

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF ADJUDICATION
941 NORTH CAPITOL STREET, N.E., SUITE 9100
P.O. BOX 37140
WASHINGTON, D.C. 20002**

In The Matter Of:

**THE JOHN AKRIDGE COMPANIES, and
THE ARCHDIOCESE OF WASHINGTON**

Applicants

Square 376, Lots 36-46 and 819)	
921 F Street, N.W.)	
923 F Street, N.W.)	H.P.A. Nos. 01-219, 220, 221, 222, 223,
925 F Street, N.W.)	224 and 01-208 (demolition, partial
927 F Street, N.W.)	demolition and subdivision applications)
931 F Street, N.W.)	H.P.A. No. 01-209 (companion conceptual
933 F Street, N.W.)	design for new construction)
935 F Street, N.W.)	

**DECISION AND ORDER
BACKGROUND**

This case came before Administrative Law Judge Rohulamin Quander (the "ALJ"), the designated Mayor's Agent for Historic Preservation (the "Mayor's Agent"), on June 21, and 25, 2001, upon the request for an administrative hearing filed by the Archdiocese of Washington (the "Applicant", "Site Owner" or "Archdiocese") and The John Akridge Companies (the "Applicant" or "Akridge"). The Applicants seek permits to demolish or partially demolish contributing buildings in the Downtown Historic District at 921-935 F Street, N.W., and subdivision of the property at Lots 36-46 and Lot 819 in Square 376 into one lot of record, in order to construct a project of special merit. By letters dated June 7, 2001, the Committee of 100 on the Federal City (Committee of 100), the D.C. Preservation League (DCPL), and the Downtown Artists Coalition (DAC), requested party status in opposition to the proposed applications. The record closed on July 13, 2001.

Wayne S. Quin, Esq., and Paul J. Kiernan, Esq., of the law firm Holland & Knight LLP, represented the Applicants. Andrea Ferster, Esquire, represented the above-noted three parties in initial opposition to the application. When the hearing was initially convened on June 21, 2001, the Applicants moved to briefly continue the proceeding, to allow the parties additional time to finalize ongoing settlement negotiations. The above-noted parties in opposition and the D.C.

Office of Planning (DCOP) did not object to the request. The Mayor's Agent granted the request, and continued the hearing to June 25, 2001.

The Applicants propose to construct a new mixed-used commercial building to be known as "Carroll Square". The building would bear the address of 975 F Street, N.W., and would incorporate significant portions of six of the seven historic buildings on the site into a new ten-story structure consisting of approximately 168,915 gross square feet of space. The Applicants claim that the proposed project meets the test of special merit as set forth in D.C. Code Ann., Sec. 5-1002(11), by virtue of its provision of substantial arts-related uses well in excess of the zoning requirements; the retention and rehabilitation of significant historic fabric; and special features of land planning, all of which constitute significant benefits having a high priority for community services. In order to construct this project of special merit, the Applicants must subdivide the property into one large lot of record, consistent with Section 3202.3 of the District's Zoning Regulations. Accordingly, the Applicants also claim that the requested subdivision is necessary in the public interest for the project of special merit.

For the reasons set forth herein, the seven consolidated applications are **GRANTED**.

ISSUE

The issue to be decided is whether the Applicants have sustained their burden of proof, in that the issuance of partial and total demolition permits and the subdivision of the Archdiocesan properties within Square 376 into one record lot is necessary in the public interest in order to construct a project of special merit.

FINDINGS OF FACT

The Mayor's Agent, having received all of the evidence presented in this matter, and having reviewed same, now makes the following Findings of Fact:

Jurisdiction and Procedural History

1. Pursuant to D.C. Code Ann., Secs. 5-1004(c) and (e), and 5-1006(c) and (e), the Historic District and Historic Landmark Protection Act (the "Act"), the Mayor or the Mayor's designated agent, has the authority to hear the merits of the demolition and subdivision applications. In February 1998, the authority to conduct hearings as the Mayor's Agent for Historic Preservation pursuant to D.C. Code, Sec. 5-1001 *et seq.* was delegated to the undersigned through the Director of the Department of Consumer and Regulatory Affairs ("DCRA").

2. On February 22, 2001, Akridge filed applications with the Building and Land Regulation Administration of DCRA for: a) demolition and partial demolition of the buildings at 921, 923, 925, 927, 931, and 935 F Street, N.W.; b) conceptual review for the subdivision of

Lots 36-46 in Square 376 into one lot of record; and c) conceptual design review for new construction. On March 22, 2001, Akridge revised its subdivision plan to also include Lot 819 in Square 376 in the proposed single lot of record. The applications were referred to the Historic Preservation Review Board ("HPRB") in accordance with D.C. Code Ann., Sec. 5-1004(b).

3. On April 26, 2001, the HPRB reviewed the proposed demolition applications and adopted the Historic Preservation Division ("HPD") staff report recommending that the applications be referred to the Mayor's Agent for a public hearing, pursuant to D.C. Code Ann., Secs. 5-1004 and 5-1006. The HPRB also adopted the staff's recommendation that the conceptual design for the new construction and subdivision applications be referred to the Mayor's Agent for consideration in conjunction with the demolition applications.

4. By letter dated May 8, 2001, Akridge requested an administrative hearing before the Mayor's Agent, to claim on the record that the proposed demolition and subdivision are necessary in the public interest in order to construct a project of special merit, consistent with the mandate of 10 DCMR 2507.8(a). A timely notice of the hearing was published in the *D.C. Register* on May 18, 2001, and notice of the public hearing was mailed by first-class mail on May 15, 2001, to the owners of all properties abutting the property involved in the application and to Advisory Neighborhood Commission 2C, the area in which the property is located.

5. On June 7, 2001, the Committee of 100, DCPL, and DAC each requested to appear before the Mayor's Agent as Parties in Opposition to the applications, as authorized by the provisions of 10 DCMR 2517.

6. When the hearing was initially convened before the Mayor's Agent on June 21, 2001, the Applicants, through counsel, stated that the parties were finalizing settlement discussions and requested a brief continuance of the hearing to allow additional time to reach a negotiated agreement. There being no objection to the request for continuance, the Mayor's Agent granted the motion, and continued the hearing until June 25, 2001, at 10:00 a.m.

7. When the hearing reconvened on June 25th, the above noted three parties in opposition, through Andrea Ferster, Esquire, legal counsel, withdrew their respective oppositions to the project, noting that they had, by a written *Carroll Square Memorandum of Agreement* ("*Memorandum of Agreement*"), dated June 20, 2001, settled with the Applicants and the DCOP. Later in the proceedings, David Bell, President, DCPL, and Michael Berman, President, DAC, each testified that their respective entities, as parties of record, had previously opposed the application. Further, in light of the major reworking of the project and its amenities, they were now in support of the project, and urged the Mayor's Agent to accept the project as one of special merit.

8. Their sentiments were likewise echoed by Andrew Altman, Director, D.C. Office of Planning (DCOP), and John MacDonald, a representative of the Washington Stage Guild, which theater company was formerly housed in the old Carroll Hall, prior to the Archdiocese of

Washington reclaiming and renovating the space to use for Catholic Charities purposes. As well, the Mayor's Agent favorably considered the contents of a letter, dated June 20, 2001, submitted by The Downtown Cluster of Congregations, likewise endorsing the Applicants' project as one of special merit.

9. The Applicants' witnesses, who testified in support of the applications and who were qualified as experts in their respective fields, were: a) Ronald A. Goode, Project Manager, The John Akridge Companies, expert in real estate development; b) Thomas N. Eichbaum, FAIA, Senior Vice President, SmithGroup Architects, expert in architecture; c) Mary L. Oehrlein, FAIA, Oehrlein & Associates Architects, expert in preservation architecture; d) Steven E. Sher, Director of Land Use and Zoning Services, Holland & Knight LLP, expert in land use and zoning; and e) Carolyn Brown, Esq., Architectural Historian, Holland & Knight LLP, expert in architectural history and historic preservation.

The Previous Proposal to the Mayor's Agent (HPA 99-219, 220, 221, 222, 224, 225, 226, and 285)

10. This project is the second redevelopment proposal to be considered by the Mayor's Agent for this site. In 1999, the Archdiocese and Akridge presented to the Mayor's Agent for his consideration a significantly larger project, which also include a more extensive demolition at the site. Although several interested persons and parties supported the prior proposal, the project was likewise opposed by other parties to the proceeding. The Mayor's Agent, in an order issued on November 9, 1999, denied the demolition and subdivision applications. However, because the order was not issued within the statutorily required 60 days of the closing of the record, as mandated by a portion of D.C. Code, Sec., 5-1012, the District deemed the applications "approved" and issued partial demolition permits for the buildings at 921, 923, 925, 927, 931, 933, and 935 F Street, N.W.¹

11. Three lawsuits were filed by five parties contesting various aspects of the Mayor's Agent's 1999 decision. Those cases have been consolidated into one action, which is currently pending before the D.C. Court of Appeals, and according to the record herein, will be withdrawn as a component of the comprehensive *Memorandum of Agreement* settlement. An executed copy of this agreement was presented to the Mayor's Agent during the hearing on June 25th, and is incorporated by the Mayor's Agent as an integral component of this Order. (Mayor's Agent Exhibit "A").

12. In July 2000, the DCOP initiated settlement negotiations among the parties with the assistance of a professional mediator. Besides DCOP, participants in the negotiations

¹ In 2000, the District of Columbia Council repealed that portion of D.C. Code, Sec. 5-1012, that deemed any applications before the Mayor's Agent to be approved where the Mayor's Agent failed to issue an order within 60 days after the close of the record. The most current version of the law, which omits the "deemed approved" language, can be found in the March 2001 pocket part to Volume 3A of the D.C. Code.

included Akridge, the Archdiocese, the Committee of 100, DCPL and DAC. During the mediation process, the parties engaged in numerous discussions, field investigations, design sessions, historic preservation research, economic analysis, countless meetings and negotiations, and good faith concessions in order to reach the compromise proposal that is the subject of this Decision and Order.²

The Current Proposal

13. The Archdiocese is the owner of certain real property located at 921- 941 F Street, N.W., and 619 10th Street, N.W., Lots 36-56 and 819 in Square 376. The F Street parcels are presently improved with a total of 11 late-nineteenth century commercial buildings, constructed generally between 1880 and 1882. The Archdiocese has owned the buildings for well over 100 years, and has been associated with F Street since 1794 when it established St. Patrick's in Square 376 as the city's first Roman Catholic Church. The property is located in the Downtown Historic District. The HPRB and the Historic Preservation staff of the DCOP have previously determined that the buildings at 929, 937, 939 and 941 F Street, N.W., do not contribute to the historic district and full raze permits have been issued for those structures.³

14. However, the buildings located at 921, 923, 925, 927, 931, 933, and 935 F Street, N.W., contribute to the character of the historic district. St. Patrick's Church on 10th Street, N.W., is the only individual landmark included in the redevelopment site. The church will be fully protected and retained in place. No demolition, alteration or new construction will impinge upon this historic structure. Rather, its site will be combined with the F Street parcels to create one lot of record.

15. Construction of the proposed mixed-use building requires the demolition of the four non-contributing buildings, partial demolition of the buildings at 921, 923, 925, 927, 931, and 933 F Street, N.W., and total demolition of the building at 935 F Street, N.W. In order to effectuate the plan for the new building, the F Street properties and the church lot must first be consolidated into one lot of record pursuant to Sec. 3202.3 of the District's Zoning Regulations. That section requires that each new structure must be located on a separate lot of record. Although no new construction will take place on the site of St. Patrick's Church, its parcel is included in the subdivision request in order to calculate the transferable development rights of the entire properties.

16. Based on the expert testimony of Steven E. Sher and Ronald A. Goode, the Mayor's Agent finds that development on the site is constrained by certain provisions of the

² Although the Archdiocese of Washington is the site owner and was keenly interested in the outcome, from the record it cannot be determined whether the Archdiocese's role during the settlement negotiations was that of proactive participant, inactive observer, or somewhere in between.

³ Due to a recent D.C. Government reorganization, the Historic Preservation Division has been relocated from the D.C. Department of Consumer and Regulatory Affairs, to the D.C. Office of Planning. The function of the office remains essentially the same, however.

Zoning Regulations for the downtown area that are designed to protect and preserve historic buildings, and certain preferred arts and retail uses. Although Square 376 is located in a C-4 District, one of the highest commercial density categories under the Zoning Regulations, it is also located in the Downtown Development District and three of its subarea overlays: SHOP, Arts, and Historic Preservation. These subareas substantially reduced the permitted density on the site from 8.5 to 6.0 floor area ratio ("FAR"). A minimum of 0.5 FAR of the ground floor space must be devoted to retail, service, arts and entertainment uses, and a minimum of 50% of that same space must be devoted exclusively to arts and entertainment uses. *See* 11 DCMR 1710 and 1711. A developer earns "bonus density" that may be used at certain off-site locations if certain preferred arts uses are incorporated into the on-site development. *See* 11 DCMR 1703.5 and 1704.6.

17. The new building will incorporate into its design the front 50 feet of the buildings 921-927 F Street, N.W., and the facades of 931-933 F Street, N.W. The new structure will range in height from three to 10 stories, with a maximum height of 120 feet, and containing approximately 164,900 gross square feet of above-grade space.⁴ New low-scale construction will replace the four non-contributing buildings and one contributing building at 935 F Street. The HPD staff commended the reduced scale and density of the compromise scheme in its report and recommendation to the HPRB dated April 26, 2001.⁵

18. The building has been designed in a manner that respects its setting within the Downtown Historic District and its historical association with St. Patrick's Church. The massing of the building has been shifted away from contributing buildings to the corner of 10th and F Streets, and carefully layered to reduce its overall appearance in deference to the low-scale setting of the historic structures. The new building is set back 50 feet behind the buildings at 921-927 F Street, and rises only to a height of six stories in this portion of the new structure. The massing of the new building also includes 20-foot setbacks behind the retained facades of 931-933 F Street, N.W., to the fourth floor level before rising to a height of 120 feet. The massing of the 10th Street elevation has likewise been shifted away from the church to preserve the setting of the historic religious building.

19. The HPD staff recommended approval of the subdivision and the building massing, with further study of the façade design. By a vote of 6-4, the HPRB adopted the staff's

⁴ The Mayor's Agent takes administrative notice that, based upon different statements or documents in the record, the total square footage of the proposed project varies slightly, up to 168,915 square feet. This variance is considered to be insignificant.

⁵ The present proposal differs significantly from the project reviewed by the Mayor's Agent in 1999. Most importantly, there has been a substantial and beneficial reduction in the total square footage of the project. On the east end of the site, greater portions of four building are now proposed for preservation, and construction above these structures has also been minimized.

recommendation to refer the project to the Mayor's Agent for consideration in conjunction with the applications for partial demolition.

20. As a result of the negotiated settlement agreement among the parties, the Applicants have officially amended the application. The amended application reiterates and expands upon several substantial preservation-related components. Further, it significantly increases art studio and art exhibition spaces, and contains much improved design features for the project, each aspect of which is specifically incorporated into the Mayor's Agent's Final Order by reference, and made an integral part hereof.

21. Based upon the *Memorandum of Agreement*, and provided the Mayor's Agent approves this project as one of special merit and the HPRB approves the design of the new construction, the parties in opposition will dismiss their respective lawsuits. As well, the parties in opposition further agreed to incorporate the terms of the special merit components of the redevelopment project into a covenant which has been recorded among the land records of the District of Columbia. At the request of the parties, the record was left open until July 13, 2001, at which time the *Carroll Square Historic Preservation and Use Covenant* (the Covenant) was submitted. The Covenant embodies the final terms and conditions under which this special merit project will proceed.

Special Merit of the Project

22. Pursuant to D.C. Code Ann., Sec. 5-1002(11), "special merit" is defined as 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."

23. The Applicants seek approval of the proposed project on the basis that the demolition, partial demolition and subdivision applications are necessary in the public interest to construct a project of special merit. The Applicants claim that the project meets the test for special merit by virtue of the provision of substantial arts-related uses well in excess of the zoning requirements, its specific features of land planning, and its significant preservation elements, all of which constitute significant benefits having a high priority for community services.

24. Based upon the amended application and the expert testimony of Ronald A. Goode and Steven E. Sher, and the terms and conditions contained in the Covenant, the Mayor's Agent makes the following findings of fact:

- (a) Under Secs. 1703.3(a) and 1703.3(d) of the Zoning Regulations, new construction is required to provide a density of 0.5 floor area ratio ("FAR") devoted to preferred retail and arts-related uses. Based on the proposed record lot size of approximately 45,465 square feet of land area,

this would constitute approximately 12,740 square feet of space devoted to preferred uses.⁶ The proposed project will provide 22,937 gross square feet of space devoted to preferred retail and arts-related uses, or a density of 0.9 FAR. Of that space, 14,491 gross square feet will be dedicated to arts-related uses, which is more than twice the amount required under the Zoning Regulations, and thus constitutes a significant arts-related component of the project.

- (b) The Applicants will make a contribution of \$165,000.00 to the Washington Stage Guild, a performing arts group dedicated to the works of lesser-known artists.
- (c) The provision of significant arts-related space and the financial contribution to an artist group fulfill major goals of the city, having a high priority for community services.

25. Based upon the evidence of record and the expert testimony of Mary L. Oehrlein and Carolyn Brown, the Mayor's Agent makes the following findings of fact:

- (a) The 900 block of F Street is the last remaining undeveloped row of low-scale buildings that convey to the public the growth of retail in the central business core and the changes that have taken place in retail in downtown during the last century.
- (b) The current architectural features and significance of the existing contributing F Street commercial buildings form a scale and definition of the streetscape that was typical of many of the blocks in the downtown historic district.
- (c) The facades of the buildings will be restored to their circa 1910 appearance, based upon the existing documentation of five of the buildings.
- (d) Significant interior space consisting of the front 50 feet of the contributing buildings at 921-927 F Street, N.W., will be retained and enhanced in an historically appropriate manner.
- (e) The preservation work of the project will be undertaken in accordance with the Secretary of Interior Standards for Rehabilitation.

⁶ The Mayor's agent takes administrative notice that the above-referred numerical figures are slightly varied in other components of this application. For example, the reference to 44,465 square feet of land area in the submitted propped final order, is referred to a 45,465 elsewhere in the applicant's submitted documents.

- (f) The historical written and photo-documentation of the historic buildings on the site that is not required and that would not otherwise be undertaken, and the preservation scope of work for the project, are substantial preservation benefits having a high priority for community services. The Preservation and Historic Features Element of the Comprehensive Plan (the “Plan”) specifically directs the federal and District governments to ensure that records relating to construction, alteration and demolition of existing and potential historic properties are retained for future use and reference. *See* 10 DCMR 804.1(g). The historical documentation being undertaking for this project assists the District in fulfilling this important goal.
- (g) The project's provision of significant arts-related space and uses, its substantial preservation component of the project, and its fulfillment of specific features of land planning, match or exceed the special merit elements of other projects approved by the Mayor's Agent.
- (h) The proposed subdivision of the 12 parcels into one lot of record is necessary to construct the proposed project of special merit.

26. Based upon the amended application and the expert testimony of Thomas N. Eichbaum, the Mayor's Agent finds that: a) the proposed new construction respects the character of St. Patrick Church, an adjacent landmark; b) the massing, scale and setbacks of the new building creates an appropriate backdrop and setting for the contributing buildings along F Street; and c) demolition of the contributing building at 935 F Street, N.W. is necessary to locate the entrance and elevator core to the building in an area of the site that protects the greatest amount of historic fabric in the other contributing buildings along F Street, N.W., and allows for their adaptive reuse

27. Based upon the evidence of record and the expert testimony of Steven E. Sher, the Mayor's Agent finds that the project fulfills important goals of the Plan and the Act, as the proposal encourages: a) retention of substantial historic fabric, and preservation and development by a private entity; b) new development by the adaptive reuse of the buildings at 921-927 F Street for arts-related uses; c) preservation by privately funded means; and d) appropriate adaptive reuse of historic properties consistent with applicable land use regulations.

DISCUSSION

The Downtown Element of the Comprehensive Plan for the District of Columbia (the Plan) emphasizes a multitude of objectives, including encouraging: a) the development of concentrated active retail uses along both sides of F Street into a retail core; b) the significant presence of arts and entertainment uses in a downtown land mix; c) a concentrated area of

specialty and department stores, appropriately blended with office use on upper-level spaces; and d) the development of new office space in order to increase daytime activity, support retail uses, and provide employment closely related to Metrorail stations.

As well, the Plan further encourages new building designs that: a) focus attention on the visual base of the buildings with continuous at-grade retail frontages and frequent store entrances at street level, and that reinforces F and G Streets, N.W., as the primary retail streets in Downtown; b) orient future development to the street and generally building to the property line; and c) encourage new development to respect the character of adjacent landmarks through appropriate use of materials, building scale and mass, and architectural detail.

The Mayor's Agent is of the opinion that the Applicants' current proposal, unlike its prior application, more carefully focuses upon directly meeting and addressing the key components of the Plan, and in the process, meets the legal standard of a project of special merit, as that term is defined by D.C. Code, Sec. 5-1002(11).

The DCOP set it out most succinctly in its written submission for the administrative hearing, which emphasized that the strength of the current application was a much improved proposal, due to the many special merit amenities, the special features of land planning, the restoration and preservation of several historic buildings. Further, the proposal well exceeds the minimal goals of the zoning regulations and the Plan, due to special attention given to the Downtown Arts District. The DCOP then concluded that the Applicants had successfully demonstrated that both the proposed total and partial demolitions and the subdivision were necessary in the public interest.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Mayor's Agent now makes the following Conclusions of Law:

1. Pursuant to D.C. Code Ann., Sec. 5-1004(e), before the Mayor or his designated agent may issue a permit to demolish a historic landmark or a building in a historic district, the Mayor shall find that issuance of the permit is necessary in the public interest, or that failure to issue a permit shall result in unreasonable economic hardship to the owner. Similarly, before the Mayor may admit to record any subdivision of an historic landmark or of a property in an historic district, the Mayor shall find that admission to record is necessary in the public interest or that a failure to do so would result in unreasonable economic hardship to the owner. *See* D.C. Code Ann., Sec. 5-1006(e).

2. The term "necessary in the public interest" means consistent with the purposes of the Act as set forth in Sec. 5-1001(b), or necessary to allow a project of "special merit." *See* D.C. Code Ann., Sec. 5-1002(10).

3. The term "special merit" means a plan or building having significant benefits to the District of Columbia or to the community by virtue of exemplary architecture, special features of land planning, or social or other benefits having a high priority for community services. *See* D.C. Code Ann., Sec. 5-1002(11).

4. Because the Applicants have based their claim as one of "special merit," they bear the burden of proof to establish that the granting of the permit and admission to record of the subdivision is necessary in the public interest.

5. The Mayor's Agent is particularly persuaded by the long term, good faith efforts employed by all of the parties in interest, under the watchful eye and guidance of DCOP and Lee Quill, a mediation consultant, whose considerable skills at negotiating proved to be crucial, setting the tone for continued cooperation over the extended period. Ultimately the parties were able to negotiate a joint resolution of the dispute, which has become the *Carroll Square Memorandum of Agreement*. Although DCOP's role is not necessarily to guide all applicants and opponents to compromise and settlement, in this particular application that effort proved to be both necessary and unique in achieving a resolution between the initial two Applicants and the three parties in opposition.

6. The 900 block of F Street is historically significant. Not only is the north side of the street the largest and perhaps the only un-redeveloped parcel in Downtown Washington, D.C., but also its unique character as the District's retail core from the late Nineteenth Century, is also special. Therefore, its redevelopment should likewise be special, and with this project, the ultimate result will indeed be.

7. The Mayor's Agent concludes that the Applicants have sustained the burden of proof, and that the granting of the permits for partial and total demolition, and the admission to record of the subdivision, is necessary to allow the construction of a project of special merit. This project rehabilitates a valuable section of the historic row and provides specific features of land planning, which includes the rehabilitation of four contributing buildings to a minimum depth of 50 feet and the rehabilitation of two other facades.

8. The Mayor's Agent concludes that the redesign moves the massing scheme away from the historic row, with greater emphasis upon protecting the character of the church. The provision of significant arts-related uses and space at a rate of 82% more than is required under the zoning regulations, as more specifically and fully described in the Covenant, constitutes a significant benefit to the community and the city as a whole.

9. The Mayor's Agent concludes that: a) the dedicated arts-related space offered at an affordable rate of \$7.50 per square foot for studios and complemented by a \$100,000.00, tenant improvement fund; b) the 700 square foot first floor arts exhibition area which will be constructed, maintained and operated by Akridge at its expenses as an amenity; c) the written and photo-documentation of the historic properties; d) the substantial preservation scope of

work; and, e) the massing and scale of the new construction that respects the adjacent historic buildings, as more specifically and fully described in the Covenant - each in some significant way fulfills important goals and objectives of the Plan, further constituting specific features of land planning that have a high priority for community services, and likewise qualifies for special merit consideration.

10. The Mayor's Agent concludes that the current application and the design and planned uses for the structures addresses the noted deficiencies of the first application, particularly with regard to retail uses, and that when joined with the arts-related uses, the two combined uses will constitute approximately 15,166 square feet of dedicated space on the first floor, and is now more than sufficient enough to qualify for special merit consideration.

11. The Mayor's Agent concludes that the design of the new building fulfills major design goals and objectives of the Plan by: a) developing an active retail core along the north side of F Street; b) providing a significant presence of arts and entertainment uses well in excess of the zoning requirements; c) further concentrating the F Street retail core with specialty uses with an appropriate mix of office use on upper level spaces; and d) focusing attention on the visual base of the building with continuous at-grade retail frontages that reinforce F Street as a primary retail street.

ORDER

Accordingly, it is this **1st day of August, 2001,**

ORDERED that the H.P.A. Applications - No. 01-219 (partial demolition of 921 F Street, N.W.); No. 01-220 (partial demolition of 923 F Street, N.W.); No. 01-221 (partial demolition of 925 F Street, N.W.); No. 01-222 (partial demolition of 927 F Street, N.W.); No. 01-223 (partial demolition of 933 F Street, N.W., and total demolition of 935 F Street, N.W.); and No. 01-224 (partial demolition of 931 F Street, N.W.) - be, and the same are hereby, **GRANTED;** and it is

FURTHER ORDERED that H.P.A. Application No. 01-208 for the subdivision of Lots 36-46 and Lot 819 in Square 376 into one lot of record be, and the same is hereby, **GRANTED;** and it is

FURTHER ORDERED that, pursuant to D.C. Code Ann., Sec. 5-1004(h), the new demolition permits shall not be issued unless a permit for new construction is issued simultaneously under D.C. Code Ann., Sec. 1-5007, and the Applicants demonstrate the ability to complete the project; and it is

FURTHER ORDERED that, pursuant to D.C. Code Ann., Sec. 5-1012(a), this Order will take effect fifteen (15) days after issuance.

**ROHULAMIN QUANDER
ADMINISTRATIVE LAW JUDGE, D.C., AND
MAYOR'S AGENT
FOR HISTORIC PRESERVATION**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of August, 2001, I mailed by regular first-class mail, or otherwise caused to be delivered by D.C. Government interoffice mail, the foregoing Decision and Order to the following persons:

The John Akridge Companies and
The Archdiocese of Washington, Applicants
c/o Whayne S. Quin, Esq., and
Paul J. Kiernan, Esq.
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Certifying Officer, DCRA, OAD