Capitol Hill Restoration Society P.O. Box 15264 Washington, D.C. 202.543.0425

January 18, 2017

Ms. Marnique Heath Chair, Historic Preservation Review Board 1100 Fourth Street, SW, Suite E650 Washington, DC 20034

Re: 732 4th Street, NE HPA 17-129

Dear Ms. Heath:

We reviewed the plans for the project received December 22, 2016, spoke with the applicants by telephone, and met with the designer and contractor. Thank you for letting us share our views on this project. This is a contributing brick bayfront rowhouse, one of eight (718 - 732 4th Street, NE) developed by the well-known Capitol Hill builder, Diller B. Groff (1841-1910). The house at 732 4th Street was built in 1889, within the period of significance for Capitol Hill and is a contributing building. Although not well maintained, 732 4th Street retains its architectural and structural integrity. This house is within the Capitol Hill Historic District, part of the "Swampoodle" extension to the historic district approved by HPRB on May 28, 2015 (Case 15-01). Figure 1. The staff report for the Swampoodle extension to the historic district states:

Architecturally, the rowhouses in the expanded area provide an illustration of the building typology from the earliest, two-story flat-fronted examples of the 1880s whose ornamentation is limited to corbelled cornices and molded window hoods, to more exuberant Queen Anne examples from the 1890s, replete with double-height polygonal bays and towers capped by projecting gables, pediments and conical roofs, and featuring integrated brickwork, decorative panels, brick belt-coursing, rusticated sills and lintels, and other ornamental features such as finials and iron cresting. ... The major builders and architects of the nineteenth and twentieth-century rowhouses are the same as those found elsewhere in Capitol Hill and throughout the city, including developers John H. Sherman, John Davidson, Diller B. Groff, and Herman Howenstein, and architects, T.F. Schneider, B. Stanley Simmons, George S. Cooper, Frederick G. Atkinson and others.

732 4th Street is an example of the double height polygonal bay/Queen Anne houses that distinguish the Swampoodle extension, a portion of Square 777, including 732 4th Street and the other rowhouses on the west side of 4th Street. Fourth Street is a boundary of the Capitol Hill Historic District; the west side, where 732 4th Street is located, is within the historic district, and the east side is outside the historic district. When EHT Traceries surveyed Square 777 in 2010, there were no third story additions on 726 and 728 4th Street. In 2014, before the effective date

of the historic district extension, the owners of 726 and 728 received building permits for popups. Figure 2 is a current street view.

The most important issue in this case is the applicants' plan to build a third story addition clad in hardie plank, immediately behind the front bay, which would be visible from sidewalk on the opposite side of 4th Street, NE. According to drawing provided, the mansard addition would not be visible standing on the sidewalk in front of the bay at 732 4th Street and looking directly up. A few steps to the left and sight lines change as we look over the main plane of the building, set back by a few feet, and the popup would be visible. HPRB requires that additions to historic buildings must not be visible from public space. HPO, Additions to Historic Buildings, 13. HPRB has enforced this visibility standard, including recent cases, 531 8th Street, SE (HPA 16-518) (not approved because addition to the commercial building was visible from public space), 418-426 C Street, NE (HPA-15-150, penthouses visible from public space not approved) and approved cases where the addition was not visible from public space: 518 6th Street, NE (HPA 16-199). HPRB should also follow its decision on 1508 Caroline Street, NW (HPA 15-058, 15-147). That house was one-half of a duplex, another Diller B. Groff house, built in 1879-1880. The applicant sought to add a new mansard roof, similar to one added in the past (without HPRB approval) on the other half of the duplex. HPRB ruled that the proposed new mansard was incompatible with the U Street Historic District.

The applicants argue that although the third story addition is visible from across 4th Street, outside the historic district, it is not visible from the sidewalk inside the historic district, and should therefore be allowed. If this argument is accepted, it would set a disastrous precedent. The Capitol Hill Historic District has a long irregular boundary, as shown in Figure 1. All historic districts have boundaries. Under the applicants' theory, the integrity of last block on each historic district boundary could be destroyed. Nor does the presence of commercial zoning nearby alter this precedent; there are multiple commercially-zoned areas throughout Capitol Hill.

The Comprehensive Plan calls for "conserving and enhancing community resources," specifically "Protect and preserve historic structures, places, and landmarks on Capitol Hill." Policy CH-1.2.1: Recognition of Historic Resources. The Comprehensive Plan also calls for "expansion of existing historic districts." "Historic district laws and guidelines should be strictly monitored and enforced for all new construction, alterations, and public space uses." Policy of CH-1.2.2 Implementation of Preservation Programs, [emphasis added]. HPRB furthered this important goal by expanding the Capitol Hill Historic District to include the square containing 732 4th Street, NE. The Comprehensive Plan's directive to strictly enforce historic district rules should be followed, and the proposed addition should be found to be not compatible with the Capitol Hill Historic District. If this application is approved, 732 4th Street, NE would no longer be a contributing building in the historic district, and for this reason HPRB should deny concept approval.

HPRB has also ruled that an addition must not be built over the main block of a historic house. See 146 13th Street, SE (HPA 15-127), and has applied this rule in practice, approving

¹ Alteration permits were issued for 726 4th Street, NE on 7 July 2014 (B1409663); 728 4th Street, NE, on 21 Oct. 2014 (B1500753).

2

additions set off the main block of the house (e.g., 119 7th Street, SE (HPA 16-692)). The proposed addition would destroy the architectural integrity of 732 4th Street, by placing a looming popup over the main block of the house.

The exception for projects of special merit does not apply to this case. In <u>Friends of McMillan Park v. DC Zoning Commission</u>, slip opinion, pp. 21-22, Dec. 8, 2016, the DC Court of Appeals set forth the requirements to prove special merit:

[The] Mayor's Agent may issue a permit to demolish or subdivide a historic landmark if the planned demolition or subdivision is "necessary in the public interest." D.C. Code §§ 6-1104 (a), (e); 6-1106 (a), (e) (2016 Supp.). Demolition and subdivision are "[n]ecessary in the public interest" if they are "necessary to allow the construction of a project of special merit." D.C. Code § 6-1102 (10) (2016 Supp.). A project has special merit if it provides "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." D.C. Code § 6-1102 (11). If a project has special merit, the Mayor's Agent must balance that special merit against the harm to historic preservation values that would result from the demolition or subdivision.

"[A] proposed amenity [must] meet a high standard in order to qualify as a 'special merit' project, the construction of which would warrant demolition of a building of historical significance." *Committee of 100 on the Fed. City v. District of Columbia Dep't of Consumer & Regulatory Affairs*, 571 A.2d 195, 200 (D.C. 1990).

The applicants cannot meet this burden. The project would destroy the architectural integrity of a contributing building in the historic district, causing harm to historic resources, and to the Capitol Hill Historic District. The project's form, materials. and massing are typical of many popups constructed in the city in recent years, and are in no way "exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services." It is not relevant to this inquiry that nearby lots outside the historic district are zoned commercial, allowing the construction of large buildings, or that some owners built popups before this square became part of the historic district.²

The images on pages 9 and 10 of the applicants' submission show the proposed third story addition on 732 4th Street, NE, which would be very similar to the visible third story additions at 726 and 728 4th Street. The houses at 722 - 732 4th Street, NE are owned by six different people.³ As far as we know, the only application before HPRB is by the owners of 732 4th Street, NE. Thus, there is no assurance that the other property owners would participate in adding or modifying popups, even if this were consistent with the historic preservation law.

There are also some secondary issues in this case. The applicants plan to install one-over one vinyl windows in six new window openings in the alley elevation, which is very visible from 4th Street, and is therefore a primary elevation. HPO guidelines state that creating a new

² The historic district does not include the commercial properties around the corner on H Street, NE, which would continue to be governed by zoning and building codes. See Figure 1.

³ DC Real Property Tax Assessment database, www.dc.gov.

opening or enlarging an existing opening in a primary character-defining wall for a window or for another reason "is almost never appropriate." Similarly, creating new openings is "almost never appropriate." Walls and Foundations of Historic Buildings, p. 8. If HPRB allows any new window openings, these new windows would be visible from the same vantage point as the six-over-six wood windows in the original openings, planned for the front. For this reason, any new windows should also be wood double-hung six-over-six windows. Other remaining issues include the dogleg, a character-defining feature of Capitol Hill houses, no longer needing to be filled in after changes in zoning rules, and the roof deck, which may be visible from public space. Plans for the interior work are needed.

We believe that the project is not compatible with the Capitol Hill Historic District.

Thank you for considering our comments.

Sincerely,

Beth Purcell

Chair, Historic Preservation Committee

Figure 1. Capitol Hill Historic District, showing Swampoodle extension in 2015.

Capitol Hill Historic District Map – Swampoodle Extension

HPRB Presentation CHHD Expansion



Figure 2. 720-732 4th Street, NE, looking north. 732 4th Street is on the right.

