. CAMPBELL
DIRECT DIAL: 804 • 788 • 8503
EMAIL: dcampbell@HuntonAK.com

FILE NO: 53079.000157

April 20, 2018

By E-Mail Only

Ms. Kimberly Chen
Principal Planner, Division of Planning and Preservation
Department of Planning and Development Review
City of Richmond
900 E. Broad St., Room 510
Richmond, VA 23219
kimberly.chen@richmondgov.com

Amendment of White House of the Confederacy Old & Historic District (the "District")

Dear Ms. Chen:

This firm represents the VCU Health System Authority (the "Authority"). As you know, the current boundaries of the above-referenced District encompass a portion of the Authority's real property at 1222 East Clay Street (the "Authority Parcel"), together with all of the neighboring property owned by the Confederate Memorial Literary Society ("CMLS") at 1201 East Clay Street (the "CMLS Parcel"). The Authority Parcel was created out of the CMLS Parcel via a 2017 lot split.

CMLS and the Authority have agreed to pursue an amendment to the District's boundaries to encompass only the CMLS Parcel. Please accept this letter as evidence of the Authority's consent to CMLS's February 23, 2018 letter requesting such an amendment, a copy of which letter is attached hereto as Exhibit A.

Please let me know if you have any questions regarding this letter or if you need any further evidence of the Authority's consent to CMLS's request to amend the District boundaries.

Sincerely yours,



Daniel M. Campbell

cc: Paul C. Neimeyer, Esq.
R. Robert Benaicha, Esq.

EXHIBIT A

February 23, 2018 Letter from CMLS Requesting District Amendment

[SEE ATTACHED]

McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Phone: 804.775.1000
Fax: 804.775.1061
www.mcguirewoods.com

R. Robert Benaicha
Direct: 804.775.1152

McGUIREWOODS

rbenacha@mcguirewoods.com
Fax: 804.698.2067

February 23, 2018

By Hand and E-mail

Mr. Mark Olinger
Director
Department of Planning and Development Review
City of Richmond
900 E. Broad St., Room 510
Richmond, VA 23219

Amendment of White House of the Confederacy Old & Historic District

Dear Mark:

On behalf of the Confederate Memorial Literary Society (the "Society") and its sole member, the American Civil War Museum ("ACWM"), I am writing to request an amendment of the boundaries of the White House of the Confederacy Old and Historic District (1200 East Clay Street) (the "District").¹

This amendment would remove from the District 40% of the footprint of the Museum of the Confederacy building (the "Museum"), which lies to the south and east of the historic White House of the Confederacy building and its gardens (collectively, the "White House"). The White House would remain protected within the District, leaving the District's animating purpose unaffected.

I. Background

The District was created in 1970 to protect the White House under the City's Old and Historic District regulations found at City Code § 30-930 *et seq.* (the "O&H Ordinance"). The O&H Ordinance's purpose is to promote "the general welfare...of the City" through the "identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, sites and features with special historic, cultural, artistic, and architectural significance."² The White House was built in 1818 and is listed on the National Register of Historic Places and the Virginia Landmarks Register. It is unquestionably "historic" under the O&H Ordinance's definition since it "pertains to [a period] of development, events, persons, or activities of importance in the history of the City, the Commonwealth, [and] the United States of America."³ Beyond being the District's namesake, the White House is quite clearly the District's reason for being.

¹ See City Code § 30-930.5.

² City Code § 30-930.2.

³ City Code § 30-930.1.

The District's current extent is outlined in red on the Exhibit Plat attached hereto as Exhibit 1.⁴ Since its 1970 enactment the District's boundaries have matched those of the White House's original parcel, acquired by the Society in 1894 (the "1894 Tract"). The part of the District the Society seeks to have removed (the "Excess Area") is marked on Exhibit 1 with horizontal lines and labeled "Portion of Current White House of the Confederacy Old and Historic District to be Removed (Conveyed to VCUHSA in 2017)".

Until last year the Society also owned two additional parcels located just to the east and south of the 1894 Tract (collectively, the "Outside Tracts"), neither of which were ever included in the District.⁵ The Society acquired one of the Outside Tracts in 1962 (before the District's creation), and the other in 1973.

The Museum was built around 1974, after the District's enactment. The Museum's footprint straddles the boundary between the Excess Area and the Outside Tracts, and only about 40% of its footprint is within the District.

On June 30, 2017, the Society recorded the Lot Split Plat attached hereto as Exhibit 2 to carve out of the 1894 Tract both the Excess Area and the area on Exhibit 1 labeled "Negative Easement Area" (collectively, the "New Tract"), and then sold the New Tract, together with the Outside Tracts, to the VCU Health System Authority (the "Authority").⁶ The Society retained the western portion of the 1894 Tract on which the White House is located (the "Retained Parcel") as well as easements over the Negative Easement Area which give the Society a veto over any new construction therein.

ACWM is currently constructing a new, state-of-the-art museum facility at Historic Tredegar that will be a showcase for the City and further ACWM's mission of being the preeminent center for the exploration of the American Civil War. Most of the exhibits and artifacts housed at the Museum will be moved to ACWM's new facility.

II. Request

The Society hereby requests that the District's boundary be amended to remove the Excess Area from the District. The amended District would encompass the Retained Parcel and the Negative Easement Area and is depicted on Exhibit 1 as the area labeled "Proposed New Boundary of White House of the Confederacy Old and Historic District".

This amendment would conform the District's boundary to its sole original intended purpose: preservation of the White House. Unlike other districts enacted under the O&H Ordinance, which in many cases cover several city blocks, the District has always covered one discrete parcel containing only the White House. The District was named after the White House. Its boundaries even omitted one of the Outside Tracts owned by the Society at the time of the District's enactment, most likely because that parcel was not integral to the White House

⁴ Please note that the City's GIS maps do not reflect the District's correct boundary as set forth in the O&H Ordinance and shown on Exhibit 1.

⁵ The Outside Tracts are depicted on Exhibit 1 as the cross-hatched areas labeled "Portion of Former CMLS Parcel Lying Outside Old and Historic District (Conveyed to VCUHSA in 2017)".

⁶ The Authority, whose counsel is copied on this letter, has consented to this amendment request.

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 23, 2018
Page 3

or its preservation. Quite simply, the White House's preservation is the only purpose that can be inferred from the City's enactment of the District in its present configuration.

The amendment would not detract from the District's mission of preserving the White House. The Excess Area already houses a portion of the Museum, which is a two-story, late-20th century modern concrete-block structure. Given the fact that the Museum and other large, non-historic buildings already surround the White House, removing the Excess Area from the District would not result in any material change in the White House's situation. The retention of the Negative Easement Area in the proposed new District boundary will preserve the spatial relationship between the White House and neighboring structures.

For the foregoing reasons, we believe City Council should adopt an ordinance and resolution amending the District's boundaries as set forth in City Code § 30-930.5(41) to conform to the surveyed metes and bounds of the Retained Parcel and Negative Easement Area set forth on the attached Exhibit 3.

Please let me know if you have any questions or need any additional information.

Sincerely,



R. Robert Benaicha

Enclosures

cc: Daniel E. Campbell, Esq. (by email only)
Donald E. King, Esq. (by email only)

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 22, 2018

EXHIBIT 1

Exhibit Plat

[ATTACHED]

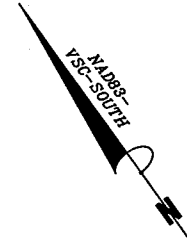
CURVE	RADIUS	LENGTH	BEARING	CHORD	DELTA	TANGENT
C1	20.00'	33.76'	S 85°03'28" W	29.89'	96°42'56"	22.49'

CURVE TABLE

LINE	BEARING	DISTANCE
L1	S 36°42'02" W	68.56'
L2	S 79°53'58" W	6.37'
L3	S 36°30'32" W	42.82'
L4	N 53°29'28" W	2.97'
L5	S 36°40'52" W	5.51'
L6	N 53°19'08" W	48.15'
L7	S 36°21'23" W	5.42'
L8	S 36°42'02" W	60.35'
L9	N 36°30'32" E	6.74'

LINE TABLE

VIRGINIA COMMONWEALTH UNIVERSITY
 REAL ESTATE SERVICES
 PARCEL ID: E0000208001
 404 N 13TH STREET
 D.B. 347B PG. 4
 (1935)
 (PORTION OF CLAY STREET TO BE CLOSED)
 QUIT CLAIM FROM CITY OF RICHMOND



VIRGINIA COMMONWEALTH UNIVERSITY
 HEALTH SCIENCES SERVICES
 PARCEL ID: E0000207012
 1150 E MARSHALL STREET

N 12TH ST.

POINT OF BEGINNING

E CLAY ST.
 (60' RIGHT OF WAY)

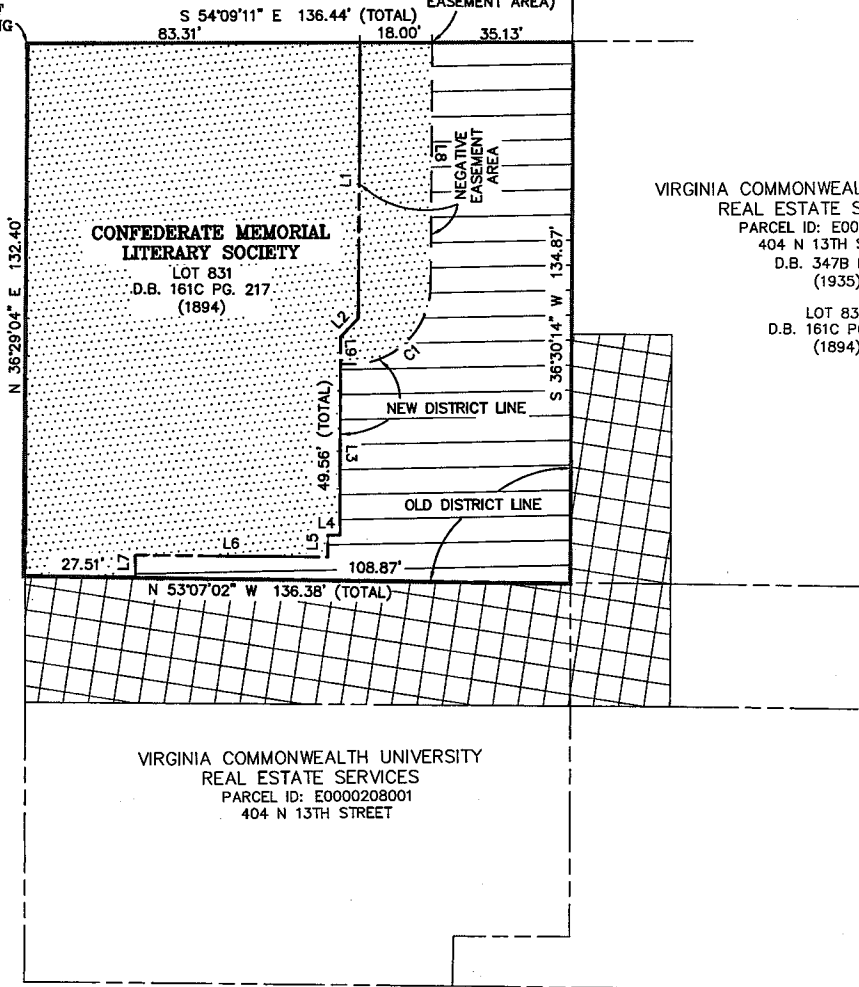
POINT OF BEGINNING
 (NEGATIVE EASEMENT AREA)

CONFEDERATE MEMORIAL LITERARY SOCIETY




LOT 831
 D.B. 161C PG. 217
 (1894)

VIRGINIA COMMONWEALTH UNIVERSITY
 REAL ESTATE SERVICES
 PARCEL ID: E0000208001
 404 N 13TH STREET
 D.B. 347B PG. 4
 (1935)

LOT 834
 D.B. 161C PG. 217
 (1894)



LEGEND

-  PROPOSED NEW BOUNDARY OF WHITE HOUSE OF THE CONFEDERACY OLD AND HISTORIC DISTRICT
-  PORTION OF CURRENT WHITE HOUSE OF THE CONFEDERACY OLD AND HISTORIC DISTRICT TO BE REMOVED (CONVEYED TO VCUHA IN 2017)
-  PORTION OF FORMER CMLS PARCEL LYING OUTSIDE OLD AND HISTORIC DISTRICT (CONVEYED TO VCUHA IN 2017)



Bowman Consulting Group, Ltd.
 3851 Williams Parkway
 Suite 150
 Richmond, Virginia 23233
 Phone: (804) 616-6240
 Fax: (804) 2701-2008

VIRGINIA

EXHIBIT PLAT
 WHITE HOUSE OF THE CONFEDERACY
 OLD AND HISTORIC DISTRICT
 PARCEL ID: E00002080015

CITY OF RICHMOND

PLAT STATUS

DATE DESCRIPTION

REVISION	DATE	DESCRIPTION

SCALE 1" = 30'

JOB No. 8905-01-001

DATE: FEBRUARY 18, 2018

FILE No.

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 22, 2018

EXHIBIT 2

Lot Split Plat

[ATTACHED]

NOTES

1. THE SURVEYED PROPERTY DELINEATED HEREON IS LOCATED IN THE CITY OF RICHMOND AS PARCEL ID: E0000208015 AND IS ZONED B-4 (CENTRAL BUSINESS).
2. THE SURVEYED PROPERTY IS CURRENTLY IN THE NAME OF CONFEDERATE MEMORIAL LITERARY SOCIETY AND IS RECORDED IN DEED BOOK 161C, PAGE 217, DEED BOOK 615B, PAGE 497, DEED BOOK 687D, PAGE 413 AMONG THE LAND RECORDS OF THE CITY OF RICHMOND, VIRGINIA.
3. BOUNDARY INFORMATION AS SHOWN HEREON IS BASED ON DEED BOOK 161C, PAGE 217, DEED BOOK 397B, PAGE 4, DEED BOOK 615B, PAGE 497, DEED BOOK 687D, PAGE 410, AND DEED BOOK 687D, PAGE 413 AMONG THE LAND RECORDS IN THE CIRCUIT COURT THE CITY OF RICHMOND, VIRGINIA.
4. THIS PLAT WAS MADE WITH THE BENEFIT A TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 17-12915, WITH AN EFFECTIVE DATE OF FEBRUARY 17, 2017.
5. THE SURVEYED PROPERTY SHOWN HEREON LIES IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP FOR THE CITY OF RICHMOND, VIRGINIA, COMMUNITY-PANEL NUMBER 5101290041E, EFFECTIVE DATE JULY 16, 2014.
6. NORTH MERIDIAN INFORMATION AS SHOWN HEREON IS BASED ON GPS OPUS SOLUTIONS AND IS NAD83 VIRGINIA STATE COORDINATE SYSTEM, SOUTH ZONE.
7. THIS SURVEY WAS PRODUCED FROM AN ACTUAL FIELD SURVEY PERFORMED BY BOWMAN CONSULTING ON MARCH 8, 2017.

EASEMENT LEGEND

- PROPOSED EASEMENT AREA
- PROPOSED UNBUILDABLE AREA

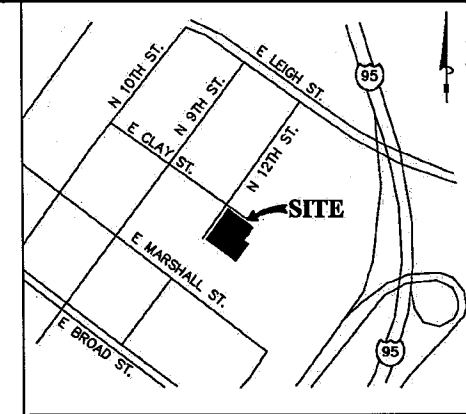
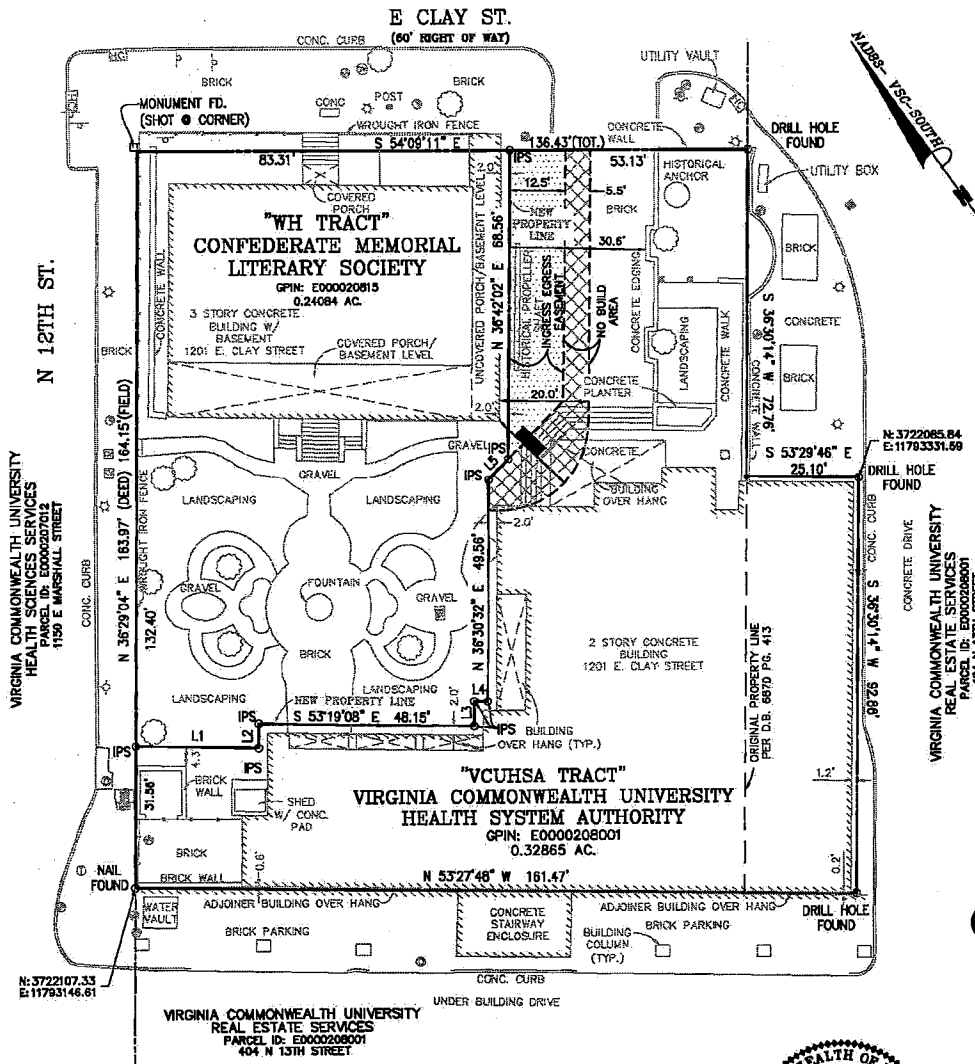
LINE TABLE

LINE	BEARING	DISTANCE
L1	S 53°07'02" E	27.51'
L2	N 36°21'23" E	5.42'
L3	N 36°40'52" E	5.51'
L4	S 53°29'28" E	2.97'
L5	N 79°53'58" E	6.37'



APPROVED BY THE CITY OF RICHMOND
PLANNING COMMISSION AND/OR
DIRECTOR OF PLANNING

DATE _____ ACTING SECRETARY/AGENT _____



VICINITY MAP

SCALE: 1" = 400'

LEGEND

- LAMP POST
- SON
- POST
- TELEPHONE MANHOLE
- GAS VALVE
- SANITARY CLEANOUT
- STORM MANHOLE
- STORM GRATE
- WATER VALVE
- FIRE HYDRANT
- WATER STRUCTURE
- CONC. CONCRETE
- HC HANDICAP RAMP
- FENCE
- CURB
- IPS IRON PIPE SET

AREA TABULATION

TOTAL GPIN E0000208015	24,807 S.F.	0.56949 AC.
VCU HEALTH SYS. AUTH.	14,316 S.F.	0.32865 AC.
CONFED. MEM. LIT. SOC.	10,490 S.F.	0.24084 AC.
TOTAL PLAT	24,807 S.F.	0.56949 AC.

PLAT SHOWING
LOT SPLIT
ON THE PROPERTY OF
**CONFEDERATE MEMORIAL
LITERARY SOCIETY**

PARCEL ID: E0000208015
DEED BOOK 161C, PAGE 217
DEED BOOK 615B, PAGE 497
DEED BOOK 687D, PAGE 413
CITY OF RICHMOND
HENRICO COUNTY, VIRGINIA

SCALE: 1" = 20'

DATE: MAY 19, 2017

NO.	REVISION

**Bowman
CONSULTING**

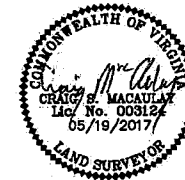
Bowman Consulting Group, Ltd.
2001 Westshore Parkway, Suite 500
Richmond, Virginia 23220
Phone: (804) 780-8800
Fax: (804) 780-8008
www.bowmanconsulting.com

DWG: PLAT - 17 - 11th Issue to City of Richmond - 05-19-2017 - 11th Issue to City of Richmond - 05-19-2017
BY: MGS CHG: CSJ: CC:
BOW PROJECT NO: B000-01-001 TASK: 1 COUNTY REF NO: SHEET 1 OF 1

SURVEYOR'S CERTIFICATE

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISIONS FOR RECORDED IN CITY OF RICHMOND, VIRGINIA HAVE BEEN COMPLIED WITH. MONUMENTS WILL BE SET BY JUNE 17, 2017.

BY: CRAIG S. MACAULAY, LS (LIC. NO. 3124)
BOWMAN CONSULTING GROUP, LTD.



RECORDED _____ PLAT BOOK: _____ PAGE: _____

B000-C-17-002

EXHIBIT 3

Surveyed Description of Proposed Amended District Boundary

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF EAST CLAY STREET AND THE EAST LINE OF NORTH TWELFTH STREET; THENCE RUNNING IN AN EASTERLY DIRECTION ALONG THE SOUTH LINE OF EAST CLAY STREET S 54°09'11" E 101.30 FEET TO A POINT; THENCE RUNNING IN A SOUTHERLY DIRECTION S 36°42'02" W 60.35 FEET TO A POINT, BEING A POINT OF CURVATURE; THENCE ALONG AN ARC 33.76 FEET ALONG A CURVE DEFLECTING TO THE RIGHT WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 96°42'56", AND A CHORD BEARING AND DISTANCE OF S 85°03'28" W 29.89 FEET, TO A POINT; THENCE S 36°30'32" W 42.82 FEET TO A POINT; THENCE N 53°29'28" W 2.97 FEET TO A POINT; THENCE S 36°40'52" W 5.51 FEET TO A POINT; THENCE N 53°19'08" W 48.15 FEET TO A POINT; THENCE S 36°21'23" W 5.42 FEET TO A POINT; THENCE RUNNING IN A WESTERLY DIRECTION N 53°07'02" W 27.51 FEET TO A POINT LYING ON THE EAST LINE OF NORTH TWELFTH STREET; THENCE RUNNING IN A NORTHERLY DIRECTION ALONG THE EAST LINE OF NORTH TWELFTH STREET N 36°29'04" E 132.40 FEET TO THE POINT OF BEGINNING.