

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE
801 NORTH CAPITOL STREET, N.E., THIRD FLOOR
WASHINGTON, D.C. 20002**

In the Matter of:)	HPA No. 06-280
)	
WB/BFP North Capitol Street, LLC)	Square 673
for Partial Demolition of 1111 N. Capitol)	Lot 837
Street, N.E. (the former C&P Telephone)	
Warehouse))	

DECISION AND ORDER

BACKGROUND

This matter came before Rohulamin Quander, Senior Administrative Law Judge and the Mayor's Agent for Historic Preservation (the "Mayor's Agent") on July 11, 2007, upon a request for an administrative hearing filed by WB/BFP North Capitol Street, LLC (the "Applicant") for a permit to demolish portions of the former Chesapeake and Potomac Telephone Company Warehouse and Repair Facility (the "C&P Warehouse") located at 1111 N. Capitol Street, N.E. The C& P Warehouse is an individually designated landmark listed in the D.C. Inventory of Historic Sites and includes all of Lot 837 in Square 673. The record closed on August 8, 2007, upon receipt of the Applicant's filing of a proposed decision and order.

The Applicant argued that the demolition permit is necessary in order to construct a project of special merit pursuant to the District of Columbia Historic Landmark and Historic District Protection Act of 1978, as amended (the "Act"), *D.C. Official Code* (the "D.C. Code") Ann. § 6-1101 *et seq.* (2001). The administrative hearing was conducted in accordance with the requirements of Title 10A of the District of Columbia Municipal Regulations ("DCMR"), Chapters 1-99 and the District of Columbia Administrative Procedures Act, D.C. Code Ann. § 2-509 (2001).

The Applicant filed with the D.C. Department of Consumer and Regulatory Affairs ("DCRA") an application for partial demolition of the C&P Warehouse, as well as conceptual design plans for a new addition to the remaining portion of the building. Pursuant to §§ 6-1104 and 6-1107 of the Act, the application was referred to the D.C. Historic Preservation Review Board ("HPRB" or the "Board") for review.

HPRB reviewed the application at its June 11, 2006, and April 26, 2007, public meetings. By action dated April 26, 2007, the Board recommended approval of the new addition in concept and referred the partial demolition application, which it found to be inconsistent with the purposes of the Act, to the Mayor's Agent for consideration at a formal administrative hearing.

By letter dated May 4, 2007, the Applicant notified the Mayor's Agent of its intention to demonstrate that the partial demolition was necessary in the public interest to construct a project of special merit.

The Mayor's Agent held a public hearing on the application on July 11, 2007. Notice of the public hearing was published in the D.C. Register on May 25, 2007. The Applicant was represented by Norman M. Glasgow, Jr., Esq. and Mary Carolyn Brown, Esq. of Holland & Knight LLP. Bruce Baschuk, President of J Street Development Company, testified on behalf of the Applicant in support of the application. Shalom Baranes of Shalom Baranes Associates was recognized as an expert in historic preservation architecture. Emily Eig of EHT Tracerics, Inc. was recognized as an expert in architectural history. Finally, Steven E. Sher, Director of Zoning and Land Use Services for Holland & Knight LLP, was recognized as an expert in land planning. All of these expert witnesses testified in support of the application as necessary to construct a project of special merit.

David Maloney of the Historic Preservation Office also testified favorably in support of the proposed development project, noting its special merit components. However, he took exception to the Applicant's assertion that one component of the special merit claim of the project was due to the "exemplary architecture" nature of the proposed structure that will be erected on the site, if approved.

Based on the substantial evidence in the entire record of this proceeding, including all written and oral testimony submitted at the administrative hearing and the recommendations of the HPRB and the unanimous favorable vote by ANC 6C, the Mayor's Agent concludes that the application for partial demolition should be **GRANTED**.

ISSUE

The sole issue to be decided is whether the Applicant has sustained its burden of proof under the Act that the issuance of the partial demolition permit 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 documentary evidence, including drawings of the proposed structure, and having reviewed the same and given the proper weight to the expert testimony presented, now makes the following Findings of Fact:

Jurisdictional and Procedural History

1. In accordance with §§ 6-1104 and 6-1107 of the Act, the Applicant submitted to DCRA an application for partial demolition of a portion of the former C&P Warehouse, as well as conceptual design plans for a new addition to the remaining portions of the historic building. The demolition application was forwarded to the HPRB as H.P.A. No. 06-280.

2. HPRB reviewed the demolition application and conceptual plans at its June 11, 2006, and April 26, 2007, regularly scheduled public meetings. By action taken on April 26, 2007, the Board adopted the staff report and recommended approval of the new addition in concept. The Board also found, however, that the proposed demolition was inconsistent with the purposes of the Act, and suggested that the Applicant seek an administrative hearing before the Mayor's Agent to demonstrate that the proposed project is one of special merit.

3. Pursuant to §§§ 6-1104(c), 6-1104(e), and 6-1107 of the Act, the Mayor or the Mayor's designated agent has the authority to hear the merits of demolition applications for individually designated landmarks. In accordance with the Act, the application was referred to the Mayor's Agent for an administrative hearing. By letter dated May 4, 2007, the Applicant notified the Mayor's Agent of its intention to demonstrate that the partial demolition is necessary in the public interest in order to construct a project of special merit. A timely notice of hearing was published in the D.C. Register on May 25, 2007.

The Applicant

4. The Applicant is WB/BFP North Capitol Street LLC, which is affiliated with J Street Development Company ("J Street"). J Street has managed the design of the project, and has been active in the small planning area north of Massachusetts Avenue known as "NoMa." J Street is committed to advancing the goals of the NoMa Small Area Plan to ensure the revitalization of this neighborhood.

The Subject Property and the C&P Telephone Warehouse

5. The subject property is located at 1111 N. Capitol Street, N.E. and includes all of Lot 837 in Square 673, which is bounded by North Capitol Street on the west, Pierce Street on the north, First Street on the east, and L Street on the south, in northeast Washington, D.C. The site contains approximately 67,811 square feet of land area.

6. The property is presently improved with the C&P Warehouse, which was designed and constructed between 1926 and 1927 by the architectural firm of McKenzie, Voorhies & Gmelin. The building incorporates minimal elements of the Art Deco style presented in a utilitarian fashion that was appropriate for the building's use as a warehouse with ancillary office and loading facilities. In recognition of its historic merit, the Applicant filed a landmark application to designate the building as an individual historic landmark. The HPRB granted landmark status to the building on April 27, 2006, and it was subsequently listed on the D.C. Inventory of Historic Sites.

7. The steel-reinforced concrete building is supported by load-bearing exterior walls and an internal grid of round concrete mushroom-capped columns. The original building includes a four-story main block with a three-story wing and a one-and-a-half-story brick structure along the south elevation. The main block extends ten bays to the south from Pierce Street along North Capitol Street, and is five bays wide along Pierce Street. The rear three-story west wing extends from the main block an additional five bays along Pierce Street and is six bays wide. A non-functioning, metal water tower in an advanced state of deterioration is located on the roof of the

building. Three skylights are located in the roof of the rear portion of the three-story structure along Pierce Street.

8. Although the building structure and its shell are generally sound, the C&P Warehouse's poured concrete façade finishes are cracked and spalled. The building's extensively modified existing windows have compromised the integrity of the exterior enclosure, resulting in moisture penetration, the deterioration of interior finishes, and a reduction in internal air quality. The C&P Warehouse's life safety features are not compliant with current building code standards, and the building's mechanical, electrical, and plumbing systems are well beyond their useful life. Additionally, a number of non-load-bearing partitions have been erected within the open grid of the C&P Warehouse since its construction in 1926. In 1951, a number of vehicular entrances along North Capitol Street were closed to provide additional warehouse space, and a large one-story addition was constructed on the southeast side of the building. That same year, a one-story metal shed was constructed on the east side of the building. These later additions are not consistent with the character of the original design and form of the C&P Warehouse.

Project Design and Proposed Demolition

9. The proposed project will involve the retention and rehabilitation of significant portions of the C&P Warehouse to preserve the four-story main block on North Capitol and Pierce Streets, while allowing the addition of a twelve-story office building on the rear of the landmark building. The existing C&P Warehouse will be retained and rehabilitated for a depth of three to four full bays from North Capitol Street and one full bay from Pierce Street. The objective of this preservation is to project a "reading" of the four-story main block on North Capitol Street and its relationship to the three-story back wing of the original building.

10. The Applicant represents that at least fifty percent of the total building façades will be retained and one hundred percent of the original street elevations retained. Additionally, the Applicant intends to remove, restore, and relocate the existing skylights from the rear portion of the building—which will be removed—to the portion of the C&P Warehouse roof along North Capitol Street. The metal water tower will be removed, and a piece of sculpture recalling the form of the water tower will be installed on the site at a location to be determined in consultation with HPO staff.

11. The preservation scope of work also includes the treatment and refinishing of cracked and spalling concrete. Exterior walls will be repainted to match the original appearance of the building, as documented by historic photographs. What is left of the existing, inefficient single-pane windows will be replaced with insulated steel or aluminum windows. The replacement windows will retain the appearance of the original triple, multi-light steel-frame windows while protecting the C&P Warehouse's interior finishes from damage caused by poor thermal and moisture barriers. Additionally, the vehicle garage openings on the main façades of the building, which were closed in 1951, will be reopened and utilized as possible retail storefront.

12. A repair and maintenance program will be established to replace and maintain the outdated mechanical, electrical, plumbing, and life-safety systems. New code-compliant systems will improve indoor air quality, as well as the functionality and accessibility of the building's

interior spaces. Interior partitions that are not original to the building will be removed, and language will be incorporated into leasing agreements to limit the erection of partitions that obstruct the visual reading of the open grid of structural mushroom columns as seen from the street.

13. The ground floor within the historic building will house a 2,000 square-foot museum space dedicated to the history of the landmark building, the C&P Telephone Company, and the role of the telephone system in the District. Display cases, containing descriptive boards and historic artifacts, will present the history of the building as part of the collection of C&P Telephone Company buildings in Washington, D.C. The space will also be available for community meetings. The Applicant will maintain the exhibition for a minimum of ten years. The anticipated initial commitment to set aside the space, research, design, develop, engineer, and fabricate the museum/community meeting facility including exhibits and furnishings is anticipated to be in excess of \$2.3 million. After this initial outlay, the cost of operating the museum is estimated to be approximately \$150,000 to \$200,000 each year.

14. The Applicant also intends to produce an illustrated brochure on the C&P Telephone Company. This brochure will present the history and background of the company, discuss its collection of buildings, and address its role within the District. Copies of this brochure will be distributed to the public at the museum and through the Historic Preservation Office and the public libraries. The brochure's presentation will follow the general format of the Historic District brochures published by the Historic Preservation Office.

15. The new atrium will be a soaring, light-filled public room between the historic C&P Warehouse and the new construction. This delineated connection between the original structure and the new office addition will provide opportunities to experience the historic resource in novel ways. From the atrium, the cut concrete floor slabs and mushroom-capped columns of the historic building will be on display. The edges of the cut floor slabs will be left unfinished and will serve as balconies into the atrium. As the new construction rises above the existing C&P Warehouse, there will also be new opportunities to access the roofs of both the four-story and three-story portions of the historic building. On all sides, the connections between the historic building and the new construction will be detailed to allow for a clear understanding of the character of the historic resources that have been captured in the new public space.

16. The proposed project will also feature a green roof, as well as a number of environmentally sustainable design features and construction practices. The Applicant intends to seek certification from the U.S. Green Building Council under the Leadership in Energy and Environmental Design ("LEED") rating system.

Advisory Neighborhood Commission 6C's Recommendation

17. At its regularly scheduled meeting on June 13, 2007, Advisory Neighborhood Commission ("ANC") 6C voted unanimously to approve the demolition application and proposed addition to the C&P Warehouse.

18. Section 1-309.10(d) of the D.C. Code provides that the written recommendations of the ANC are entitled to "great weight" by District agencies. D.C. Code Ann. § 1-309.10(d) (2001). The Mayor's Agent agrees with the recommendation of ANC 6C and accords it the great weight to which it is entitled.

Other Evidence

19. Bruce Baschuk, President of J Street Development Company, testified essentially as follows:

- a. The proposed project is one of special merit by virtue of social or other benefits having a high priority for community services, specific features of land planning, and exemplary architecture;
- b. The proposed project will provide approximately 525,000 square feet of new office/retail space on the site without compromising the historic integrity of the C&P Warehouse building;
- c. By retaining a significant portion of the historic building, the Applicant is foregoing approximately 150,000 square feet of gross floor area that would otherwise be available under the applicable zoning parameters for the site, i.e., the Applicant will be utilizing only seventy-five percent of the matter-of-right density allowed under the Zoning Regulations;
- d. The subject property is located within a transferable development rights ("TDR") receiving zone, in which the District has sought to encourage new high-density development;
- e. The project will further the objectives of the NoMA Small Area Plan by activating the streetscape with a new museum and ground-floor retail space; and
- f. The design of the new atrium will allow the public to view the mushroom-capped structural columns within the remaining portions of the historic building and represents exemplary architecture.

20. Shalom Baranes of Shalom Baranes Associates was recognized by the Mayor's Agent as an expert in historic preservation architecture. He testified that:

- a. The proposed project was one of special merit by virtue of exemplary architecture and noted that the current design of the project was developed in consultation with the Historic Preservation Office over a period of more than a year;
- b. The most recent iteration of the project preserves substantially more of the Warehouse's historic fabric than the plans originally presented to the HPRB;
- c. The current plans contemplate the retention of approximately 78,600 square feet—or more than fifty percent—of the original Warehouse; and
- d. An earlier plan to cantilever the new addition over the main block of the existing Warehouse was abandoned in order to preserve the original massing of the historic building and to emphasize the portions of the Warehouse that were being retained.

21. Emily Eig of EHT Traceries, Inc. was recognized by the Mayor's Agent as an expert in architectural history. Her testimony:
 - a. Outlined the history of the C&P Warehouse and the role of the C&P Telephone Company in the District's history;
 - b. Discussed in detail the scope of the planned preservation program for the Warehouse, including, in her expert opinion, that the proposed museum and educational brochure represented important elements of the project's special merit;
 - c. Opined that the design of the new construction met the test for exemplary architecture under the Act;
 - d. Stated that the new building was special and different from other additions to historic buildings in that this particular design compliments without distracting or harming the integrity of the sense of the Warehouse;
 - e. The contemporary design is "forward thinking" and very much consistent with the telephone company's desire for "cutting edge" design to reflect the innovative technology of the communications industry; and
 - f. The atrium also reflected outstanding design considerations in its ability to showcase the building's construction and allow visitors to actually experience the warehouse building and its structural components.

22. Steven E. Sher, Director of Zoning and Land Use Services for Holland & Knight LLP, was recognized by the Mayor's Agent as an expert in land planning. He testified that:
 - a. The proposed project was one of special merit by virtue of specific features of land planning, placing particular emphasis on three elements of the project;
 - b. First, the proposed museum on the ground floor of the existing Warehouse is an important public benefit that is unique to this project;
 - c. Second, the proposed ground-floor retail space in the project would further the NoMA Small Area Plan's goal of creating a vibrant mixed-use neighborhood;
 - d. Third, there will be significant public space improvements and civic spaces that would be provided in connection with the proposed project; and
 - e. The proposed project would further a number of the specific policies and objectives set forth in the District's recently adopted Comprehensive Plan and was consistent with the subject property's designation under the Future Land Use Map and Generalized Policy Map.

23. David Maloney of the Historic Preservation Office testified in support of the application as necessary to construct a project of special merit. He testified that:
 - a. Although the partial demolition of the C&P Warehouse was not consistent with the purposes of the Act, the project was indeed one of special merit by virtue of its social and other benefits and specific features of land planning, emphasizing three specific elements of the project's special merit;

- b. First, the architectural salvage component of the project was above and beyond what is typically provided in a rehabilitation project, as the proposed project contemplates the retention of more than fifty percent of the historic Warehouse, and the portions of the existing building that will be removed are duplicative of the areas that will be retained;
- c. Second, the public art component of the project, i.e., the sculptural reproduction of the water tower, would pay homage to the industrial heritage of the neighborhood while also emphasizing the new urban vitality and vibrancy that the city is trying to stimulate in this NoMa area;
- d. Third and finally, the proposed museum and educational materials are a significant element of the project's special merit;
- e. He disagreed with the Applicant's assertion that the architectural design of the project was sufficiently exemplary to provide an independent basis for a finding of special merit, testifying that such a designation should be limited to extraordinary, world-class projects financed by large institutional applicants; and
- f. The Mayor's Agent was not required to reach the issue of exemplary architecture because the demolition application could be approved as necessary to construct a project of special merit, solely on the grounds of specific features of land planning and social or other benefits having a high priority for community services.

Discussion

Before any permit to demolish a historic landmark or a contributing building in a historic district is issued, the Mayor or his designated agent must find that issuance of the permit is necessary in the public interest or that failure to issue the permit will result in unreasonable economic hardship to the owner. D.C. Code Ann. § 6-1104(e). The term "necessary in the public interest" means that the application is consistent with the stated purposes of the Act or that the proposed demolition is necessary to construct a project of "special merit." *See* D.C. Code Ann. § 6-1102(10). The term "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." D.C. Code Ann. § 6-1102(11).

In determining whether the demolition of a historic structure is necessary to construct a project of special merit, the Mayor's Agent must address two distinct issues. First, the Mayor's Agent must balance the special merit of the proposed project against the historic value of the building to be removed. In other words, the Mayor's Agent must find that the proposed project will provide public benefits sufficient to offset the District's stated policy of protecting, enhancing, and perpetuating the use of properties with historical, cultural, and aesthetic merit. *See Committee of 100 on the Federal City v. D.C. Department of Consumer and Regulatory Affairs*, 571 A.2d 195, 200 (D.C. 1990).

Second, the Mayor's Agent must also find that the demolition of the historic structure is indeed necessary to allow the proposed project to proceed. An applicant for a permit to demolish

a building protected under the Act must demonstrate that it has considered all reasonable alternatives to demolition. See *Kalorama Heights Ltd. Partnership v. D.C. Department of Consumer and Regulatory Affairs*, 655 A.2d 865, 870 (D.C. 1995). Although the Mayor's Agent must consider cost, delay, and technical feasibility in determining whether a particular demolition is reasonably necessary, an applicant is not entitled to a demolition permit simply because it is the least expensive alternative. See *Don't Tear It Down, Inc. v. D.C. Department of Housing and Community Development*, 428 A.2d 369, 379-80 (D.C. 1981).

The evidence in the administrative record sufficiently demonstrates that the proposed project is one of special merit by virtue of its numerous social and other benefits having a high priority for community services, as discussed below. These features alone justify the granting of the demolition permit. Accordingly, the Mayor's Agent finds it unnecessary to decide whether the building design also meets the high test for exemplary architecture.

First, the scope of the preservation program contemplated by the proposed project represents a significant public benefit to the District. The Applicant intends to retain more than fifty percent of the historic C&P Warehouse, amounting to more than 78,000 square feet of gross floor area. The planned preservation program will include the complete restoration and rehabilitation of the remaining original portions of the existing building. Importantly, one hundred percent of the original building's street façades will be retained to a depth of one bay along Pierce Street and three to four bays along North Capitol Street.

Second, the Applicant's proposed historic preservation outreach program is a social and cultural amenity that will provide significant public benefits to the NoMA community and the District as a whole. The installation of the museum and availability of it as a community use space will also further activate the streetscape along North Capitol Street, provide the community with a gathering space, and help foster a distinct identity for the NoMA neighborhood. The Applicant's production of an illustrated brochure on the C&P Telephone Company will present the history and background of the company, highlight its collection of buildings, and discuss its role within the District. The proposed museum and brochure will draw attention to and commemorate the preservation of the landmark C&P Warehouse, ultimately educating the public on an important piece of Washington history.

Third, the proposed project will help achieve the District's environmental objectives by incorporating a number of sustainable design and construction features. The retention of significant portions of the C&P Warehouse will further the goal of sustainability by greatly reducing the consumption of building materials and the production of construction waste. The Applicant also intends to employ low-emissivity glass for all new windows in the building and will provide a green roof. Both of these features will greatly increase the building's energy efficiency. The green roof will also significantly reduce runoff on the site and the related burden on the neighborhood's stormwater management infrastructure. Additionally, the subject property is within walking distance of the Metrorail stations at Union Station and New York Avenue, and thus is a fine example of transit-oriented development. By providing commercial office space in close proximity to public transportation, the proposed development will reduce both traffic congestion and automobile emissions.

Finally, the proposed project will further a number of the objectives and policies set forth in the District's recently adopted Comprehensive Plan and the NoMA Small Area Plan. As this Mayor's Agent has previously held, consistency with the Comprehensive Plan may provide the basis for a project's special merit. *See In the Matter of Calvary Baptist Church*, HPA No. 00-601 (April 20, 2001). Specifically, the project is consistent with the goals of the Land Use Mix; Infrastructure and Transportation; Public Realm and Open Space; Identity and Building Design, Existing Neighborhoods; and Environment and Sustainability concepts of the NoMA Small Area Plan. The project's consistency with these concepts of the NoMA Small Area Plan provides further support for the Applicants' claim of special merit.

It is equally clear that the proposed project can move forward only if portions of the existing Warehouse are removed. While the footprint of the existing Warehouse covers virtually all of the subject property, the building provides far less gross floor area than what is otherwise allowed under the applicable provisions of the current zoning regulations. As well, the existing building is not structurally designed to accommodate a significant addition on its roof. Consequently, in order to redevelop the site and adaptively reuse the building in a manner that respects its historic qualities, it is necessary to remove the less significant rear portions of the structure. As a result of major modifications and additions over time, only the street frontage portions of the building convey the original significance of the Warehouse.

Removal of the rear portions will not compromise the public's understanding of the role of this building in the development of the city or the history of the telephone. In fact, the new development will enhance the understanding of the building's historical and architectural qualities through an exciting contemporary design that showcases the structural elements of the warehouse, a museum, and other educational outreach programs. The Mayor's Agent agrees with the Applicant that the demolition of the rear portions of the Warehouse is necessary in the public interest to allow a project of special merit.

CONCLUSIONS OF LAW

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

1. No permit to demolish a historic landmark or a contributing building within a historic district may be issued, "unless the Mayor finds that issuance of the permit is necessary in the public interest, or that failure to issue a permit will result in an unreasonable economic hardship to the owner." D.C. Code Ann. § 6-1104(e). The term "necessary in the public interest" means consistent with the purposes of the Act or necessary to construct a project of special merit. D.C. Code Ann. § 6-1102(10). The Mayor's Agent concludes that the Applicant has carried its burden of demonstrating that the requested partial demolition permit is necessary to construct a project of special merit and is, therefore, necessary in the public interest.

2. The term "special merit" is defined as "a plan or building having significant benefits to the District of Columbia or 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 Ann. § 6-1102(11).

3. The proposed project will provide significant social, cultural, and economic benefits that have a high priority for the NoMA community and the District of Columbia as a whole. The project is also characterized by specific features of land planning encouraged by the District's Comprehensive Plan and the NoMA Small Area Plan. There is also substantial evidence in the record that the proposed project cannot move forward unless the rear portions of the existing Warehouse are removed. The requested demolition is therefore necessary in the public interest.

4. Because the Mayor's Agent has predicated his decision based upon those components of special merit which emphasize social or other benefits having a high priority for community services and, to a lesser extent, specific features of land planning, it is not necessary for the Mayor's Agent to also address, and make his decision, at least in part, upon the issue of whether this project is one that also exhibits exemplary architecture.

ORDER

Accordingly, it is this **7th day of December 2007**,

ORDERED that the application for partial demolition of the former Chesapeake and Potomac Telephone Company Warehouse and Repair Facility be, and the same is hereby, **GRANTED**; and it is

FURTHER ORDERED that, pursuant to D.C. Code Ann. § 6-1104(h), the demolition permit shall not be issued unless a permit for new construction is issued simultaneously under D.C. Code Ann. § 6-1107, and the Applicant demonstrates the ability to complete the project; and it is

FURTHER ORDERED that, pursuant to D.C. Code Ann. § 6-1112(a) (2001) and 10A DCMR § 2523.4, this Order shall take effect fifteen (15) days from the date of service as evidenced by the attached Certificate of Service pursuant to 10A DCMR § 2523.5(c); and it is

FURTHER ORDERED that pursuant to 10A DCMR § 411.5, the conceptual design of the new building and the demolition permit application approved by this order shall be valid for a period of five years from the effective date of this order.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Decision and Order was served this 7th day of December 2007 by mailing a copy of the same via either electronic D.C. Government inter-office mail or via U.S. Mail, postage prepaid, or both, to the following:

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