

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
MAYOR'S AGENT FOR HISTORIC PRESERVATION**

**HPA # 98-463/S.O. #2876** ("Application") is made by 901 F Street NW Associates, L.L.C., a District of Columbia limited liability company ("Applicant"), which is both owner of land and improvements located in Square 376, at 901 F Street, N.W., (Lot 70 containing the Masonic Hall), and contract purchaser of 911 F Street, N.W. (Lot 48 containing the Columbia National Bank Building) (collectively, "Associates' Lots"). A subsidiary of Stavins & Axelrod Properties, Inc. ("S&A") is the record owner of land and improvements located in Square 376 at 913-15 F Street, N.W. (Lot 71 containing the Equitable Cooperative Association Building), and 917 F Street, N.W. (Lot 63 containing the Waggaman Building) (collectively, "S&A Lots"). On July 31, 1998, Applicant filed this Application for subdivision with the Office of the Surveyor for the District of Columbia to create a single lot of record to incorporate the Associates' Lots and the S&A Lots. Applicant intends to construct a mixed-use commercial project ("Project") on Lot 70. The Project received conceptual design approval from the Historic Preservation Review Board ("HPRB") on June 27, 1997.

**HEARING DATE:** September 23, 1998

**DECISION DATE:** September 23, 1998 (Bench Decision)

**SUMMARY ORDER**

The Mayor's Agent provided proper and timely notice of the public hearing on this Application to abutting property owners, the affected Advisory Neighborhood Commission ("ANC"), and to all who have requested listing on the mailing list of the Historic Preservation Division ("HPD") of the Department of Consumer and Regulatory Affairs.

The proposed subdivision ("Subdivision") involves two landmark buildings - the Masonic Hall and the Equitable Cooperative Association Building. Moreover, all affected lots and buildings are located in the Downtown Historic District. The Subdivision is therefore subject to the District of Columbia Historic Landmark and Historic District Protection Act of 1978, as amended ("Act"), *see* D.C. Code §§ 5-1001 *et seq.* (1997), and, specifically, the subdivision approval provisions contained in D. C. Code § 5-1006(e).

Under § 5-1006(e), in relevant part:

"[N]o subdivision subject to this subchapter shall be admitted to record unless the Mayor finds the admission to record is necessary in the public interest . . ." (emphasis supplied)

Under D.C. Code § 5-1002(10), “necessary in the public interest” means, in relevant part, that a subdivision is consistent with the purposes of the Act as set forth in § 5-1001(b). Under § 5-1001(b)(1)(C), for a subdivision to be “necessary in the public interest,” the Mayor (i.e., Mayor’s Agent) must find that it is “compatible with the character of the historic district.” Prior to making a finding, the Mayor’s Agent is required to refer a subdivision application to the HPRB for its recommendation. See D.C. Code § 5-1006(b). Under D.C. Code § 5-1006(c), the Mayor’s Agent is permitted to approve a subdivision without a public hearing if the HPRB has advised the Mayor’s Agent that the proposed subdivision is consistent with the purposes of the Act.

At its meeting on August 28, 1998, the HPRB unanimously adopted the HPD’s staff recommendation in finding that the Subdivision was “consistent with the purposes of the Act.” The Applicant presented uncontested evidence in support of its Application. Moreover, there was no opposition to the Application at the HPRB meeting or otherwise. Finally, except for the Applicant, no person or entity appeared as a party or as an individual either in support of or in opposition at the HPRB meeting, or otherwise requested to participate as a party in the meeting.

The HPRB agreed with HPD staff that the Subdivision would facilitate the certified rehabilitation of the Masonic Hall (a critical downtown landmark), and would promote the long term preservation of the three (3) other historic structures on the other lots by removing from them any excess density that would create their further development potential. The HPRB also concurred with the Applicant that the Subdivision was necessary to allow the Applicant to construct its Project in compliance with design plans that had previously received conceptual design approval from the HPRB on June 27, 1997.

Based upon the substantial evidence in the administrative record before the Mayor’s Agent that the Application complies with the Act, the unanimous approval of the Subdivision by the HPRB, the absence of any opposition to the Application at both the HPRB meeting and the hearing by the Mayor’s Agent, and the finding by the HPRB that the Subdivision is consistent with the purposes of the Act, the Mayor’s Agent hereby finds that the Applicant has fully complied with the requirements of the Act, and that the Subdivision is necessary in the public interest. The Mayor’s Agent further finds that the Subdivision is consistent with the purposes of the Act and is compatible with the character of the Downtown Historic District.


**IT IS THEREFORE ORDERED** that the Application be granted.

Pursuant to Section 2500.4 of the Historic Preservation Regulations (“Regulations”) issued pursuant to the Act and contained in Title 10, DCMR, the Mayor’s Agent has determined to waive the requirement of Section 2523.1 of the Regulations that the order of

the Mayor's Agent be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not otherwise prohibited by law.

**IT IS FURTHER ORDERED** that pursuant to D.C. Code § 5-1012(a) (1997), this Order shall not become final until fifteen (15) days after its issuance.

BY ORDER OF THE MAYOR'S AGENT FOR HISTORIC PRESERVATION.

  
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Mayor's Agent for D.C. Law 2-144

DATE OF ORDER: September 28, 1998

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