



NEWS

www.chrs.org

September 2002

Boys Town—The Beat Goes On... DCRA Contradicts BZA Findings

by Brian Furness, Chair,
Community Development Committee

The Department of Consumer and Regulatory Affairs (DCRA) recently issued building permits that allow Nebraska-based Boys Town to continue building on its property on Potomac Avenue SE (at Pennsylvania Avenue). The permits replaced those voided in May by the Board of Zoning Adjustment (BZA)'s ruling that the Zoning Administrator had erred in issuing permits that allowed Boys Town to construct a group home on the site. At Boys Town's application, DCRA's new permits classify the buildings as single-family houses. DCRA's action flies in the face of the BZA decision, which found that Boys Town's construction did not comply with the city's building code for single-family structures.

Once again, the Southeast Citizens for Smart Development (SCSD) has challenged the decision to issue permits. DCRA has yet to respond—raising the possible need for SCSD to again take legal action to ensure compliance with the law.

Boys Town has filed a notice in the D.C. Court of Appeals that it intends to appeal the BZA decision. No dates have been set, but resorting to the Court of

SCSD Yard Sale

Saturday, October 5 from 9 AM to 1 PM at 1432 G St. SE. To donate, help out, or get more information, contact Will Hill (544-3785) or Jessica White (547-3645)

Appeals is a lengthy process. The BZA will be represented by the Corporation Counsel. SCSD has intervened as a party to sustain the BZA decision; ANC 6B will likely vote to do so as well. CHRS has not decided on its next steps, but has been providing financial and other support to SCSD and those challenging Boys Town.

In a separate action, U.S. District Court dismissed Boys Town's suit alleging that SCSD, neighborhood activists Will Hill and Ellen Opper-Weiner, and others conspired to deny Boys Town's right to establish the group home. The BZA decision figured importantly in the court's verdict, which confirmed that the neighbors had cause to challenge Boys Town.

Boys Town will press forward with its project, Executive Director Father Val Peter declared to the Omaha *World Herald*. Peter's continuing willingness to countenance almost any stratagem to achieve his objectives—including Rep. Lee Terry's (R-NE) effort to get Congress to amend the D.C. budget to overturn the BZA decision—suggests that SCSD and the neighbors will continue to need financial and other support.

Contributions can be sent to the SCSD Legal Fund. And be sure to support the SCSD Yard Sale scheduled for October 5. ✧

How to Help

Contribute to the SCSD Legal Fund
by sending a check to:
Director Kathleen Donner
18 3rd St. NE
Washington, DC 20002
(202) 543-3063

President's Column

by Rob Nevitt

For the past year, following the excitement of the Nuisance Property legislation that Sharon Ambrose shepherded through the Council, CHRS has tried to make it work to bring back into shape and on the market some of the fine houses that are abandoned and deteriorating on Capitol Hill. The law required the writing of regulations by a certain date, as well as the drawing up of lists of properties. When the deadline arrived, we contacted the Department of Consumer and Regulatory Affairs (DCRA), only to be told of postponements. Regulations have now been published.

I wanted to contact DCRA as the head of an organization that really cares about this issue and has ways to help make the regulations work. Through the good offices of Esther Bushman, head of the DCRA Committee staff, I finally got a very instructive meeting.

First, the regulations are extremely complex; they need both to

protect property owners and meet the mandate to rid our blocks of nuisances. A list of properties has been drawn up—4,000 city-wide, a figure that hardly seems enough. The list isn't to be published, although I think there would be merit in doing so.

However, after spending several hours going over all of the requirements of the regulations, and considering the resources at DCRA's disposal, one becomes a little more sympathetic. I am sure there are veterans of dealing with the bureaucracy who would warn about misplaced sympathy, but I plan to work on the basis of giving them the benefit of the doubt...for now.

What can we do, other than sit on the sidelines and make angry telephone calls? While some may argue that we shouldn't have to do the work that our taxes pay to have done, I think we should be strategic. I propose that we pick a test case or cases and try to work them through the system.

I hope we can work with the



neighbors most affected by individual nuisance properties, and that we will liaise with DCRA to craft solutions. There is no one-size-fits-all in this; there are multiple avenues of approach and choices available. Not to get ahead of a Board decision, but I visualize a checklist that we can use to walk us through cases.

In the meantime, it would be good to hear from members who are affected by nuisance properties. This is a work in progress and only the first step. There will be more. ✧

Regulations for Vacant Buildings in Effect

by Gary Peterson, At Large CHRS Board Member

Do you have a vacant building as an unsightly neighbor? Is the building being destroyed by neglect?

A little hope is on the way because the regulations to enforce the "Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000" went into effect on August 2, 2002. The DC Department of Consumer and Regulatory Affairs (DCRA) is the agency responsible for enforcing the regulations. These should make it impossible for a landowner to accomplish demolition by neglect and will provide for the protection



of vacant buildings.

The regulations require all properties vacant for 180 days to be registered with DCRA. The Department is required

to compile a list of all vacant building addresses, together with the names and addresses of the owners. DCRA can force the owner to protect the building from demolition by neglect: if the owner refuses, the city

can do the work instead and charge the owner for the costs.

Compilation of the list of vacant buildings by DCRA will be difficult. You can help by reporting vacant buildings. Call 442-4400 from 8:30 am to 4:30 pm, Monday to Friday, or go online at www.dcra.dc.gov (use the Remote Access Property Inspection and Dispatch System, RAPIDS).

Please also send the information to me at 547-7969 or pgarylaw@aol.com. It is very important that CHRS keep track of these abandoned properties, and that we enlist your help with the task of preventing the demolition of historic buildings through neglect. ✧

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To contact any of the above, please contact the Society offices by calling 202/543-0425 or sending email to CapHRS@aol.com.

www.chrs.org

Founded over 40 years ago to preserve and protect Capitol Hill's residential character, the Society is now the largest civic association on Capitol Hill, and one of the largest in the entire District of Columbia. From the beginning, the Society has played a key role in maintaining the diverse, residential character of our neighborhood.

Eastern Market's Business Plan

by Brian Furness, Chair,
Community Development Committee

Public comment on the goals and objectives of Eastern Market's business plan were the focus of a September 19 meeting chaired by Tom Kuchenberg, community representative on Eastern Market Community Advisory Committee (EMCAC). The meeting was held following the *News* deadline, so no report is available in this issue.

Negotiation of the business plan is the next step in Eastern Market's management reform—a process that began in 1998. The business plan is an important part of the process in contracting for a long-term market manager. Eastern Market Venture was selected last year as the chief candidate for this position. The plan will also guide the operation of Eastern Market over the management contract period and provide benchmarks that will help the city and the community judge performance. By law, the EMCAC must provide advice to the city on the process of selecting a management entity. The September 19 meeting provided community advice to help EMCAC reach a decision to be discussed at the September 30 EMCAC meeting.

Key elements of draft business plan identify objectives, specify milestones and completion dates, and propose initiatives designed to increase the Market's business appeal and services. Objectives include

preserving and enhancing the Eastern market as an historical fresh food and farmers Market, maintaining efficient and effective operations, and enhancing and maintaining the physical structure. Milestones include implementing a management and regulatory framework for operations within the first months of the contract; enhancing and maintaining the Market's physical structure; and facilitating the sale of products by developing a series of market rules and regulations, establishing new parking rules, and promoting new products.

Initiatives that the Eastern Market Venture proposes to explore include expanding the farmer's line activities to week-day operations, coordinating special market and community events to promote the Market, cooperating with the new Capitol Hill Business Improvement District (BID), and creating new storage space to free up space in the South Hall. The business plan cannot address new programs in the North Hall or for flea or craft market activities because of Market Five Gallery's continuing legal challenge to the new management structure.

Copies of the draft business plan are available for review at the Northeast and Southeast Libraries. They contain background information on parking, Capitol Hill demographics, financial projections, and other information relating to Eastern Market Venture proposals. ✧

Short Takes: Development Notes

Bryan School

At the September 4 ribbon-cutting that inaugurated Bryan Square—the townhouse development at 1325 Independence Ave. SE—renovation contractor Jim Abdo revealed that the old Bryan School will accommodate 19 condominium units instead of the 30 that had been planned. In spite of this reduction, the number of parking places provided will remain the same. This modification should assuage some neighborhood parking concerns.

Kentucky Courts

Welcome too is the demolition of Kentucky Courts family units (Kentucky at C SE) to prepare the way for construction of mixed-income townhouses that are architecturally consistent with the surrounding neighborhood. Reportedly, they are completely sold out.

Demolition by Neglect and a Capitol Hill Shotgun House

Members may like to read the letter recently sent by Nancy Metzger, Chair of the Historic District Committee to ANC6-B concerning requests for demolition of properties at 1224 and 1226 Pennsylvania Ave. and 1129 E Street SE.

Dear Chairman Jarboe and other ANC6-B Commissioners:

I regret that I will not be able to attend the September 12 meeting of ANC 6-B. However, I would like to take this opportunity to state the views of the Capitol Hill Restoration Society (CHRS) concerning the requests for demolition of properties at 1224 and 1226 Pennsylvania Avenue and at 1229 E Street, SE. These raze permit applications will be considered at the September 26 hearing of the Historic Preservation Review Board, which must first decide whether these buildings contribute to the Capitol Hill Historic District.

The frame buildings at 1224 and 1226 Pennsylvania Avenue have been allowed to deteriorate to the point that they no longer have the physical integrity required to be contributing buildings to the historic district. Therefore CHRS cannot logically oppose the demolition of those structures, however much we deplore their present state. This situation is a textbook example of demolition by neglect that has spanned decades. These buildings were once part of a row of eight frame buildings that formed the center of this block. The buildings were Italianate in style, ranging from vernacular through the very elaborate (with two having very special center gables). In 1979 the owner of these buildings applied to demolish those two very special buildings. That was refused but another decade of neglect and abuse ensued. In 1989, the Condemnation Review Board of the Department of Consumer and Regulatory Affairs ordered that the structures at 1214, 1220, 1222, and 1232 must be rendered sanitary (cleaned, secured, and made weather tight). It also ordered that the



Instead of stabilized historic structures, a gaping hole stands in the 1200 block of Pennsylvania Avenue SE. The frame buildings at 1224 and 1226 Pennsylvania Avenue (in the background) will be the next to be demolished by the same owner's intentional neglect.

buildings at 1218 and 1228 were to be razed but that their facades were to be stabilized for future preservation and development. Since all those buildings are now gone it is obvious that the order was not followed. (It should be noted that in 1989 ANC 6-B opposed the demolition of the buildings.) Today, we are left with the final two of the eight frame buildings that have been demolished by the owner's intentional neglect and disregard of lawful procedures, neighbors' welfare and the historic district.

The Capitol Hill Historic District is much the poorer with the loss of these buildings. Their relationship to each other and the rest of the block (the four brick row houses at each end and the solitary brick house in the middle) created a long row of 17 nineteenth-century buildings that was remarkably consistent and unified in scale and texture. It resulted in a rich and complex fabric of individual buildings that is not replicable by a single structure of the same size, no matter how well designed. To evaluate this loss of scale in the historic district, compare the impact of the Bread and Chocolate building at the

corner of 7th and Pennsylvania with the shops across the street. Although both sides are attractive and commercially viable, the south side is 19th century in scale while the north side is late 20th century.

At 1229 E Street, the same owner is now applying for permission to demolish the Tungal-Hartley shotgun house, which he purchased in 1993. Since that time, repairs have not been made and a hole in the roof of the 1871 addition has not been fixed so water can pour in, further damaging the structure.

To understand the significance of this property, one should know that this small frame house—two rooms deep, one story high, one bay wide with a front porch—was built some time before 1857 when it appears on a Boschke map. In 1871 German immigrants Ernest Tungal, an illiterate huckster and a laborer, and his wife Louisa, owners of the property since 1853, built an addition behind the original two front rooms. (“Hucksters” were people who sold things from wagons or carts, often produce, fish and oysters but other items as well.) In 1905 the Daniel Hartley family purchased both 1227 and 1229, with



Traceries, an independent historic preservation firm, conducted a survey of the property and concluded that “the early date and exceptional form of this modest house mark its great significance to Capitol Hill and Washington, D.C. and the importance of both recognizing this history and preserving it for the future.”

There are some who say that this house is too small for present-day Capitol Hill. Yet there is another shotgun house at 518 Ninth Street, SE that has been restored with care and is an attractive addition to its block. Although presently small (910 square feet), the Tungal-Hartley house could be sympathetically enlarged to provide more living space. Even at its present size it is almost twice as big as the Capitol Hill houses featured as “cozy and highly prized” in the Saturday (August 24) Real Estate section of the *Washington Post*.

There are some who say that its present condition is deplorable and that it creates problems for the neighbors. We agree. But the solution is not to tear down the building. For 25 years or more, residents near the Capitol Hill Hospital complained about, and even campaigned for, the demolition of derelict Louise apartment house (on Seventh Street between C and Constitution). Fortunately it was spared until the Holladay Corporation made its restoration a centerpiece of the Union Square row house development.

Empty, abandoned, and derelict properties do create special problems for neighbors, which is why the Demolition by Neglect law was passed. We must support the application of this law, of the Historic Preservation law, and the Comprehensive Plan—and not reward the owner of this property with the city-sanctioned demolition of the Tungal-Hartley house. Such an action would not help convince other owners of neglected properties that they should fix up or sell their buildings.

Nancy Metzger
Chair, Historic District Committee



The pre-1857 shotgun type house in the center of the top photo contributes to the understanding of the historic district, not only through its history but also through its architectural form. This property at 1229 E Street SE backs up to the Pennsylvania Avenue properties which were also allowed to deteriorate by the same owner. (It is across the street from the area discussed in the “Looking Back” article found in this issue.) The bottom photo shows a nicely restored shotgun house at 518 Ninth Street SE.

the parents living in 1227 and Daniel Hartley, Jr., a mason, living in 1229. In 1917 a garage was added to the property and in 1925 a new front porch designed by architect Thomas Medford was added. A brick kitchen addition was built in 1938. The history of this property spans nearly 150 years and spotlights the Capitol Hill residents who worked hard to be able to live in a very modest home—a home

they repaired and enlarged for over 100 years.

This property (house and garages) contributes to the understanding of the historic district, not only through its history but also through its architectural form. There are no more than a handful of shotgun houses left in the Capitol Hill Historic District. This one is truly unique because of the size of its lot (31' wide). In 1999, EHT

Looking Back on Capitol Hill

by Nancy Metzger, Chair, Historic District Committee

In 1974, as part of the effort to create the Capitol Hill Historic District, Hazel Kreinheder and Ruth Ann Perez Overbeck interviewed long-time Capitol Hill residents John and Elsie Miller at their home at 905 G Street SE. Here is a description of how two blocks of the Hill have changed since the time Mr. Miller, born in 1910, grew up here.

“There’s a school [Watkins] at 12th and E streets. On that site there were houses all the through from 12th to 13th. There was an alley going north and south between E and D, 12th and 13th, that was called Hopkins Court...The Brewery, which later became Carry’s Ice Cream plant was on D and E between 13th and 14th. In Hopkins Court, they had a Saratoga potato chip factory and a lot of the neighbors

worked in there. They made chipped beef and boned ham and things like that in addition to potato chips. . . .

Q: Going east on D and E, were there houses along there too?

“Just like there are now, except where the Safeway tore them down. That’s where the ice cream plant was. People used to go up there with a wagon and get a 10 cent piece of ice. They had a big ice platform and they’d chop it off. On real hot days, people in the neighborhood would get ice early in the morning so they could have it at night for iced tea and things like that.”

If you know someone who grew up on Capitol Hill (and perhaps is not living here now), please contact the Capitol Hill oral history project so his or her remembrances can be included. Email Bernadette and Jim McMahan at McMahons@his.com or call 543-4544.

Fall Lineup of Preservation Cafés

by Nancy Metzger, Chair, Historic District Committee

The Historic District Committee has scheduled the following speakers for this fall’s Preservation Cafés:

- ✧ September 18, “Restoration Lessons from 800 East Capitol Street,” with Bill Cromley, contractor, and Robert Reed, owner of 800 East Capitol. Bill is head of William Cromley Restorations/Preservation, an Alexandria firm that specializes in historic preservation, restoration, and historically appropriate infill development.
- ✧ October 16: “Art on Call on Capitol Hill,” with Capitol Hill’s Call Box Task Force. Members will be presenting some of the drawings and art for the first call boxes and explaining the call box process. This is a good time to sign up to work on one or more of the boxes, offer suggestions for topics, or simply to learn what this city-wide program is all about.
- ✧ November 20: “A Homeowners Guide to Iron,” with Pat Lally, author of Capitol Hill Restoration Society’s Guide-line “Cast Iron: Firmness, Commodity and Delight.” You will learn lots about Capitol Hill’s iron and how to maintain it. Bring your questions.

All cafés run from 6:30 p.m. to 7:15 and will be held at Trattoria Alberto’s upper room, 506 Eighth Street SE. Cafés are free and no reservations are required but space is limited.

Preservation Cafés are an adaptation of a Greenwich Village idea in which a speaker talks at a neighborhood restaurant about a topic of local interest. They have an informal format so that the audience can share ideas, reactions, and questions with the speaker. People stop in on the way home from work for relaxation and stimulating discussion with friends and neighbors, sometimes continuing the conversations through dinner.

For more information, call 202-546-1034. ✧

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Society's 2003 Budget

by John Shages, Budget Committee Chair

At the September 17 CHRS Board meeting, the Budget Committee submitted the following 2003 budget for the Board's approval. At press time, that meeting had not yet been held. Any changes made by the Board will be posted on the CHRS website, <http://www.chrs.org>. As required by CHRS bylaws, the membership must approve the budget before it takes effect. A vote will be taken at the next meeting of the full membership: time and place will be announced in the October *News*. In the meantime, the Treasurer was authorized by Board vote in July to expend funds for administration and Committees at the same rate as during FY2002.

Capitol Hill Restoration Society Proposed Annual Budget, Fiscal Year 2003

	FY2002 Budget	FY2003 Request		FY2002 Budget	FY2003 Request
Expenses			Revenues		
Administrative Expense	6,400	6,000	Membership Income	18,500	18,500
Capital Spending	10,500	5,000	Interest Income	2,500	600
Accounting Services	3,500	3,500	Contributions	0	0
Salaries	7,700	7,700	House Tour 2002	0	1,500
Employment Expense	1,000	1,000	HD Guidelines sales	200	0
Rent Expense	7,600	8,500	<i>OHJ</i> Sales	1,600	1,600
Grants	0	0	Promo Items Sales	600	500
President's Party	1,000	0	Miscellaneous Income	0	0
Elections	1,000	1,000	Subtotal Revenue	23,400	22,700
City Planning Comt.	2,750	2,000	(without Tour)		
Community Development Comt.	1,500	1,500	Subtotal Cash Flow	-64,855	-47,250
Community Relations Comt.	1,600	1,600	(without Tour)		
Environment Comt.	500	1,000	Tour Revenue	50,000	50,000
Historic District Comt.	11,000	9,450	Tour Expense	15,000	15,000
Barrack Row MS Project	1,504	0	Net Tour Income	35,000	35,000
Membership Comt.	1,200	1,200	Subtotal Cash flow w/Tour ..	-29,855	-12,250
Newsletter	12,500	8,500	Working Inventory		
Public Safety Comt.	500	500	Promotional Items Exp	1,200	500
Endowment	0	0	Promotional Items Revenue	600	500
Zoning Comt.	0	500	Net Promotional Items	-600	0
Appeal 434 NJ Avenue	8,305	5,000	HD Guidelines Expense	0	0
Station Place case	4,996	4,000	HD Guidelines Sales	200	0
Legal	0	0	Net HD Guidelines	200	0
Promotional Items Expensed	0	0	Sales Tax	100	100
Sales Tax	100	0	<i>OHJ</i> Expense	1,100	1,100
<i>OHJ</i>	1,100	0	<i>OHJ</i> Sales	1,600	1,440
Web Site	1,000	1,000	Net Old House Journal	500	340
Forums	1,000	1,000	Subtotal Working Inventory	100	340
Moving	0	0	TOTAL CASH FLOW	-42,755	-20,910
Miscellaneous	0	0			
Subtotal Expenses	88,255	69,950			
(without Tour)					
Grants and Miscellaneous					
President's Party	1,000	2,000	HD - Historic District		
Website Development	1,000	0	<i>OHJ</i> - Old House Journal		
Grants	11,000	7,000			
Subtotal Grants and Misc.	13,000	9,000			

Mark Your Calendar!

SEPTEMBER

30 Monday, 7 pm

Eastern Market Community Advisory Committee. Northeast Library, Maryland Ave. at 7th St. NE

OCTOBER

5 Saturday 9 am to 1 pm

Southeast Citizens for Smart Development (SCSD) Yard Sale. 1432 G St. SE. Contact Will Hill (544-3785) or Jessica White (547-3645) to donate, help out, or get answers for your questions.

15 Tuesday 6:30 pm

CHRS Board Meeting, Old Naval Hospital, 921 Pennsylvania Ave. SE

16 Wednesday 6.30 pm

Preservation Café. "Art on Call on Capitol Hill," with Capitol Hill's Call Box Task Force. Trattoria Alberto's upper room, 506 Eighth Street SE.

17-19 Thurs.-Saturday

29th Annual Conference on DC Historical Studies, sponsored by the Historical Society of Washington DC, the Washingtoniana Division of the DC Public Library & George Washington University. The conference is free and members of the public are welcome. For reservations call 202-785-2068 x100 or email reservations@hswdc.org.

NOVEMBER

20 Wednesday 6.30 pm

Preservation Café. "A Homeowners Guide to Iron," with Pat Lally, author of Capitol Hill Restoration Society's Guideline "Cast Iron: Firmness, Commodity and Delight." Trattoria Alberto's upper room, 506 Eighth Street SE.

Coming Soon: A Chance to Join a Call Box Team or for Your Block to Adopt a Call Box

by Nancy Metzger, Chair, Historic District Committee

Sometime soon, there'll be a call box cleaning crew from Unity Construction at a call box near you. Paul Williams, Police and Fire Call Box Project Manager at the DC Heritage Tourism Coalition, has alerted neighborhood groups that all the call boxes in the city have now been catalogued. He says that some may only need to be wire brushed and cleaned; others may need a full stripping or various repairs. The sequence of work will probably be determined by cleaning requirements. After all call boxes are painted with rust-color primer, the neighborhood will take responsibility for the final coat of graffiti-resistant paint and for inserting history or art plaques.

The Capitol Hill Restoration Society is serving as the financial conduit for the city's matching grants and private donations.

Capitol Hill has the largest number of call boxes in the city and still needs many teams to sponsor and work on call boxes. A team takes responsibility for each call box and helps to select the topic for the artwork or history plaque to be mounted in it. The team captain makes sure the process keeps rolling: that a topic is selected and the design is seen by the review committee, that the artist and researcher complete their work, and that the budget is worked out and sufficient money is available. A painter on each team applies the final coats of graffiti-resistant paint. Teams also require a monitor living nearby who can report any graffiti or damage.

Now is a good opportunity for a block to "adopt" a box. Capitol Hill's Call Box Task Force is offering assistance as needed, and the Capitol Hill Art League is a source for artists who are interested in working on the project.

The Task Force also needs people with technical skills who know how to affix the art and history plaques, as well as recruits to help with communications and other administrative jobs and to develop a map of locations.

For more information about Capitol Hill's call box program or to volunteer for a specific box, please contact n.metzger2@verizon.net or call 546-1034. You should also call if you know of a call box that should not be stripped and primed.

You can learn more about the call box program at the CHRS Preservation Café on October 16, 6:30-7:15 at Trattoria Alberto (top level), 506 8th Street SE. ✧

Capitol Hill Restoration Society

420 Tenth Street, SE
Washington, DC 20003