

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Property Address:	1920 9th Street NW	X	Agenda
Landmark/District:	U Street Historic District		Consent Calendar
Meeting Date:	September 22, 2022		Concept Review
H.P.A. Number:	HP 22-372	X	Permit
		X	Alteration

The applicant and owner, Bruno Cuso, seeks permit review for installation of a retractable glass canopy over an enclosed deck on the rear of a building in the U Street Historic District. The property was built in 1878 as one in a row of six houses and has long since been converted to commercial use.

In 2018, a permit for the property was obtained to add a “summer garden” on an existing second level deck. The summer garden drawings include adding privacy fences to a deck and a retractable vinyl awning; the permit was cleared by HPO without referral to the Board. The current permit application seeks to replace the vinyl awning with a retractable glass canopy roof.

Evaluation and Recommendation

The DC Construction Code has different definitions for decks, summer gardens and additions. A deck is a platform built above the ground and connected to the main building; above a certain height, it is enclosed by a railing for safety. A summer garden is defined as an outdoor private space similar to a sidewalk café which is an outdoor public space.¹ An addition is an extension or increase in the building area, aggregate floor area, number of stories or height of a building or structure.² Summer gardens are not subject to zoning review, while additions are.

The current application is a modification to a summer garden, meaning it has not been forwarded to the Zoning Administrator, despite the fact that with the enclosing walls, it will be an enclosed addition when the roof is closed. This lack of zoning review, together with noise concerns that a retractable roof and uninsulated rear enclosure raises for surrounding properties, has resulted in neighbors’ objections to the proposal.

HPO has alerted the Zoning Administrator of the pending application and that it may warrant zoning review, however, that decision is ultimately one that DCRA must make. Similarly, the issue of noise is not one that the preservation law provides authority to HPRB or HPO to regulate. From a preservation and design perspective, the Board has given flexibility for rear additions, particularly (as with this one) they are not visible from street view. As the addition of the retractable roof will not change the form or appearance of the already-enclosed rear deck,

¹ *SUMMER GARDEN/SIDEWALK CAFÉ ENDORSEMENT APPLICATION*, Alcoholic Beverage Regulation Administration

² *Additions*, Section 202 General Definitions, DC Existing Building Code 2017

HPO finds this proposal for a rear addition with glass roof compatible with the character of the property and historic district and recommends HPO clearance of the permit.



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