

**THE GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE
801 North Capitol Street, NE, Third Floor
Washington, D.C. 20002**

_____)	
IN RE:)	
)	
Application of Square 452 Limited Partnership and)	
GA Square 452 Associates, LLC for Demolition of)	H.P.A. No. 06-530
Building at 627 I Street, NW)	
)	Location of Property:
)	627 I Street, NW
)	Square 452, Lot 823
)	
_____)	Date of Issuance: September 7, 2007

DECISION AND ORDER

BACKGROUND

This matter came before Rohulamin Quander, Senior Administrative Judge and the designated Mayor’s Agent for Historic Preservation (the “Mayor’s Agent”), pursuant to the *District of Columbia Official Code* (the “Code”) §6-1101, *et seq.*, and the *Historic Landmark and Historic District Protection Act of 1978*, as amended, (the “Act”), D.C. Law 2-144, upon the request for an administrative hearing filed by Square 452 Limited Partnership and GA Square 452 Associates, LLC (collectively, the “Applicant”). The original July 18, 2007, hearing was continued to August 15, 2007, due to a medical emergency. The hearing was conducted pursuant to the provisions of the Act and the regulations enacted pursuant thereto in 10A District of Columbia Municipal Regulations, Chapter 1, *et seq.* (2004 ed.) (the “Regulations”). The record closed on August 15, 2007, except for submission of the Applicant’s proposed final order.

The Applicant proposes the construction of a 360,000 square foot commercial office building with approximately 21,000 square feet of ground floor retail, including 4,100 square feet of space for use by community groups (with Chinatown groups having a high priority) that will be used for cultural, educational, and community oriented purposes (the “Project”). The Project will be developed on the properties known as Lots 12-14, 800, 802, 803, 813, 814, 817-819, 821-826 and 830 – 833 in Square 452 (the “Subject Site”). The Applicant asserts that construction of the Project requires the demolition of 627 I Street, NW (Lot 823 in Square 452). The Project also includes the relocation of rowhouses at 621 and 623 I Street, NW (Lots 818 and 819 in Square 452), which will be moved to the eastern edge of the Subject Site, adjacent to five other rowhouses.

The Applicant requested that the Mayor's Agent approve the demolition of 627 I Street, NW, on Lot 823 in Square 452, as the demolition is necessary in the public interest to allow for the construction of a project of special merit by virtue of specific features of land planning and social or other benefits having a high priority for community service.

Paul A. Tummonds, Jr., Esquire, of Pillsbury Winthrop Shaw Pittman, LLP appeared as legal counsel on behalf of the Applicant. Also present and testifying on behalf of the Applicant were: I. Guyman Martin of Core Architects, the project architect and expert witness in architecture; Emily Hotaling Eig, EHT Traceries, Inc., an expert witness in architectural history; and Garrett Preis, representative of the Applicant.

Persons and Parties in Support of the Application

Advisory Neighborhood Commission (ANC) 2C, by letter dated October 5, 2006, noted that it had adopted a resolution of conditional support of the Project. Gate Lew, on behalf of the Chinese Community Church, testified in favor of the application. He noted the leadership that the Applicant has shown in helping clean up the entire neighborhood, as well as renovating the Church at 500 I Street, NW. Dr. Dwan Tai, on behalf of Allies Building Community, Inc. (ABC), testified in favor of the application. She particularly noted the Applicant's commitment to helping the Chinatown community.

Persons and Parties in Opposition to the Application

There were no parties or persons in opposition to the application.

BENCH DECISION

At the conclusion of the hearing on August 15, 2007, the Mayor's Agent determined that the proposed demolition is necessary in the public interest because it is necessary to allow for the construction of a project of special merit. The Mayor's Agent determined that the Applicant had provided sufficient evidence to prove that the Project is a project of special merit by virtue of specific features of land planning and social or other benefits having a high priority for community services. For the reasons that follow, the application for demolition is GRANTED.

ISSUE

The sole issue to be decided is whether the demolition of 627 I Street, NW, is necessary in the public interest, in order to construct a project of special merit.

FINDINGS OF FACT

Based upon the record in this matter, the Mayor's Agent now makes the following Findings of Fact:

1. The Subject Site is located in the Downtown Development ("DD")/C-3-C Zone District and the Chinatown neighborhood in Ward 2. The Subject Site presently includes surface

parking lots with frontage on Massachusetts Avenue, NW, and I Street, NW, and three buildings (in various states of disrepair), along I Street, NW. The Project is subject to review pursuant to the Act, because the portion of the Subject Site that has frontage along I Street is located in the Downtown Historic District.

2. The application for the permit to raze 627 I Street, NW, (H.P.A. No. 06-530) was filed on October 20, 2006, with the Permit Branch of the District of Columbia Department of Consumer and Regulatory Affairs (DCRA).

3. By letter from the Historic Preservation Office, dated June 4, 2007, the Applicant was informed that the required public hearing before the Mayor's Agent on the proposed demolition was initially scheduled for July 18, 2007. Notice of the hearing appeared in the D.C. Register on June 15, 2007. The hearing was convened but, due to the Mayor's Agent having a medical emergency, was continued to August 15, 2007, at which time the hearing was reconvened and concluded.

4. The Applicant submitted a detailed statement in support of the special merit application, including a legal analysis of the test for approval of the application. Also included were proposed plans of the Project, the HPRB Staff Report and Recommendations, and plats and pictures of the Subject Site and surrounding area.

5. In its July 27, 2006, Staff Report and Recommendation, the staff of the D.C. Historic Preservation Review Board (HPRB or the "Board") noted that there are three buildings that contribute to the character of the Historic District on the north side of the 600 block of I Street: 627, 621 and 623 I Street. The brick row dwelling at 627 I Street, NW, was built in 1852, expanded by the addition of a third floor in 1928, and was further altered in 1946.¹ The HPRB Staff found that, although the building contributes to the Downtown Historic District, its integrity is diminished by the alterations listed above. The 621 and 623 I Street, NW, buildings are a pair of brick row dwellings that were also built in 1852. The houses were expanded in 1928 to convert the attics to a full third floor.

6. The Applicant's Conceptual Design Review application for the Project's demolition, alteration, new construction, and subdivision (H.P.A. No. 06-289) was considered by the HPRB at its July 27, 2006, HPRB meeting. The Board adopted the Staff Report and Recommendation, approved the concept, requested design refinements, and requested more information on the "special merit" argument before the Mayor's Agent.

7. On October 5, 2006, the HPRB again considered the Project, approved the Staff Report and Recommendation and granted conceptual approval with suggestions for further refinements. The Staff Report and Recommendation for the October 5, 2006, public meeting, found the "revised concept plans significantly improve the compatibility of the project, particularly along the important I Street frontage." The Staff Report and Recommendation also

¹ Ms. Eig testified, and Applicant's Pre-Hearing Statement likewise reflects a minor 1985 renovation, neither of which was not mentioned in the Staff Report.

recommended the Applicant further refine the design concept prior to consideration of the Project by the Mayor's Agent.

8. The Applicant returned to HPRB on May 24, 2007. The Staff Report and Recommendation considered by the Board stated:

The staff recommends that the Board support the applicant's proposal to restore the brick facades of the Chinese Community Church and recommends to the Mayor's Agent that the restoration project would constitute a substantial historic preservation benefit to the Downtown Historic District in keeping with the purposes of the preservation law.

HPRB, by a vote of 6-0, adopted the Staff Report and Recommendation.

9. The Office of Planning also reviewed the Project for consistency with the Chinatown Design Review Procedures. In the Supporting Analysis component of the Memorandum dated May 31, 2007, the Office concluded:

The Applicant has successfully responded to the three stated objectives of the Chinatown Design Review Process: (a) consistency of the project with the District Elements of the Comprehensive Plan, (b) contribution of building design to the Chinese identity of Chinatown, and (c) Chinese character of public space improvements and contribution of those improvements to increased pedestrian activity. In addition, the Applicant has also achieved the difficult task of balancing historic preservation requirements while incorporating Chinese cultural elements in a contemporary building that responds to its internal needs and to its surrounding urban context. (P. 2.)

10. In its Pre-Hearing Statement, the Applicant proposed that the demolition of 627 I Street, NW, along with the relocation of the 621 and 623 I Street, NW, buildings, creates the physical conditions necessary to allow the construction of a project that incorporates specific features of land planning and provides social and other benefits having a high priority for community services.

Specific Features of Land Planning

a. Retention and Reinforcement of Historic Streetscape

The proposed relocation of the 621 and 623 I Street, NW, rowhouses to be adjacent to the remaining row of five historic buildings on I Street, NW, at the corner of 6th Street, NW, helps "to reinforce the most viable remaining fragment of the historic streetscape while allowing assembly of the fragmented vacant lots into a reasonable footprint for development." (See HPRB Staff Report and Recommendation, dated July 27, 2006).

b. Consistency of the Project with the goals of the Downtown Development ("DD") District and the Chinatown Sub-Area of the DD District.

The Project will help establish and foster a vibrant retail presence along I Street, NW, where none currently exists. Development of the north side of the 600 block of I Street will also foster and reinforce the revitalization efforts on the south side of this block, which currently consists of numerous vacant and dilapidated buildings. The demolition of 627 I Street, NW, creates the opportunity for a highly functional ground floor retail floor plate that will provide the maximum amount of uninterrupted retail space along I Street. The adjacency and continuity provided by this retail space is one of the most important factors in creating a successful retail experience. In addition, the proposed Project will satisfy all zoning requirements of the DD District and the Chinatown sub-area of the DD District.

c. Creation of an improved alley system.

The existing alley system is dysfunctional and causes significant traffic back-ups in the alleys and on I Street, NW. The Project will create a more efficient and effective alley system that will benefit all of the properties in Square 452. In response to concerns raised by property owners along I Street, NW, the proposed Project has been revised to include an additional alley entrance/exit on I Street, NW. This alley entrance/exit has been appropriately integrated into the I Street façade of the Project through the use of a decorative, ornamental gate. The District Department of Transportation has approved the new alley system that will be created as a result of this Project.

d. Connection to Chinatown

The I Street entrance of the Project will be a primary and active entry point to the Project. This entrance is located at the terminus of the existing north-south alley which runs from H Street, NW, to I Street, NW, and which creates a formal and very visible connection between H Street, NW, and I Street, NW, the main artery of Chinatown. The Mayor’s Agent noted that this alley is extensively used by pedestrians. The design of the Project also creates a physical and visual link through the building that connects I Street, NW, to Massachusetts Avenue, NW. This connection will further activate the pedestrian experience along I Street, NW, and Massachusetts Avenue, NW, and in Chinatown as a whole.

Social and other benefits having a high priority for community services

a. Redevelopment and Revitalization of the 600 Block of I Street, NW

Development of the 600 block of I Street with retail space will contribute significantly to the revitalization of the neighborhood and the Downtown Historic District. Retailers, including restaurants, will create an active streetscape which will promote a vital and safe neighborhood. With the ability to “finish the block” in a single project, the economic revitalization will be faster with the proposed project than if the 600 block of Massachusetts Avenue, NW, and the balance of I Street, NW, were redeveloped as two or more separate projects.

b. Proposed Renovation of the Chinese Community Church

One component of the special merit application is the rehabilitation of the facade of the Chinese Community Church (“Church”), located at 500 I Street, NW. The form stone stucco covering the exterior of the Church is not consistent with the original appearance of the Church. The Applicant’s total financial commitment for the appropriate historic rehabilitation of the Church is \$600,000. The Applicant and its Architectural Historian, Emily H. Eig of Traceries, Inc., determined that the Church was built to designs by Thomas Ustick Walter (1804-1887), then Architect to the US Capitol. The proposed façade rehabilitation of the Church will be a significant contribution to both this important building and the physical revitalization of the 500 and 600 blocks of I Street, NW. The proposed rehabilitation project will also further enhance the historic fabric and streetscape of the I Street corridor, and will be a significant benefit to the entire Downtown Historic District.

c. Opportunity for local retailers

The Applicant will provide local Chinese retailers, or retailers which serve the Chinatown/Asian community, with the opportunity to lease retail space at 10% off of standard retail lease rates.

d. Community Space for Chinatown Groups

The Applicant has also agreed to provide 4,100 square feet of multi-purpose community space (“Community Space”) in the Project that will be available to community groups on a non-exclusive, as needed, basis. The Community Space is intended to be used by these groups for cultural, educational, and community oriented purposes. The Community Space will be made available to these community groups for twelve years, and will be offered at no cost. However, any direct costs associated with the use of the Community Space (i.e. enhanced security, enhanced cleaning, etc.) will be borne by the user of the Community Space.

11. I. Guyman Martin, the Project architect, who was qualified by the Mayor’s Agent as an expert in architecture, reviewed the plans for the Project and the divergent influences that monumental Massachusetts Avenue and Chinatown’s I Street have on the design of the Project. He noted that the incorporation of the existing 627 I Street building into the Project will not provide the contiguous retail floor plate that is necessary to attract quality retailers to the project. He testified that the Project’s proposed relocation of the 621 and 623 I Street, NW, rowhouses to join the existing five rowhouses at the corner of 6th and I Streets, is a much more effective and appropriate way in which to incorporate the historic structures with new construction, compared to other projects that have sought to incorporate the facades of rowhouses or other buildings into much larger structures.

12. Eig, who was qualified by the Mayor’s Agent as an expert in architectural history, testified that the retention of the façade of the 627 I Street building into the larger 600 Massachusetts Avenue project was not proposed, as it is not a good candidate for facade preservation. Unlike some buildings that present a façade that retains integrity to its original appearance, the 627 I Street building façade is a conglomeration of changes from different periods. Having sustained prior renovations in 1928, 1946, and 1985, there is little historic fabric to save at all, and attempting to speculate as to an earlier appearance would further confuse the

building's already complicated presentation. Therefore, unlike most efforts to retain facades, an effort to recapture and then restore this façade would not provide a worthy preservation response, complicated by there having been so many renovations through the years.

13. She also noted that a significant nexus existed between the Project and the historic rehabilitation of the Church, as both the Project and the Church front on Reservation 72, a park that is an original component of L'Enfant's design for the City, located at the intersection of Massachusetts Avenue, NW, I Street, NW, 5th Street, NW, and 6th Street, NW. Both the Project and the Church contribute to the same urban streetscape. Additionally, I Street, NW, is generally deemed to be the northern boundary of the Downtown Historic District and Chinatown, and 5th Street, NW, is deemed to be the eastern boundary of both. Therefore, the Project and the appropriate rehabilitation of the Church both identify and reinforce historic boundaries. She further testified that the appropriate historic rehabilitation of a Thomas Ustick Walter Church at 500 I Street, one block from the Project, along with the proposed relocation of the 621 and 623 I Street buildings, creates an appropriate sense of the appearance of the 500 and 600 blocks of I Street, NW, in the mid-19th Century.

14. Mr. Preis noted the Applicant's significant experience in developing projects in reemerging neighborhoods, such as the Penn Quarter neighborhood. He also testified to the discussions that have occurred with various Chinatown groups with regard to the use of the community space in the Project. He provided additional testimony regarding the Applicant's efforts in cleaning up and revitalizing the 600 block of I Street, NW.

DISCUSSION

Jurisdiction

Under § 6-1104(e) of the *Code*, the Mayor's Agent may authorize the issuance of permits to demolish or partially demolish contributing buildings in historic districts if the issuance of such permits is found to be necessary in the public interest. The Act defines "necessary in the public interest" to mean either consistent with the purposes of the preservation law or "necessary to allow the construction of a project of special merit." As defined in *Code* § 6-1102(11), "special merit" means:

[A] plan or building having significant benefits to the District of Columbia or to the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services.

To meet the definition of special merit, a project must meet one of these three tests; it need not meet all three.

The DC Court of Appeals has stated:

[T]he Mayor's Agent must balance the merit of a project with the historic value of the contributing building, because only projects which offer significant benefits to the District of Columbia or to the community offset the Council's policy in favor of protecting, enhancing and perpetuating the use of properties with historical, cultural and esthetic merit.

The 'special merit' exception to the law's preservation mandate contemplates a trade-off between the value of the existing structure and the value of what would be constructed in its place if demolition is allowed to proceed. That a balancing is required is clear from the case law.

See *Committee of 100 on the Federal City v. District of Columbia Department of Consumer and Regulatory Affairs*, 571 A.2d 195, 200 (D.C. App. 1990).

Satisfaction of the Legal Standards for Approval of a Project of Special Merit

The Mayor's Agent must balance the demolition required for the construction of the special merit project against the architectural and historical value of the building that is proposed to be demolished. In this case, the historic value of 627 I Street, NW, has been significantly compromised and the historic value of this property is now minimal. As noted in the July 27, 2006, HPRB Staff Report and Recommendation, the brick row dwelling at 627 I Street, NW, was built in 1852, expanded to include a third floor in 1928 and was further altered in 1946 and 1985, and although the building contributes to the Downtown Historic District, its integrity is diminished by these alterations. That same Staff Report and Recommendation also refers to 627 I Street, NW, as being "compromised".

The Mayor's Agent finds that the aspects of the Project enumerated in the above-referenced Findings of Fact contribute to the specific features of land planning and social and other benefits having a high priority for community services. The historic preservation and social service benefits that are created as a result of the Project are truly significant. This Project will: a) strengthen and reinforce the historic fabric and streetscape of I Street, NW, as will the relocation of 621 and 623 I Street, NW; b) accomplish appropriate historic rehabilitation of the Chinese Community Church, which fronts on the same L'Enfant Reservation as the Project; c) help revitalize both the 500 and 600 blocks of I Street with two components of a single project; d) provide discounted rent to Asian retailers; and e) provide community space for Chinatown community groups. All are significant benefits to the Downtown Historic District, Chinatown, the surrounding community, and the historic preservation community. For these reasons, the Mayor's Agent finds that the Project is a project of special merit.

The Mayor's Agent specifically finds that there is a significant nexus between the Project and the historic rehabilitation of the Chinese Community Church. The Project and the Chinese Community Church, in addition to being located one block from each other, both front on the same L'Enfant Reservation (a reservation on which this Mayor's Agent has previously reviewed and approved redevelopment proposals). The appropriate treatment and rehabilitation

of buildings fronting on this same Reservation serve important historic preservation goals. In addition, the Mayor's Agent agrees with the testimony of the Applicant's architectural historian that the historic rehabilitation of the Chinese Community Church and the relocation of the 621 and 623 I Street, NW, rowhouses create an appropriate historic representation of the 500 and 600 block of I Street, NW, in the mid-19th Century. The Mayor's Agent also finds that the Project and the appropriate rehabilitation of the Church both identify and reinforce historic boundaries of the Downtown Historic District.

The Mayor's Agent agrees with the Applicant's determination that there were no reasonable alternatives to the complete demolition of the 627 I Street building. The Mayor's Agent is of the opinion that there is a reasonable expectation that the Applicant possesses sufficient financial ability and other expertise to complete the Project.

CONCLUSIONS OF LAW

Based upon the record as established and taken as a whole, including the foregoing Findings of Fact, the following Conclusions of Law are made:

1. The Mayor's Agent concludes that the Applicant in the instant case has sustained its burden of proof. The Applicant has shown that the proposed demolition is necessary in the public interest in order to construct a project of special merit. The Applicant's Project is deemed to be a project of special merit on the basis of specific features of land planning and social and other benefits having a high priority for community services.

2. The proposed new construction, as reflected in H.P.A. No. 06-289, approved by the HPRB on October 5, 2006, and May 24, 2007, is compatible with the Downtown Historic District.

3. It is appropriate for the Applicant's contribution for the historic rehabilitation of the Chinese Community Church at 500 I Street, NW, to be deemed a part of the special merit application before the Mayor's Agent, as a significant nexus between the Project and the historic rehabilitation of the Chinese Community Church exists.

ORDER

ACCORDINGLY, it is this 7th day of September, 2007,

ORDERED that the Applicant's request for demolition of 627 I Street, NW, Washington, DC, be GRANTED; and it is

FURTHER ORDERED that, pursuant to 10A DCMR §410.5, this Order will take effect fifteen (15) days from the date of its service as evidenced by the following Certificate of Service pursuant to 10A DCMR §410.3.

**ROHULAMIN QUANDER, Senior Administrative Judge,
and Mayor's Agent for Historic Preservation**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Decision and Order was transmitted electronically and/or mailed, via first class postage prepaid, on September 7, 2007 to:

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