



REPORT OF ACTIVITIES  
FOR  
FISCAL YEAR 2015

HISTORIC MOUNT PLEASANT, INC.

Incorporated in 1985, Historic Mount Pleasant (HMP) aims to bring neighbors together to celebrate and protect features of the Mount Pleasant Historic District that give the neighborhood its special character. Our website ([www.historicmountpleasant.org](http://www.historicmountpleasant.org)) provides basic information about historic district requirements and links to a variety of other resources on historic preservation. We regularly field inquiries from residents about individual properties and work with the Historic Preservation Office in the D.C. Office of Planning and other official entities to resolve issues affecting the historic district. We participate in the D.C. Historic Districts Coalition and sponsor social and educational activities in Mount Pleasant.

### Advice and Assistance on Exterior Renovations

Our principal ongoing responsibilities relate to exterior renovations in Mount Pleasant – advising and assisting neighbors on permit requirements, reviewing designs with architects, and providing input on cases going before the Historic Preservation Review Board (HPRB). Given the broad scope of authority delegated by the Board to the staff of the Historic Preservation Office (HPO), the cases actually going to the Board for decision are relatively few in number. HPO advises all applicants whose cases must go to the Board to share their plans with both HMP and the Advisory Neighborhood Commission (ANC), and the HPRB invariably asks for our views during the hearing. If we cannot attend the hearing, we provide comments in writing to the staff beforehand. In all cases going to the Board, we invite the applicant to discuss his or her plans with us and also invite the views of neighbors who have expressed particular concerns about the project.

During Fiscal Year 2015 (December 2014–November 2015), HPRB considered only seven cases from Mount Pleasant, approving three rear additions, but denying approval to four other projects. The rear additions were at **1815 Lamont** (which was discussed in last year’s report, as it was considered in both October and December of 2014), **3420 19<sup>th</sup>**, and **1756 Kilbourne**. The primary issue in both of the latter cases was whether rooftop additions would be visible from the street. It is standard HPO/HPRB practice to approve rooftop additions if such nonvisibility can be proven by a flag test. In the case of 1756 Kilbourne, neighbors to either side were also concerned about the relationship of changes in the rear elevation to their own homes and wanted to preserve in particular the light well (or open court) on the west side of the house. HPRB agreed that the light well should be retained but, given the need for separate rear entrances for the two units being created, a long staircase was introduced at its base.

The first of the “unfavorable” rulings was in the case of **Bancroft Elementary School** and requires explanation. The proposed design for the much-needed modernization of Bancroft School entails demolition of the 1934 gymnasium, which was built within the period of significance of our historic district and is therefore by definition “historic.” However, the HPRB does not have the legal authority to approve “demolition.” Thus, it was a foregone conclusion of the HPO staff review and HPRB hearing that, notwithstanding the many complimentary things both said about the design of the new wings, it would be found (per the staff report) to be “inconsistent with the DC Historic Landmark and Historic District Protection Act due to the demolition of the historic auditorium/gymnasium.” At the same time, the staff report set the case

up for a successful appeal to the Mayor's Agent for Historic Preservation, who has the authority to approve a demolition if necessary to construct a project of "special merit." HMP was on record, along with other interested parties, as supporting demolition to enable the proposed design to go forward. On September 8, 2015, the Mayor's Agent agreed that the project was one of "special merit" as defined under the Act and "cleared" demolition of the gymnasium pending HPO approval the final design. In other words, after an additional step mandated by the preservation law, the case is back with HPO staff for approval of the final design subject to comments made by the Board at the May hearing.

HPRB complimented many aspects of the design, in particular, the unification of levels across the different wings. The Board stressed the need to ensure that replacement windows in the historic sections along Newton Street match the original sash and mullion pattern. Several members expressed concern about the proposed new elevations along Mount Pleasant Street, and the Board directed the project team to refine their massing, rhythm and materials to improve their relationship with neighboring buildings. It also noted that mechanical equipment slated for the existing stair tower's roof should be relocated to the lower rooftops of the new additions, as well as the need for restrained landscaping treatments near historic buildings and coordinated signage and fencing. HMP looks forward to reviewing the revised proposals for new construction with the project team.

In June, the HPRB turned down an application to build three stories of condominiums on top of the auto repair shop at **3054 Mount Pleasant Street**. Here was a potential "pop-up" on our commercial corridor, with multiple visible additional stories which would not be allowed on houses in our historic district. A proposal in 2003 to push the property to five stories had been withdrawn in light of an unfavorable staff report that suggested that any addition be kept behind the existing building and be no more than four stories high. However, in the interim, one-story commercial properties in other historic districts had been allowed to build on top. HMP was very concerned about the precedent that this case could set, with the possibility of radical change in the configuration of individual buildings and the overall streetscape of our commercial corridor. Neither HMP nor HPO staff had any idea how HPRB would react.

The staff report explained the prior case and laid out a number of design considerations, recommending that the Board support two stories on top and three stories behind the former gas station. HMP said the proposed design was too tall and urged the Board to consider the broader context of the commercial corridor, the visual relief that this particular half block of one-story commercial buildings provided from taller surrounding buildings, and the precedent that this project could set for the entire commercial corridor. A unanimous resolution from ANC1D made these points even more strongly. Citing the Small Area Plan for Mount Pleasant Street passed into law by the DC Council in 2010, the ANC said the project would establish a negative precedent for "over scale heights and density which would eventually smother Mount Pleasant's village-like appearance and cherished atmosphere." The HPRB agreed and rejected the design, saying it would disturb the strong one-story character of this commercial block. It questioned the proposed enclosure of the area beneath the garage canopy but did not rule out a small addition.

At **2021 Klingle**, the owner requested permission to remove all the aluminum siding from this 1896 house and replace it with fiber-cement siding. The renovation had begun under a

separate permit and included repair of the existing siding, but once into the job the owner decided to replace all the existing siding. His architect consulted HMP (we had reviewed their original renovation plans), and we suggested that original siding was likely present under the aluminum and that the better approach would be gradually to remove the aluminum and restore what was underneath. HPO gave them the same advice, in much more detail. They balked at the potential cost of proceeding in that fashion and decided to take their case to HPRB.

The HPO staff report – which provides not only a thorough overview of the rules on replacement of original façade materials but also the history of this unique house, its architect and original owner and is a very good read – recommended that the Board approve removal of the aluminum siding but not the installation of fiber-cement siding over the original materials underneath. The Board unanimously endorsed the staff report, and the owner returned to his original plan of repairing the aluminum siding as necessary. This preserves the possibility of a full restoration of the exterior of the house at a later date, with original materials in place for guidance.

The original siding is German lap, with a cove in the upper third, fundamentally different in appearance from the flat fiber-cement siding proposed. In addition, it is likely that the gabled upper story was shingled. The staff report discusses different options for different areas of the exterior. The case illustrates the general rule that where original materials on the façade have been changed before historic district designation, those new materials are grandfathered in; but if a homeowner goes to remove such materials, he will generally be required to restore the original appearance and/or materials of the façade.

Finally, at **3118-3120 16<sup>th</sup> Street**, the architect for a contract purchaser sought to maximize the profit to be obtained from converting the two houses to condominiums – and refused to take any HPO staff advice about changes to the design that should be made prior to taking the case to the HPRB. The biggest issues were the amount of demolition and a proposed addition to the main roof that would straddle the two buildings and would be plainly visible from the public sidewalk in front the property, let alone from the sidewalk across the street (the latter being the actual test). At an impasse with the architect, the staff member summarized the issues in a report to the Board, recommending disapproval of the concept design submitted along with specific design changes. The Board unanimously agreed, with the Chairman even questioning the architect about her refusal to work with staff. We expect this project to come back to the Board soon, as the sale has been completed.

Smaller projects have continued to arise, some without building permits posted. While repairs involving replacement of original materials in kind generally do not require permits, larger projects – including the replacement of windows or exterior doors in historic districts – do, and the permits must be displayed where they are visible from the street. The D.C. Department of Consumer and Regulatory Affairs (DCRA) issues all building permits. The Historic Preservation Office (HPO) in the Office of Planning must clear on all permits in historic districts. Work in public space, such as excavations in front yards that are part of the right of way for our streets, requires a permit from the District Department of Transportation (DDOT). If you are concerned about work proceeding without the proper permits, you may report it to Toni Cherry, chief inspector for HPO ([toni.cherry@dc.gov](mailto:toni.cherry@dc.gov)), the DCRA illegal construction hotline at 442-

STOP (7867), or the Mayor's call center (311). We try to answer all questions from neighbors about possible illegal construction but cannot always do so in a timely manner. The best time to stop such activity is when it is in process.

### Zoning

For more than two years, HMP has been actively engaged in seeking relief for our historic district from the provision of the 1958 zoning regulations that permits, as a matter of right, the conversion of preexisting houses to "apartment houses" of three or more units. The provision applies to areas zoned R-4, a zoning category that covers all but a few houses in Mount Pleasant and allows the creation of one dwelling unit for each 900 square feet of lot size. This is the biggest single threat to remaining single-family homes in our neighborhood because of the large number of lots with 2700 or more square feet--each one an inviting target for developers intent on maximizing profit by maximizing density.

To understand what has happened thus far and what HMP believes needs to happen, it is helpful to understand a few basic zoning terms:

- Changes to structures that do not affect their compliance with existing zoning requirements (regarding height, scale, density, etc.) are termed "matter of right." No special zoning permission is needed.
- Changes that would result in a structure that did NOT comply with existing zoning requirements are allowed only if the property owner seeks, and the Board of Zoning Adjustment (BZA) grants, either a "special exception" or a "variance." Hearings before the BZA require notice to neighboring property owners and the local ANC.
  - Special exceptions are specifically allowed for certain kinds of deviations from zoning rules and are generally approved, subject to compliance with the conditions stated for the specific circumstance in the zoning regulations.
  - Variances are available for any other deviation from the zoning rules and are subject to a three-part test, under which the applicant must first show that there is something unusual about the property that creates a "practical difficulty" or "undue hardship" in meeting the generally applicable zoning rules. As a result, variances are much more rarely granted.

HMP has asked that conversions in R-4 zones be limited to no more than two dwellings as a matter of right, regardless of lot size, with any proposals for more than two units subject to approval as variances.

In early 2015, the Zoning Commission (ZC) indicated it would likely approve such a change as part of Case No. 14-11, a proposal by the Office of Planning (OP) aimed at limiting "pop-ups" in R-4 zones. As a historic district, Mount Pleasant has been protected from "pop-ups" because historic preservation regulations generally prevent additional stories that are visible from the street. Unfortunately, in the discussion of Case No. 14-11, our specific problem – conversions to 3 or more units without changes to the façade – got lost in the clamor for relief from pop-ups outside historic districts. Some ZC members saw pop-ups as simply a design problem and balked at subjecting conversions to the more difficult test required for variances. As a result, the ZC asked OP to develop more information and alternative approaches – all of which ended up with a confusing array of alternatives being proposed, with different conditions

for “matter of right” vs. “special exception” conversions of residential and non-residential buildings, respectively.

Most other neighborhoods and many ANC’s did not recognize the critical distinction between special exceptions and variances and were willing to accept special exception approval for conversions to 3 or more units, subject to new conditions. However, one of the critical conditions sought – a limitation on the rearward extension of “pop-backs” relative to adjacent properties – was not included in OP’s final proposal for residential buildings. HMP continued to argue for two units only as a matter of right, with any over that subject to approval as a variance, following the advice of experts that “special exception” relief would provide no real protection. Unfortunately, a majority of the ZC was intent on facilitating further conversions.

The R-4 amendments took effect with their publication in the *D.C Register* on June 26, 2015. On the positive side, the new regulations limit the number of units allowed as a matter-of-right in R-4 zones to two, as called for in the Comprehensive Plan. However, they place no limit on the number of units that may be created in a pre-1958 residential building if the owner seeks, and BZA grants, a special exception, as long as the property has 900 square feet of lot size for each proposed unit.

While the amendments impose other conditions on such "special exception" conversions, most of the conditions are unlikely to deter such conversions in Mount Pleasant.

- Two of them simply extend to other neighborhoods a measure of the protection already accorded Mount Pleasant as a historic district – namely, that a conversion may not alter a roof top architectural element original to the house or “visually intrude upon the character, scale and pattern of houses” as viewed from a street or alley. As nice as the latter concept may sound, it has been of little help before HPRB in limiting the size of additions, and there would be no reason to expect a more strict application by BZA.
- Two other conditions -- that any addition not “unduly affect the light and air” available to, or “compromise the privacy of use and enjoyment” of, neighboring properties, have a long history of liberal interpretation by BZA.
- Other new conditions – such as not blocking a chimney, external vent, or existing or permitted solar energy system on an adjacent property – either are or should be part of the building code and apply to all projects. These should not be zoning issues at all.

The only new condition on "special exception" conversions that may in fact have the effect of deterring them in Mount Pleasant is the requirement that, in proposed conversions to four or more units, the fourth and every additional even numbered dwelling unit thereafter will be subject to Inclusionary Zoning (IZ). (IZ requires a specified number of units be restricted for lower-income households; in this case, the fourth, sixth, eighth, etc. units.) As the ZC hearings made clear, ongoing conversions are generally producing small luxury units – as far from "affordable" housing as the market will bear. The inclusion of an IZ requirement starting at four units reflects a strong desire by some members of the ZC to test whether it is possible to push developers to provide “affordable” units through conversions. However, it seems doubtful that this will occur. So, unless and until this provision is removed, it should operate as a brake on conversions to four or more units. Unlike some of the other new conditions, the IZ requirement may not be waived by the BZA.

Since the R-4 amendments took effect, HMP and others seeking relief from pop-ups, pop-outs, and pop-backs have been following cases before the BZA, as well as DCRA actions, to see what difference the new regulations will have in practice. Not surprisingly, the BZA has approved several hotly-contested conversions in other neighborhoods begun under the old rules (that is, initiated as "matter of right" conversions), setting aside objections about infringements of air, light and privacy. At least one of these (involving the conversion of 1521 Varnum Street N.W. to a 7-unit condominium) is being appealed to the ZC. Efforts are being made to document failures by DCRA to enforce building codes and other generally applicable rules in the permitting process, including questionable rulings by the Zoning Administrator, with a view to presenting this evidence to the DC Council. Finally, the amendments have given rise to a new kind of extortion. In order to secure neighborhood consent to "special exception" conversions to three units on large lots, some developers have threatened to build much larger additions for two-unit rehabs, which would be allowed as a matter-of-right.

The problem of single family houses on large lots in R-4 neighborhoods that HMP raised before the ZC in November 2013 is now becoming more widely appreciated. HMP is working with other neighborhoods – many of them not historic districts – to see how to develop a new proposal to protect such remaining houses.

#### Parking along 16<sup>th</sup> Street

On May 15, 2013, we wrote to the DDOT Director asking for prompt attention to longstanding violations of public space rules in the 3100 block of 16<sup>th</sup> Street, where several front yards had been completely paved over and were being used for parking. After a number of fruitless exchanges and a change in leadership at DDOT, we renewed the request on May 24, 2014. Shortly thereafter, DCRA acting on a separate track in concert with HPO, sent in a crew to remove the concrete at 3130 16<sup>th</sup>. Several months later, DDOT took similar action at 3118 and 3120 16<sup>th</sup> but not at 3116½. Of late, cars have been parked regularly at 3118, 3120 and 3130 16<sup>th</sup>. Jersey barriers remain in place at 3116½ preventing access for parking, but the paving remains in place in violation of the law. The situation is but one example of DDOT's failure to enforce public space regulations throughout the District.

While we were contemplating initiating yet another request with the current DDOT Director, 3118 and 3120 16<sup>th</sup> went on the market. As noted above, the contract purchasers sought preliminary HPRB advice on the nature of exterior changes that would be permitted in renovating the houses as condominiums. HMP took the occasion to describe the efforts we had made to have the front yards restored as the green space mandated by public space regulations, and HPRB included that point in its decision about the property. It also endorsed HMP's request that the renovation include removal of the external wheelchair lift that has marred the façade of 3120 16<sup>th</sup>. We will be monitoring the renovation process to ensure that these aspects of the HPRB decision are implemented.

### Advocacy before DC Council

Every year, the DC Council convenes oversight and budget hearings for individual agencies of the DC Government. HMP generally provides input to and endorses the testimony of the DC Preservation League, which reiterates longstanding pleas of the preservation community for more transparency, accountability, and resources to protect our city's historic building stock. Last year, testimony was presented regarding performance of the Office of Planning, including HPO, and the Office of Administrative Hearings (OAH), which adjudicates enforcement cases initiated by DCRA, DDOT, and HPO, among other agencies. The statements highlighted problems such as the lack of personnel (e.g., only two inspectors in HPO), the need to rely on reports from neighbors to initiate inspections of possible violations, the lack of reliable public information on what has been approved, uncertain coordination among agencies, and a complete lack of transparency with regard to cases referred for decision to OAH.

The basic problem is that HPO does not have the resources it needs to discharge its many obligations under the law. It has no real enforcement program of its own and must rely on other agencies, which have their own resource and capacity issues. HMP will continue to press the DC Council to require better performance from all agencies involved in overseeing the design, construction, and maintenance or modification of buildings in the District. The current widespread anger over pop-ups may help us get some movement on longstanding problems in the near term.

### Adams Mill Road

In conjunction with the redesign of the Adams Mill Road intersection two years ago, HMP had contacted a native plant specialist to advise the neighborhood and DDOT on appropriate species to be planted on either side of the new roadway. The steep slope to the east was particularly problematic, and we agreed that three Flameleaf Sumac would be planted near the bullnose, three River Birch below the bus shelter, and ornamental Prairie grass ("Little Bluestem") in between. Unfortunately, only a very few Little Bluestem were planted, and the area was completely covered with regular sod. After two seasons, the grass – which was not cut or otherwise maintained by DDOT – had become an unruly mess. Moreover, two of the sumacs died, and the many new shoots that followed were pushed over by the heavy rains. Recognizing that the only way that this situation would be remedied was through self-help, the HMP President cleared the area of debris and unwanted "volunteers" (trees not helpers), staked the sumacs, consulted again with the native plant specialist, and planted additional bluestem and some sumac groundcover in the fall. We will be watching the development of these new plants this year and expect to organize further clearing and planting efforts as the season progresses. With continued attention, this gateway to our historic district could become very attractive.

### HMP Website

While still a work-in-progress, we invite your attention to our new website. The old one had been developed more than a decade ago, was hard to follow and had outdated information. We hope to create a more visually-attractive site with basic information about the neighborhood and historic district rules which – even if not actively managed (we do not currently have such

capability on the Board) – will serve as a useful reference point for neighbors and tell them how to get additional information if needed. If you have photos or other information you think would be appropriate to include on our website, or if you have the skills to help manage the site, please contact us.

### Annual Meeting

In accordance with our by-laws (and longstanding practice), HMP held the Annual Membership Meeting on March 7, 2015, at Stoddard Baptist Nursing Home. The President briefly recapped the highlights of the preceding year, distributed copies of the Board's Annual Report for Fiscal Year 2014, and outlined potential activities for 2015. The members present unanimously approved the proposed slate of Board members and Officers for the coming year. The featured speaker was Kim Prothro Williams of the DC Historic Preservation Office, who described HPO's ongoing historic alleys survey and shared images being collected from throughout the District.

### Promoting Broader Membership and Involvement

The annual Holiday Party, held on the first Friday in December, has long been our main membership drive. We thank Burcu and Jesse Bump for hosting the party in 2015. If you are willing to host the party or have a new site to suggest, please let us know.

At the end of November 2015, HMP had 71 members (13 life, 42 family, and 16 individual). In its early years, HMP had active standing committees for membership, communications, education and design review, among other things. As participation in the organization has declined, all activities came to be vested in the Board of Directors. However, with the increased demands of design review and the new – and we believe very important – focus on zoning, it is evident that the Board needs more active support from and involvement by its members to move forward.

Last year, we reestablished a separate design review committee with three practicing architects and two long-serving committee members, including the HMP President who continued to coordinate the work and appeared at HPRB hearings. Design review results are forwarded to the Board for information and further action, as appropriate. We have also had an informal zoning working group that will become a standing committee. We will be seeking to establish other committees for specific projects or ongoing activities to spread the responsibility for action and increase our visibility in the neighborhood.

Please give us your ideas and be willing to share your time. We urge you to help us reach out to neighbors, particularly new ones, to tell them about Historic Mount Pleasant and elicit their support and participation. HMP can only be as effective as it is representative of its membership at large. You may contact any member of the Board of Directors or send your suggestions to our website at any time -- [www.historicmountpleasant.org](http://www.historicmountpleasant.org).

**Historic Mount Pleasant, Inc.**  
**Profit and Loss Statement**  
**Fiscal Year 2015 (December 1, 2014 – November 30, 2015)**

**Income**

Memberships and undesignated contributions	1970.00
Memberships made through PayPal	432.21
Holiday party bar donations	205.00
Interest earned	9.04
Donation from MPNA (Close-out of bank account)	389.75

**Total** **\$3006.00**

**Expenses**

2014 Holiday Party	1109.93
Contribution to Stoddard (Annual Meeting 3/15)	200.00
Copying, office supplies, deed research	169.89
Website operation	253.17
PayPal charges	12.79
HMP Domain name – 9 years	179.90
HMP logo bags (Qty-500: donated 200 to MPBA)	864.45

**Total** **\$2790.13**

**Net Gain** **\$ 215.87**

**Assets as of 11/30/2015**

DGEFCU Acceso Share Draft	3,545.59
DGEFCU Acceso Regular Shares	18,784.22

**Total** **\$22,329.81**

**Liabilities & Equity**

Total Liabilities	0.00
Equity: Opening Balance	22,113.94
Net Gain	215.87

**Total** **\$22,329.81**