



ANC 6B
Capitol Hill / Southeast

February 9, 2021

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Marnique Heath, Chair
Historic Preservation Review Board
1100 4th Street SW, Suite E650
Washington, DC 20024

VIA E-MAIL: historic.preservation@dc.gov

Re: Standards of Review for Alley-Facing Accessory Building and Alley Lot Additions and New Buildings

Dear Chairperson Heath;

Advisory Neighborhood Commission (ANC) 6B respectfully requests¹ that the Historic Preservation Review Board modify its treatment of the height of accessory buildings and buildings on alley lots² in the Capitol Hill Historic District by either including height limits in Design Guidelines or to stop using an unwritten height limit as a stand-in for compatibility. We are writing in response to the Board's October 22, 2020 Action in Case 20-478 (514 Archibald Walk SE) as well as text amendments related to accessory building height approved by the Zoning Commission in case 20-19 on December 21, 2020.

In HPA Case 20-478, the Board stated past precedent limits the height of all alley-facing buildings to 20 feet. The board used this unwritten rule to limit the height of the proposed addition at 514 Archibald Walk SE to 20 feet from the proposed 22 feet. This height limit is nowhere to be found in law, regulation, or design guidelines. Despite the Board seemingly contending that this is a bright line test and universally applied to all alley-facing buildings, we don't have to go far back to point to HPA Case 19-326 (203 Rear 3rd Street SE) where this unwritten height limit was not discussed and an addition to a contributing alley building was approved which took the height to 21'8".

The above cases relate to buildings on alley lots. They came to the board with a by-right height according to zoning regulations, but the Board uses different standards of measurement. As the Zoning Commission continues to loosen

¹ At a properly noticed regular meeting on February 9, 2021 with a quorum of at least six commissioner present, ANC6B approved sending this correspondence 10-0-0

² While the board does not meaningfully differentiate accessory buildings and buildings on alley lots when it comes to height, the zoning regulations are different for both and the impact of the current treatment of height by the HPRB is different. When we speak of them collectively, we use the term "alley-facing buildings"

restrictions on development on alley lots³, we would expect the number of cases where zoning height and HPRB height are different to increase.

We further urge modification of the treatment of height in response to changes to the zoning regulations for accessory buildings in Zoning Commission Case 20-19. Currently, the unwritten HPRB height limit matches the maximum height for accessory buildings in the RF, RA, and MU zones, as the definition of height by the HPRB and zoning are the same and both have 20-foot limits. However, the Zoning Commission has recently approved a text amendment that increases the allowable height of accessory buildings from 20 feet to 22 feet. Again, we would expect the number of cases where these height limits are in conflict to increase.

Unwritten rules do not give the needed assurances to property owners and residents of the Capitol Hill Historic District. When those rules seem arbitrarily applied, they further serve to undermine faith in and support for historic preservation. And in light of recent zoning changes, it is no longer tenable for the Board to continue to use an unwritten height limit that deviates in such measurable and clear ways from zoning height regulations.

In our opinion, the Board must do one of the following two things, either of which ANC 6B would support:

- 1) Begin the process, with substantial public and ANC involvement, to amend the Design Guidelines to codify an allowable height for all alley-facing buildings in the Capitol Hill Historic District.**
- 2) No longer use an unwritten height limit for alley-facing buildings; instead, apply the general tests for compatibility for new buildings and additions, subject to the existing preservation law, regulations, and design guidelines, which do not contain measurable height limits.**

ANC 6B respectfully requests consideration of this correspondence as an agenda item at an upcoming meeting of the Board. Commissioner Corey Holman is authorized to represent ANC 6B in this matter. Commissioner Holman and can be reached at 6B06@anc.dc.gov or 301-664-4132.

Sincerely,



Brian Ready
Chair, ANC 6B

³ For example, in Zoning Case 19-13, conversions on historic tax lots in alleys to records lot became allowable. This text amendment was a necessary precondition for the project at 514 Archibald Walk SE. This case also reduced the alley centerline setback requirement, another regulation which was a hurdle to residential development on alley lots.

cc:

Moira Nadal, Historic Preservation Office

David Maloney, State Historic Preservation Officer

Andrew Trueblood, Director, Office of Planning

Beth Purcell, Capitol Hill Restoration Society

Commissioner Karen Writ, Chair, ANC 6C

Commissioner Mark Eckenweiler, Chair, ANC 6C Planning Zoning and Economic Development Committee

Commissioner Amber Gove, Chair, ANC 6A

Brad Greenfield, Chair, ANC 6A Economic Development and Zoning Committee