GOVERNMENT OF THE DISTRICT OF COLUMBIA OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE 1100 4th STREET S.W., SUITE E650 WASHINGTON, D.C. 20024

In the Matter of:)	HPA No. 10-180
the Application of National Public Radio for)	Square 673
Partial Demolition of 1111 North Capitol)	Lot 837
Street N.E. (the former Chesapeake and)	
Potomac Telephone Company Warehouse))	

SUMMARY ORDER

This matter came before Harriet Tregoning, Director of the Office of Planning and Mayor's Agent for Historic Preservation ("Mayor's Agent"), at a properly noticed public hearing on May 7, 2010 as a result of an application to demolish a portion of the Chesapeake and Potomac Telephone Company Warehouse (the "C & P Warehouse" or "Building") located at 1111 North Capitol Street N.E. (Square 673, Lot 837) by National Public Radio, Inc. (the "Applicant" or "NPR"). The C & P Warehouse is a landmark listed in the D.C. Inventory of Historic Sites and the National Register of Historic Places.

Pursuant to section 5(a) of the Historic Landmark and Historic District Protection Act of 1978 "Act", D.C. Official Code § 6-1104(a), no permit to demolish a landmark may be issued until the Mayor reviews the application for consistency with the requirements of that section. Section 5(e) disallows permit issuance unless "the Mayor finds the issuance of the permit is necessary in the public interest, or that failure to issue a permit will result in unreasonable economic hardship

to the owner." 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." D.C. Official Code § 6-1102(10).

The Applicant contended that its project met the definition of "special merit" as set forth in D.C. Official Code § 6-1102(11). It was therefore the Applicant's burden to prove that the demolition of the Building would allow for a project 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 use.

Based on the substantial evidence in the entire record of this proceeding, including all written and oral testimony submitted prior to and at this public hearing, the Mayor's Agent has determined that the Applicant has met this burden and therefore finds that issuance of the demolition permit is necessary in the public interest.

Issues and concerns of affected Advisory Neighborhood Commission

The Mayor's Agent is required by section 13 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, D.C. Code § 1-309.10, to give "great weight" to the issues and concerns of the affected Advisory Neighborhood Commission ("ANC"). At its regularly-scheduled and duly-noticed monthly meeting on March 10, 2010, with a quorum of nine commissioners present, ANC 6C (the ANC within which the property is located) voted to

¹ "Demolish' or 'demolition' means the razing or destruction, entirely or in significant part, of a building or structure and includes the removal or destruction of any façade of a building or structure." D.C. Official Code § 6-1102(3).

support the application. As provided in its resolution dated March 15, 2010, ANC 6C supported "the issuance of the permit for demolition of part of the building because it will allow for the creation of the special spaces and specific uses needed by NPR to adapt the building for its use. This project is truly one of special merit." The Mayor's Agent concurs.

Consideration of the Historic Preservation Review Board recommendation

Pursuant to § 5(b) of the Act, D.C. Official Code § 6-1104(b), the Mayor's Agent referred the application to the Historic Preservation Review Board (HPRB) for a recommendation. That same provision requires the Mayor's Agent to consider any recommendation pursuant to such referral. The HPRB reviewed the application at its March 25, 2010 public meeting and concluded that the proposed demolition is not consistent with the purposes of the Act. However, the Board also undertook a conceptual review of the new construction proposed and, being aware that the construction could qualify as a project of special merit, voted to "refer" the application to the Mayor's Agent for hearing.

Waiver of Rule

The Mayor's Agent has waived the requirement of 10A DCMR § 410.1 that findings of fact and conclusions of law accompany the final written order. As provided in 10A DCMR § 3207.3, the "Mayor's Agent, SHPO [State Historic Preservation Officer], and Review Board may, for good cause shown, waive any of the provisions of these rules pertaining to their respective authorities, if in their judgment the waiver will not prejudice the rights of any person and is not otherwise

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prohibited by law." There were no parties in opposition to this application and therefore findings

of fact and conclusions of law are not required by section 10 of the District of Columbia

Administrative Procedure Act, D.C. Official Code § 2-509. The use of a summary order will not

prejudice the Applicant, but in fact will expedite its proposed development of the site.

ACCORDINGLY, it is on this 4th day of June 2010:

ORDERED that the application for a permit to partially demolish the former Chesapeake &

Potomac Telephone Company Warehouse, as described in HPA No. 10-180, be, and is hereby,

CLEARED for historic preservation review purposes; and it is

FURTHER ORDERED that, pursuant to D.C. Official Code § 6-1104(h), the demolition permit

shall not be issued unless a permit is issued simultaneously under D.C. Official Code § 6-1107

for construction of the project of special merit as described in the record and the Applicant

satisfactorily demonstrates to the staff of the Historic Preservation Office its ability to complete

the project; and it is

FURTHER ORDERED that pursuant to D.C. Official Code § 6-1112(a), this Order shall take

effect fifteen days after issuance.

HARRIET TREGONING

Mayor's Agent for Historic Preservation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Decision and Order was served this 4th day of June, 2010 by mailing a copy of the same via electronic mail or first class United States Postal Service mail, postage prepaid, to the following:

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Saul Holdstin

Certifying Officer