

To: John Fowler, Executive Director, Advisory Council on Historic Preservation
CC: Joy Beasley, Keeper of the National Register of Historic Places
Julie Earnstein, Acting Chief of the National Register of Historic Places
Carrie Schmidt, Field Office Director, HUD

From: Charles Pool, Commenting party for Section 106 Review of Intermediate Terminal #3,
Richmond, Virginia

Re: Appeal of determination of ineligibility for the listing on the National Register of Historic Places
the Intermediate Terminal #3 (VDHR ID# 127-6253) Richmond, Virginia

Dear Mr. Fowler,

While I have the greatest regard for the Virginia Department of Historic Resources (VDHR), by this letter I very respectfully submit a formal appeal of the VDHR National Register Executive Evaluation Committee determination that the Intermediate Terminal #3 (Terminal) in Richmond, Virginia is not eligible for listing on the National Register. This determination regarding the Terminal (VDHR ID # 127-6253) was made by letter on July 6, 2018.

I was notified on June 21, 2018 by Kimberly Chen of the City of Richmond that I was accepted as commenting party on the Terminal through the Section 106 process. Please find the attached 28 page *Section 106 Comment* regarding the Terminal that I submitted to VDHR and the City of Richmond on June 28, 2018. My June 28th comment was in response to the city's **DRAFT** report from May 2018 and in response to press reports indicating that the Stone Brewery wanted to demolish the building relying upon (inaccurate) reports that the building was constructed without reinforced steel concrete.

I cite the following reasons that the Advisory Council should review my appeal of the VDHR Executive Evaluation Committee determination that the Terminal is not eligible for listing on the National Register and conclusion that there would be no adverse impact from demolishing the building:

1). The process allowed inadequate time for Section 106 comment on city's "final" Dutton report:

The VDHR determination that the Terminal is not eligible for the National Register listing was based largely upon the report by Dutton & Associates LLC (Dutton), submitted on behalf of the City of Richmond. This report included inaccurate and incomplete information. The city submitted the Dutton "final" report to VDHR on Friday, June 29, 2018 and VDHR's Executive Evaluation Committee met only two business days later on July 3, 2018 to consider the eligibility of the Terminal. Unfortunately, this short time span did not allow the public a reasonable opportunity to comment through the Section 106 process on the inaccurate and incomplete information included in the "final" Dutton report.

This process was so rushed that the Church Hill Association, which had requested an opportunity to be a commenting party in the Section 106 review of the Terminal, was not afforded an opportunity to consider the issue at its monthly meeting before the Executive VDHR determination was made.

A previous inaccurate assertion made by Stone Brewery's consultant, that the Terminal was constructed without reinforced steel concrete, was disproved thanks to public review. But now, contrary to a proper Section 106 review, the public has no opportunity to counter the inaccurate and incomplete information in the consultant's "final" report, such as the obviously incorrect assertion that the massive Intermediate Terminal Wharf was "removed."

2). The process did not include an evaluation of the Terminal as a contributing resource to a district, as recommended by the VDHR staff:

According to the May 31, 2018 Minutes of the VDHR National Register Evaluation Committee, *“The committee recommended asking the City of Richmond to evaluate the area surrounding the Intermediate Terminal as a potential industrial historic, with Warehouse #3 as a potential contributing resource.”*

Unfortunately, the City of Richmond and VDHR failed to evaluate the area surrounding the Intermediate Terminal as a potential historic district with the Terminal as a contributing resource as recommended by the DHR National Register Evaluation Committee.

While I believe that the Terminal is eligible for individual listing on the National Register, the Section 106 process was remiss in not including an evaluation of the Terminal as a contributing resource to a district, as recommended by the VDHR National Register Evaluation Committee.

An industrial historic district with the Terminal as a contributing resource could include:

- 1937 Intermediate Terminal Warehouse #3.
- 1938 Water Street Bridge over Gillies Creek adjacent to the Terminal (already determined to be potentially eligible for the NRHP).
- 1930s (?) former railroad bridge now converted to bicycle path
- 1928 Intermediate Terminal Wharf.
- 1937 the extant railroad tracks that serviced the Intermediate Terminal.
- 1929 nearby building at 4400 E. Main Street that was built as the headquarters of the James River Oil Company (a major shipper at the Intermediate Terminal).
- 1940s Deepwater Terminal and three 1933-1937 cut-off canals in the James River in a possible discontiguous “terminal district” connecting the Intermediate and Deepwater terminals



Intermediate Terminal Warehouse #3 (Source: VDHR)

Contributing district resources (continued):



1938 Water Street Bridge over Gillies Creek adjacent to the Terminal (determined to be potentially eligible for the NRHP) and 1930s (?) former railroad bridge now converted to bicycle path. (Source: VDHR)

Contributing district resources (continued):



1928 Intermediate Terminal Wharf



Intermediate Terminal Wharf adjacent to Warehouse #3

Contributing district resources (continued):



1937 the railroad tracks that serviced the Intermediate Terminal visible below first bay of building.

Contributing district resources (continued):



1929 Nearby building at 4400 E. Main Street that was built as the headquarters of the James River Oil Company (a major shipper of oil products at the Intermediate Terminal).



4400 E. Main Street, built as the headquarters of the James River Oil Company, photographed in the large flood of 1942 (Source: Danville Bee, October 19, 1942)

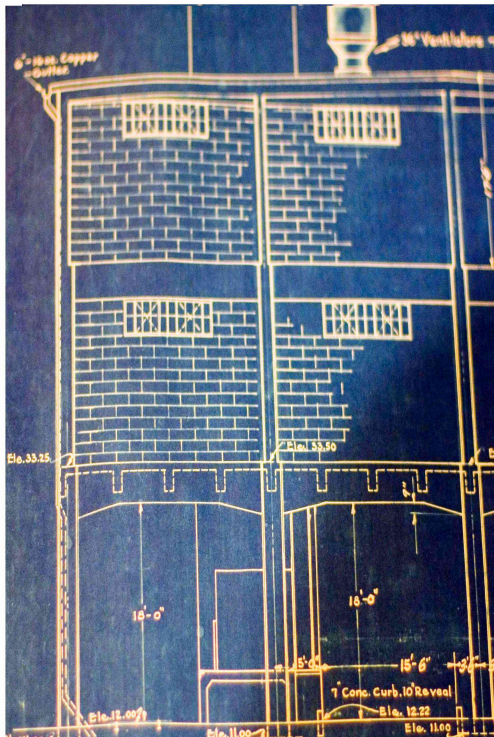
3). The July 6, 2018 letter of the VDHR National Register Executive Evaluation Committee (without explanation) did not agree with the staff VDHR National Register Evaluation Committee determination that the Terminal exhibits integrity of design, materials, and workmanship:

According to the June 14, 2018 minutes of the VDHR National Register Evaluation Committee, “The building itself retains integrity of location, design, materials and workmanship, but has lost its associative context and setting due to the demolition of most of the complex.”

However, the July 6, 2018 VDHR Executive Evaluation Committee letter stated that that the Terminal “lost integrity of setting, design, materials, workmanship, feeling and association.”

Even the city's Dutton report conceded that the Terminal had integrity of location, design, materials and workmanship. It is unknown why the VDHR Executive Evaluation Committee did not support the VDHR staff and city consultant's determination that the Terminal has integrity of design, materials and workmanship.

Because the VDHR Executive Evaluation Committee interceded before the staff VDHR National Register Evaluation Committee considered the eligibility of the Terminal, there is no administrative appeal available without the the Advisory Council's participation.



The VDHR staff concluded that the Terminal exhibited integrity of location, design, materials and workmanship. It is not known why the VDHR Executive Evaluation Committee concluded that the building “lost integrity of setting, design, materials, workmanship ...” The building blueprints show that the Terminal is unaltered. (Blueprint source: Library of Virginia)

4). The determination of eligibility did not take into proper account the rarity of the resource:

The paramount importance of Richmond's port in the development of the city's history is accepted by all parties. The Dutton report, in approximately 20 pages, did an admirable job in sketching out the historical importance of Richmond's port. The eloquent review by Dutton of the great historical significance of Richmond's port renders the report's final dismissal of the significance of the surviving port Terminal all the more startling and incongruous.

While it is unfortunate that Terminal Warehouse buildings #1 and #2 were demolished in 2007, the surviving Warehouse Terminal #3 was built independently of those warehouse buildings. Warehouse Terminal #3 was constructed as a stand-alone building with different materials and design than the two other warehouses. It uniquely was built on piers to avoid flooding with bay doors on Lester Street.

The surviving Terminal is a rarer resource since it is the only surviving city-owned warehouse associated with Richmond's long port history (other than the Deepwater Terminal some four miles to the south of Richmond's original boundary).

Dutton inaccurately states that, “[The Terminal] does not possess adequate integrity to convey important themes or associations.” Certainly the Terminal has a strong association with the centuries-old shipping/transportation theme that was so important to the founding of Richmond as a port city. This Terminal is the only city-owned building left within the city's original boundary by which this important history of Richmond as a port city can be interpreted. The Terminal's authentic setting adjacent to the James River and municipal wharf secures its importance in Richmond's port history.



Intermediate Terminal Warehouse #3, shown to the rear of now demolished Warehouses #1 and #2, is a very rare resource for interpreting the history of Richmond as a port city. (Source: VCU Archives)

5). The Dutton report did not acknowledge the noteworthy feature of the construction of the Terminal: it was one of the first commercial buildings constructed in Richmond on reinforced concrete piers to avoid flooding:

The Dutton report inaccurately stated, “Nor does the Warehouse #3 represent any unique or noteworthy aspect of architecture, construction, or commercial development.” Dutton neglected to mention the noteworthy and innovative feature of the Terminal's construction on reinforced concrete piers.

I am not aware of any other commercial building on the historic register in the Richmond area that was built on piers to avoid flooding. This innovative design feature will become more appreciated historically as global warming increases the imperative of this design feature.

The pier construction of the Terminal resulted in a striking, iconic structure known to Richmonders' as the “tunnel” building, where the traffic on the appropriately named Water Street passes under the building.



The innovative construction of the Terminal Warehouse #3 (right) on concrete reinforce piers provided protection from floods. (Source: VCU Archives 1979)

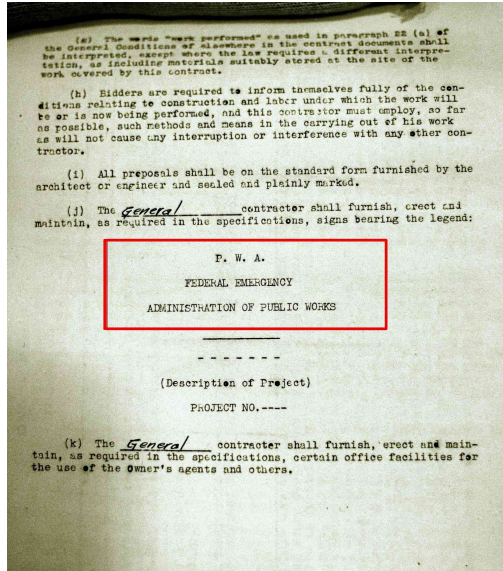


The Terminal's construction of piers resulted in a striking, iconic building, known as the “tunnel” building. This significant design feature will become more important as global warming results in more urban flooding.

6). Terminal has important association with Franklin Delano Roosevelt's "New Deal":

The Terminal not only has a vital association with the transportation/shipping theme of Richmond's port, but it also has an important association with President Franklin Delano Roosevelt's "New Deal."

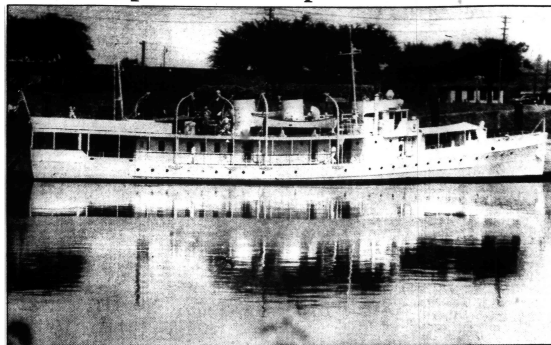
The Terminal construction began in 1937 in part with "New Deal" funds through the Public Works Administration. The year earlier, President Franklin Delano Roosevelt visited the city's municipal wharf, and docked his yacht, the S. S. Potomac (which itself is listed on the National Register) at the Intermediate Terminal dock. The federal Public Works Administration apparently also funded, as part of the same harbor improvements, the adjacent Water Street Bridge over Gillies Creek.



The contract for the construction of the Terminal specified that signs must be posted identifying that the building was constructed with funds from FDR's "New Deal" Public Works Administration. (Source: Library of Virginia)

Richmond Times-Dispatch: Friday, July 3, 1936

President's Yacht Ties Up at Municipal Wharf to Await July 4 Cruise



PRESIDENTIAL YACHT
—The Potomac, President Roosevelt's yacht, tied up at Municipal Wharf awaiting the President's arrival Saturday. The trim little craft will take Mr. Roosevelt on a cruise down the James, into Chesapeake Bay and up the Potomac to end his trip into Virginia.—Staff Photo.

The year before work began on Terminal Warehouse #3 with FDR's "New Deal" funding, Roosevelt visited the Intermediate Terminal where his yacht, the S.S. Potomac, was photographed. (Source: Richmond Times Dispatch)

7). Dutton did not acknowledge that the adjacent Water Street Bridge over Gillies Creek contributes greatly to the integrity of the setting of the Terminal:

The bridge over Gillies Creek that is immediately adjacent to the north of the Terminal has been determined by VDHR to be potentially eligible for listing on the National Register. It is believed that this bridge was constructed with "New Deal" funds through the Public Works Administration as part of the same harbor improvements that funded the Terminal construction. Along with the wharf, and railroad tracks, the Water Street Bridge is a significant structure that should have been considered as part of a district with the Terminal.

According to the VDHR file (ID # 127-0257), "This [Water Street Bridge] resource is recommended as potentially eligible for the NRHP under Criteria C for architecture and engineering. It is well preserved and the only surviving example of a pre-1950 bridge that displays the continuous beam form in the state of Virginia. Also the bridge is a good example of an uncommon classic style balustrade sometimes seen on early 20th century bridges in urban landscapes." The file also notes that the Water Street Bridge over Gillies Creek was recorded as a possible experimental structure.

By ignoring the bridge, wharf, and railroad, Dutton report is in great error when it states, "At present, Warehouse No. 3 is all that remains of the former Richmond Intermediate Terminal complex."



The Water Street Bridge adjacent to the Terminal has been determined to be potentially eligible for listing on the National Register and significantly contributes to the integrity of the setting of the Terminal.



Water Street Bridge at Gillies Creek was built in 1938 as part of the same harbor improvements as the Terminal, probably with the same Public Works Administration funding. The bridge contributes greatly to the integrity of the setting of the Terminal.

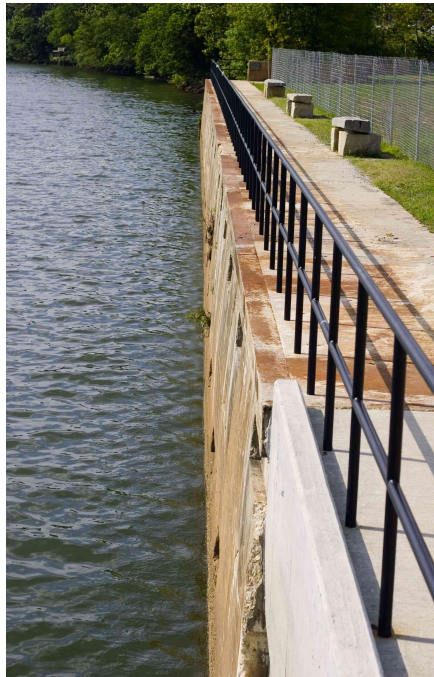
8). The Intermediate Terminal Wharf has not been “removed” as alleged by Dutton:

One of the most egregious errors of the Dutton report is its incredible assertion that the massive Intermediate Terminal Wharf somehow has been “removed.” Dutton cited this “removal” of the wharf to support the thesis that the integrity of the Terminal's setting has been irrevocably compromised. While grass has been planted over the landing, the wharf itself has survived, complete with the original brass plaque.

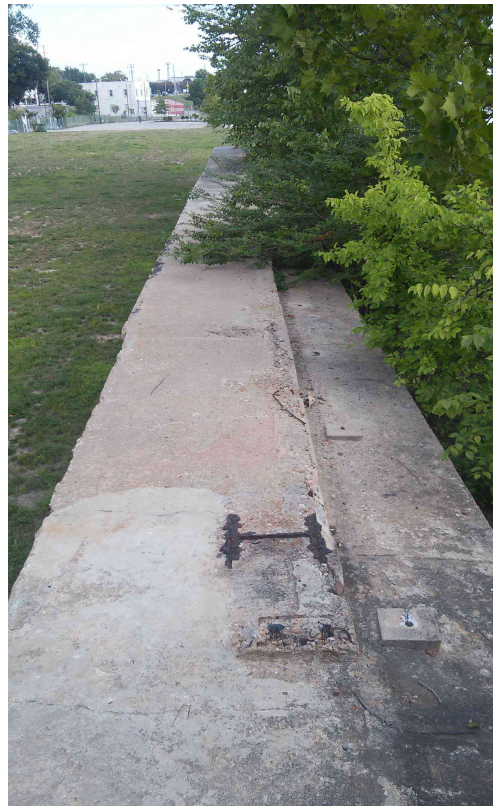
The extant wharf structure is an important feature of the Intermediate Terminal and contributes greatly to the integrity of the setting of the Terminal building. The Terminal's close proximity to the surviving wharf and to the James River provides a vital association with Richmond's port history.



The Intermediate Terminal Wharf survives with its “Municipal Wharf 1928” brass plaque intact.



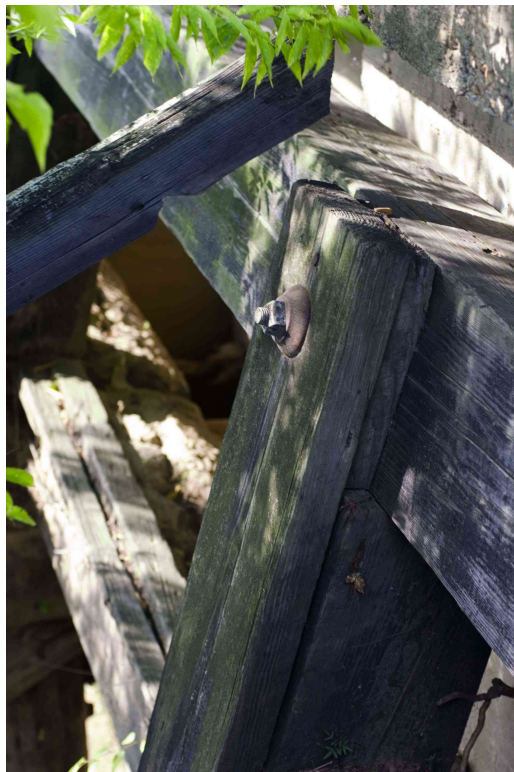
The Intermediate Terminal Wharf is a massive structure and has not been “removed” as alleged by Dutton. The wharf is a significant structure that contributes to the integrity of the setting of the Terminal.



The steel I-Beams for the wharf's moving crane structure are still evident in the Intermediate Terminal Wharf.



Wooden pylons extant on Intermediate Terminal Wharf structure.



Intermediate Terminal Wharf wooden pylons (detail). Dutton incorrectly reported that the wharf was “removed.”

9). Dutton incorrectly asserted that the Terminal is not accessible to the wharf:

“... most inland building of the complex with no direct access to the river or wharf.” Dutton's report incorrectly implies that the Terminal #3 is somehow divorced from the river and the function of the port. A site visit reveals that the Terminal #3 is a stone-throw from the James River.

Dutton's inaccurate statement ignores the fact that the very successful function of Warehouse #3 as a port terminal was enhanced because it was built on piers and with docks oriented to Lester Street above flood level. The Lester Street access was accessible to load from the ships by modern truck transport. While some commodities moved through the bridge between Terminal #2 and #3, the Terminal #3 was certainly not without direct access to the river and wharf. In addition to trucks, a locomotive was maintained on site to move commodities from the ships to the Intermediate Terminal #3.



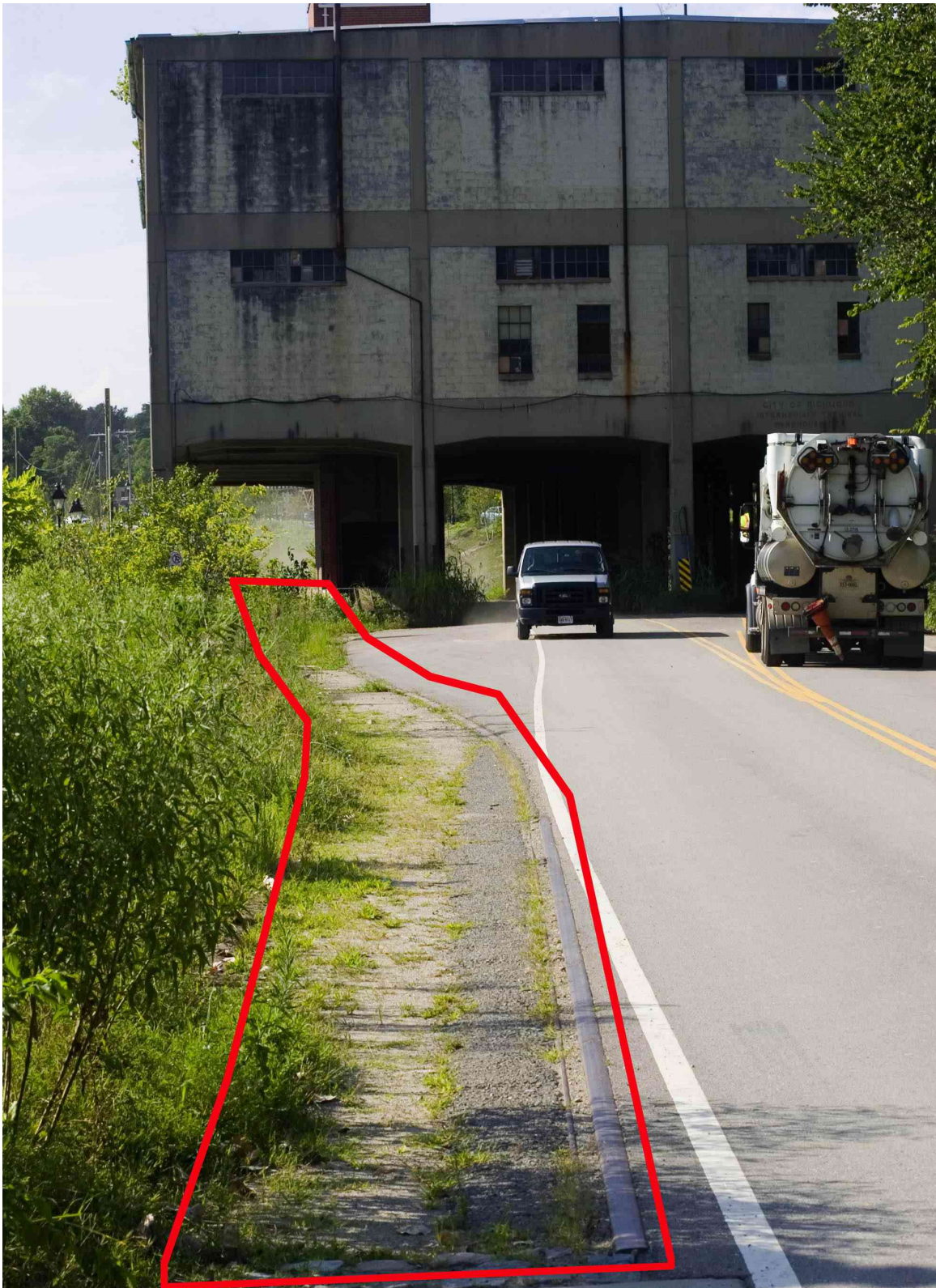
Terminal had direct access to the Intermediate Wharf and was in close proximity to wharf and James River.

10). The railroad tracks contribute to the integrity of the setting and have not been removed as alleged by Dutton:

To support the inaccurate conclusion that the setting of the Terminal lacks integrity, Dutton also erroneously asserted that the railroad tracks supporting the Terminal have been removed. Contrary to this inaccurate assertion, the railroad tracks are extant under the first bay of the Terminal and extend south of the Terminal for approximately 300 feet.



Railroad tracks still extant under the first bay of Terminal beside the loading dock and elevator.



The original railroad tracks that serviced the Terminal survive under the first bay of the building and extend for about 300 feet south of Terminal. Water Street is still open for local traffic contrary to the assertion of Dutton's report.

11). Anticipatory demolition of foundations of Warehouses #1 and #2:

It should be of great concern to the Advisory Council that the concrete slab foundation of the two Intermediate Warehouses No. 1 and 2 was removed recently without the required Section 106 review. The Dutton report cited the recent removal of the foundation slabs as contributing to the lack of integrity of the site: “The site has been further compromised recently as the concrete slab bordering the river that was the foundation of Warehouses No. 1 and 2 was demolished and replaced with a grass field.”

The City of Richmond was responsible for the removal of the slab foundations of the two Intermediate Warehouses #1 and #2, and the City of Richmond is also the applicant for the demolition of the Terminal. Such anticipatory demolition is not permitted under Section 106 rules.



Concrete foundation pad for Warehouse No. 1 and 2, in 2016 VDHR photo. The recent removal of the foundation pads without the required Section 106 review constitutes anticipatory demolition and should be of grave concern to the Advisory Council for Historic Preservation. (Source: VDHR file #127-6975)

12). As detailed in the National Register Preliminary Information Form (PIF) submitted by noted architectural historian Bryan Green, the Terminal exhibits integrity of location, design, setting, materials, workmanship, feeling and association. But the VDHR staff was not allowed the opportunity to complete the usual staff review of the PIF.

Wrote noted architectural historian Bryan Green in the PIF submitted on June 13, 2018: *“The National Register traditionally recognizes a property's integrity through seven aspects or qualities: location, design, setting, materials, workmanship, feeling and association. These qualities, as retained in the Intermediate Terminal, are discussed below.*

Location

The Intermediate Terminal, including Warehouse #3, retains integrity of location, as the associated wharf, railroad tracks, and road remain in the location of their original construction, and have not been moved.

Design

The Intermediate Terminal, including Warehouse #3, retains integrity of design. When compared with the original architectural drawings, Warehouse #3 retains its form, plan, space, structure and style. We recognize that the Intermediate Terminal as a whole has changed over time, including the demolition by the City of Richmond of Warehouses #1 and #2, but we believe that the integrity of design of both Warehouse #3 and its associated wharf remains intact.

Setting

The Intermediate Terminal, including Warehouse #3, retains integrity of setting. The surviving Warehouse #3, its wharf, the railroad tracks, the road and the setting adjacent the James River all remain intact, and thus the Intermediate Terminal has retained integrity of setting.

Materials

The Intermediate Terminal, including Warehouse #3, retains integrity of material. Neither the pattern nor configuration of the materials used has changed. The distinctive expressed and unadorned reinforced concrete construction of the warehouse remains, as does the concrete construction of the wharf, and other details such as the industrial-style metal windows of the warehouse.

Workmanship

The Intermediate Terminal, including Warehouse #3, retains integrity of workmanship. The physical evidence of the period of its construction remains in place, in particular the use of expressed and unadorned reinforced concrete in the warehouse and the concrete of the wharf. The workmanship reveals evidence of the technology of construction and the aesthetic of the PWA-funded public works project, and references the national application of the technology of concrete construction.

Feeling

he Intermediate Terminal, including Warehouse #3, retains integrity of feeling. The expressed and unadorned use of reinforced concrete speaks to the construction and use of the warehouse, the concrete construction of the wharf speaks to its function as an essential part of Richmond's economic development activities, and the facility's striking setting adjacent to the James River remains unchanged. All told, despite the City's demolition of Warehouses #1 and #2, the Intermediate Terminal clearly retains integrity of feeling, as its design and use as a wharf and warehouse complex adjacent to the James River remains absolutely clear to the observer.

Association

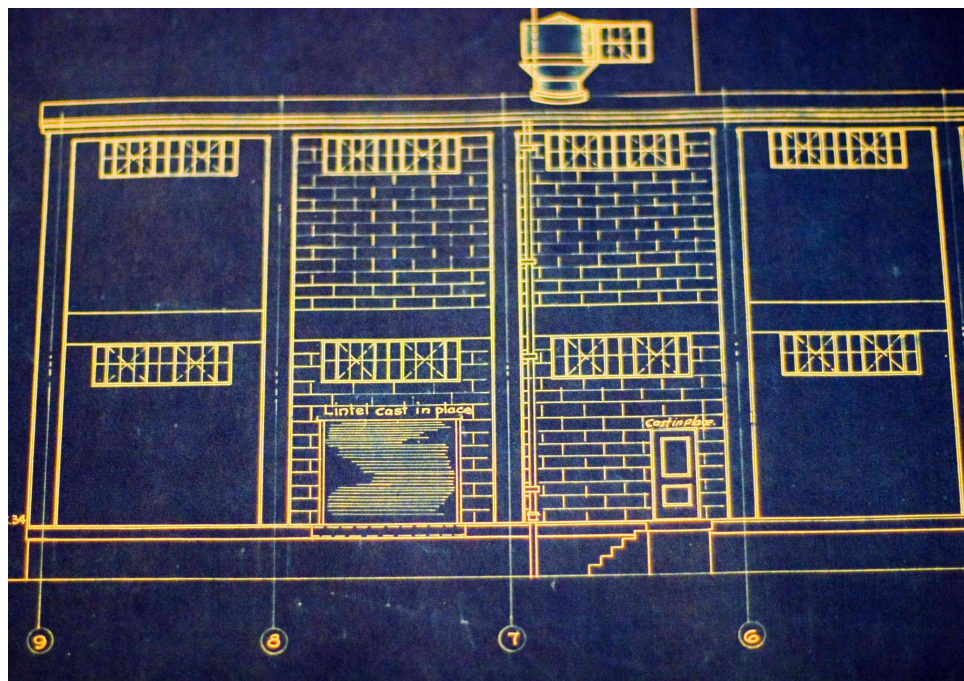
The Intermediate Terminal, including Warehouse #3, retains integrity of [association]. A period setting for transshipping across the wharf, into the warehouse, and onto either road- or rail-borne traffic, remains visible, and the surviving integrity of setting, location, design, workmanship, materials and feeling combine to convey integrity of association.”

The Intermediate Terminal, including Warehouse #3, retains all seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association.

Summary:

For the dozen reasons listed in this appeal, I very respectfully request that the Advisory Council for Historic Preservation, with the cooperation of the National Parks Service and Housing and Urban Development, independently evaluate the Section 106 review of the Intermediate Terminal with public input. An independent review is warranted of the VDHR Executive Evaluation Committee's determination that the Intermediate Terminal is not eligible for listing on the National Register and its finding that no historic properties would be affected by the demolition of the Intermediate Terminal Warehouse #3.

I believe that an independent Section 106 review by the Advisory Council, NPS and HUD will conclude that the Terminal and adjacent structures are eligible for listing on the National Register and that the demolition of the Terminal would constitute and adverse impact on historic resources.



The Intermediate Terminal Warehouse #3 exhibits substantial integrity of location, design, setting, materials, feeling, workmanship and association.