Preservation in a Growing City: A Consideration of Conservation Districts for Washington, DC Neighborhoods

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Master of Historic Preservation, 2013

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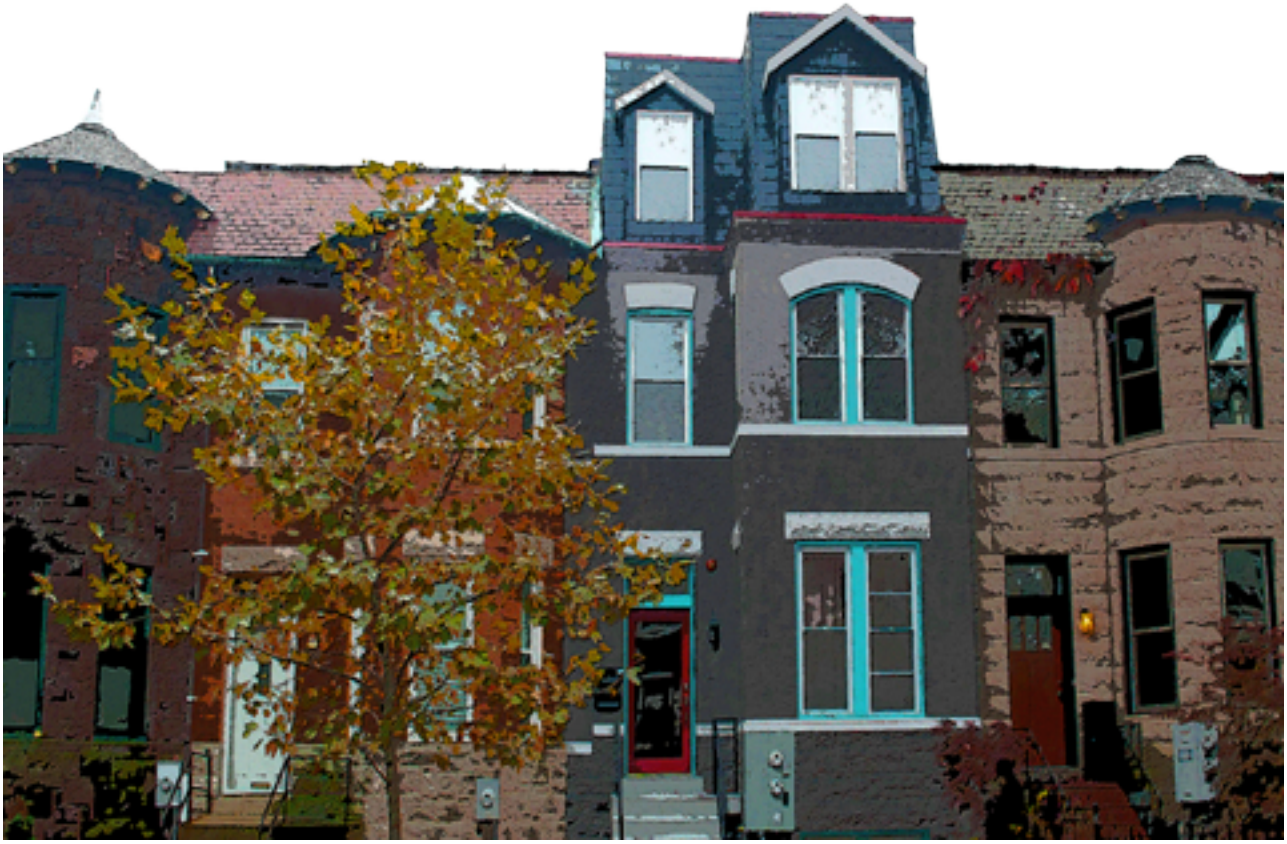

ABSTRACT

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Darcy Brosnan Buckley, MHP, 2013

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The Mid City East Small Area Plan (SAP), developed by the District of Columbia Office of Planning in 2013, recommends exploring options for historic district or pilot conservation district designation for the neighborhoods of Eckington and Bloomingdale. These Washington, D.C. neighborhoods, like many historic urban communities, are struggling to preserve their historic character in the midst of increasing population and development pressure. As the popularity of living in historic neighborhoods increases in general, many Washington neighborhoods will face the challenge of adapting to change while preserving community character.

Revitalization efforts have brought visible threats to the historic integrity of many of the area's residential structures; most of these areas lack historic designation and protection. Demolition and poorly designed additions and alterations threaten social and historic assets along with the neighborhoods' defining identity and sense of place. Preservation tools, such as historic district and landmark designation, were created at a time when city life was losing popularity and freeways and "urban renewal" projects threatened to demolish entire neighborhoods. As city life regains

popularity, Washington, D.C. neighborhoods face growth at an unprecedented pace and the preservation toolkit is being tested.

Building on the recommendations of local planning efforts, including the Mid City East Small Area Plan, this study explores the possibility of Conservation Districts as a means of retaining neighborhood character and managing growth.

PRESERVATION IN A GROWING CITY: A CONSIDERATION OF CONSERVATION DISTRICTS FOR WASHINGTON, D.C. NEIGHBORHOODS

By

Darcy Brosnan Buckley

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Table of Contents

Page

List of Tables

Page

List of Figures

Page

Chapter 1: Introduction

In April 2013, the District of Columbia Office of Planning (OP) initiated the planning process for the Mid City East Small Area Plan. From April 2013 to December 2013, OP worked with agencies, residents, property owners and businesses to ascertain the collective goals of the planning area and develop recommendations that will improve the quality of specific neighborhoods. The District of Columbia's Small Area Plans (SAP) provide neighborhood-level support and direction for growth and revitalization and help to achieve other long-range planning objectives. The goal of the Mid City East Small Area Plan is to provide a framework for conservation, development, sustainability and connectivity in the neighborhoods of Mid City East.[1]

These Washington, D.C. neighborhoods, like many historic urban communities, are struggling to preserve their historic character in the midst of increasing population and development pressure. In response to community concerns and following the lead of complementary local planning efforts, the Mid City East SAP recommends exploring options for historic district or pilot conservation district designation for the neighborhoods of Eckington and Bloomingdale, as a means of retaining local character and managing growth. This report builds on those recommendations.

The Mid City East planning area (Figure 1) covers over three-fourths of a square mile or 500 acres northeast of the city center, approximately one mile from the Capitol. The area encompasses eight distinct neighborhoods (in whole or part) stitched together by five major corridors, including North Capitol Street, Florida

[1] District of Columbia Office of Planning. *Mid City East Small Area Plan (Draft)*. Washington, D.C.,

Avenue, and Rhode Island Avenue. This report focuses on two Mid City East neighborhoods, Bloomingdale and Eckington, which face the challenge of welcoming development and growth while maintaining neighborhood identity, community character and sense of place.

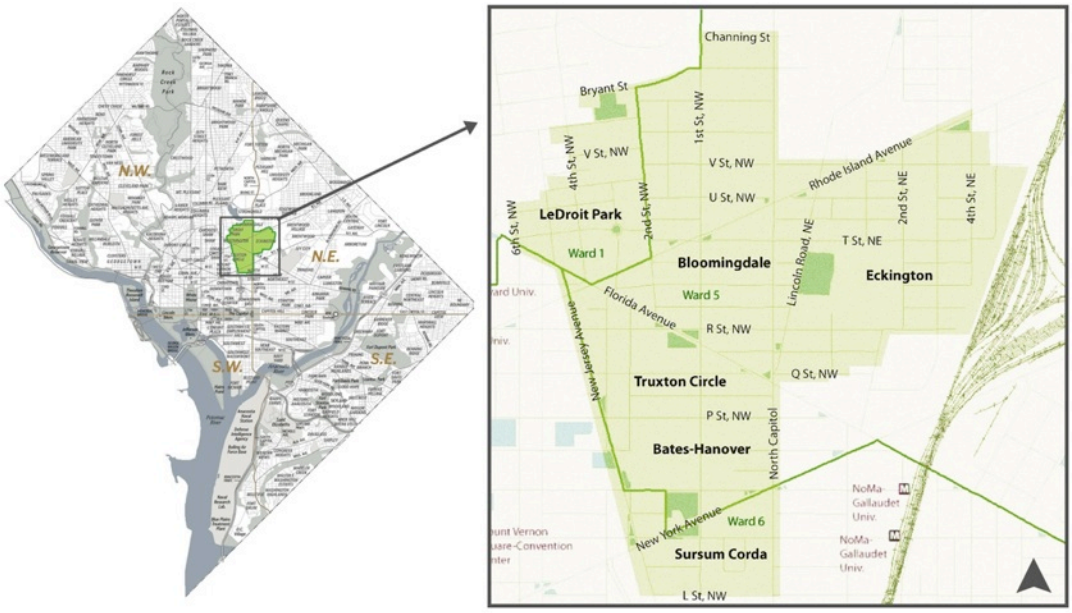

Figure 1: Map of Mid City East Planning Area, 2013. Map courtesy of the D.C. Office of Planning; overlay by author.

Eckington and Bloomingdale sit adjacent to each other across North Capitol Street (Figure 2). Bloomingdale is roughly bound by the McMillan Reservoir on the north, Florida Avenue on the south, North Capitol Street on the east, and LeDroit Park on the west. The Bloomingdale neighborhood contains one of the city's most intact collections of late 19th-century and early 20th-century brick row houses.

Eckington is bound by Rhode Island Avenue on the north, Florida Avenue on the South, North Capitol Street on the west, and the train tracks and Metropolitan Branch Trail on the east. The Eckington neighborhood is characterized by its eclectic

mix of residential, institutional and industrial uses, which reflect the community's rich history and evolution.

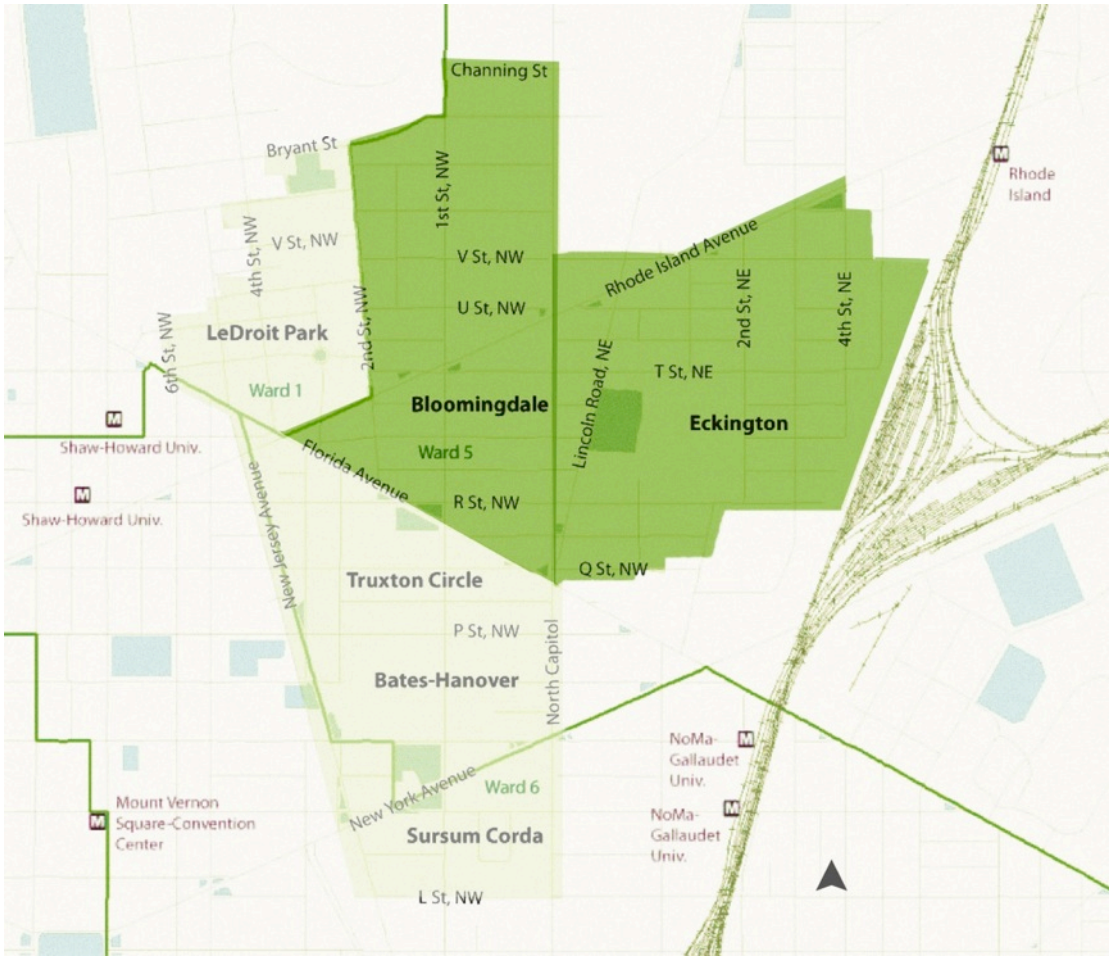

Figure 2: Map of Bloomingdale and Eckington, 2013. Map courtesy of the D.C. Office of Planning; overlay by author.

Revitalization efforts have brought visible threats to the historic integrity of many of the area's residential structures, which lack historic designation and protection.[2] Demolition and poorly designed additions and alterations threaten social and historic assets along with the neighborhoods' defining identity and sense of place. As the popularity of living in historic neighborhoods increases, many District of Columbia communities will face the challenge of balancing change with preserving

[2] D.C. Office of Planning, *Mid City East Small Area Plan (Draft)*.

community character. Our preservation tools, such as historic district and landmark designation, were created at a time when city life was losing popularity and freeways and "urban renewal" projects threatened to demolish entire neighborhoods. As city life regains popularity, Washington, D.C. faces growth at an unprecedented pace, and the preservation toolkit is being tested.

In a period of return to the city, this paper addresses our current preservation tool kit's efficacy for protecting historic urban neighborhoods' defining identity and sense of place. It asks if conservation districts would be an appropriate tool for Washington neighborhoods, examines how they have been used in other cities, and explores the opportunities and challenges of a future program in Washington, D.C.

These issues are explored through a case study analysis of the Washington, D.C. neighborhoods of Bloomingdale and Eckington. This report identifies and analyses the existing legal and political conditions of the District of Columbia, as well as the material fabric of Bloomingdale and Eckington; examines precedents for Conservation District programs and applies "best practices" to Washington, D.C. neighborhoods. The research methodology includes historic research, site visits, windshield surveys, the review of relevant plans and research, U.S. Census data and case study analysis, newspaper and internet research, literature review, discussions with residents, and consultation with the D.C. Historic Preservation Office (HPO).

Chapter 2 provides context through a brief historical overview of Bloomingdale and Eckington, an examination of housing demographics using U.S. Census data, and a description of planning context and history in Washington, D.C. related to conservation districts and row house neighborhoods. Chapter 3 considers

the historic fabric of Bloomingdale and Eckington by reviewing the various elements that give the neighborhoods their distinct personality and establishing the major threats to these assets. Chapter 4 describes current preservation tools and examines the legal and political environment of preservation in Washington, D.C. Next, four Conservation District programs in other jurisdictions are reviewed and analyzed for their applicability to Washington, D.C. Finally, Chapter 5 lays out a preliminary draft version of a conservation district program in Washington, D.C., examines its opportunities and challenges, and offers recommendations based on the previous study of Bloomingdale and Eckington and the conservation district precedents.

Building on the recommendations of local planning efforts, including the Mid City East Small Area Plan, this report explores the use of Conservation Districts as a means of retaining neighborhood character and managing growth. This report provides guidance to Eckington and Bloomingdale as they build consensus around preferred preservation strategies, as well as to other neighborhoods facing similar issues, both in Washington, D.C and in other jurisdictions. Finally, it adds to the small but growing academic literature on Conservation Districts.

Chapter 2: Context

Bloomingdale and Eckington face the challenge of welcoming change and growth while maintaining neighborhood identity, community character and sense of place. In response to community concerns, several planning efforts, including most recently the Mid City East Small Area Plan, have recommended historic preservation tools, including conservation districts, as a means of retaining neighborhood character and managing growth. This chapter provides a brief historical overview of Bloomingdale and Eckington, followed by an examination of housing demographics using U.S. Census data, and a description of planning context and history in Washington, D.C. related to conservation districts and row house neighborhoods.

Historical Overview

Early Subdivisions

Bloomingdale and Eckington are two of three-dozen Washington neighborhoods that emerged outside of the central city at the turn of the 20th century. The incorporation of Washington County into the District of Columbia in 1871 and the Civil Service Reform Act of 1883 brought a greater federal presence and new levels of professionalism to the city. The subsequent increase in government positions created unprecedented housing demands. In this environment of rapid

growth, real estate developers and speculative investors began purchasing and subdividing land outside of the city center.[3]

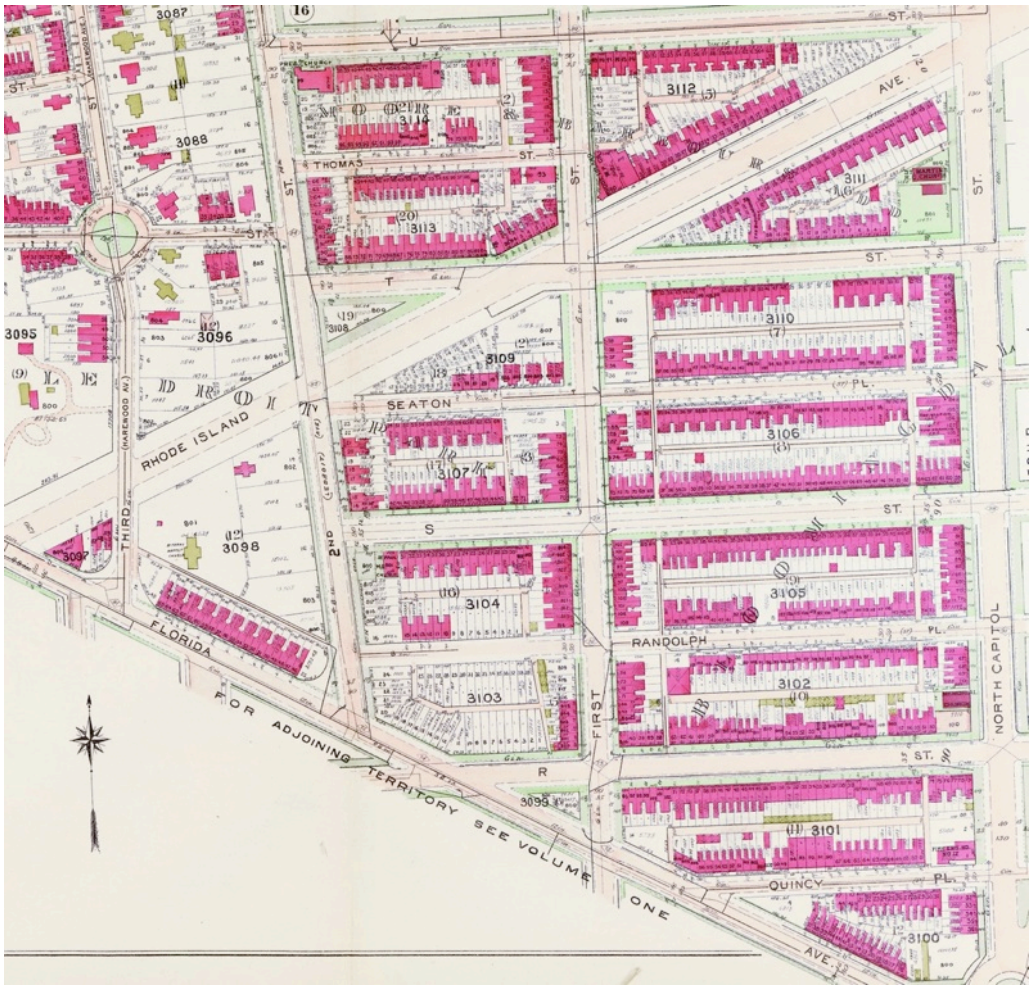

Figure 3: Baist's Map of Bloomingdale, 1907. G. W. Baist, *Baist's Real Estate Atlas of Surveys of Washington, District of Columbia*, Philadelphia, 1907, Volume 3. http://hdl.loc.gov/loc.gmd/g3851bm.gct00132c

Bloomingdale's modern history began as George Nancrede Beale sold off tracts of his family's former Beale-Truxton Estate in 1889. Developer James G. Payne was one of the first to purchase a section of this rural land, which had been used for light industry and agriculture. Payne platted, subdivided and built houses on his land, located between T Street NW and North Capitol Street. Other residential

[3] Gutheim, Frederick and Antoinette J. Lee. *Worthy of the Nation: Washington, DC, from L'Enfant to the National Capital Planning Commission* (second edition), The Johns Hopkins University Press, Baltimore, 2006.

development quickly followed, spurred by newly laid out and paved roads and the extension of streetcar lines into the area. A depiction in the Baist's Real Estate Atlas shows significant development in the southern portion of Bloomingdale by 1907 (Figure 3). As the neighborhood grew, later additions to this historic subdivision extended the boundaries west to 2nd Street and north to Channing Street.[4]

Eckington's modern history began when Joseph Gales, Jr. purchased land for a country estate in 1815. Gales, owner of the *National Intelligencer* newspaper and Mayor of Washington from 1827 to 1830, built a two-story house at the top of the hill and named his estate Eckington, after the English village where he was born.

After Gales' death in 1887, George Truesdell, a prominent real estate entrepreneur, purchased the estate and platted it for subdivision. Eckington's immediate success as a subdivision was due in large part to Truesdell's investment in critical infrastructure improvements, including paved roadways and the establishment of the Eckington and Soldier's Home streetcar line, the city's first electric streetcar. The chartering of the North Capitol and Eckington Citizens' Association in 1896 tied together a disparate collection of subdivisions in the area, including High View, McLaughlin's Subdivision, Eckington, West Eckington and Center Eckington, and established the community that persists today.[5]

In 1901, the eastern end of the subdivision and its houses were condemned and demolished to make way for the Baltimore & Ohio Railroad freight yards preceding the development of Union Station and the improvement of the rail lines.

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[4] "Bloomingdale: Historic Resource and Cultural Guide." District of Columbia Office of Planning, Washington, D.C., July 2013.
[5] Williams, Kimberly. *Eckington: A Neighborhood History.* Eckington Civic Association, Washington, D.C..

The expansion of the freight business encouraged the growth of private industry and helped establish Eckington as one of the city's major industrial areas.[6]

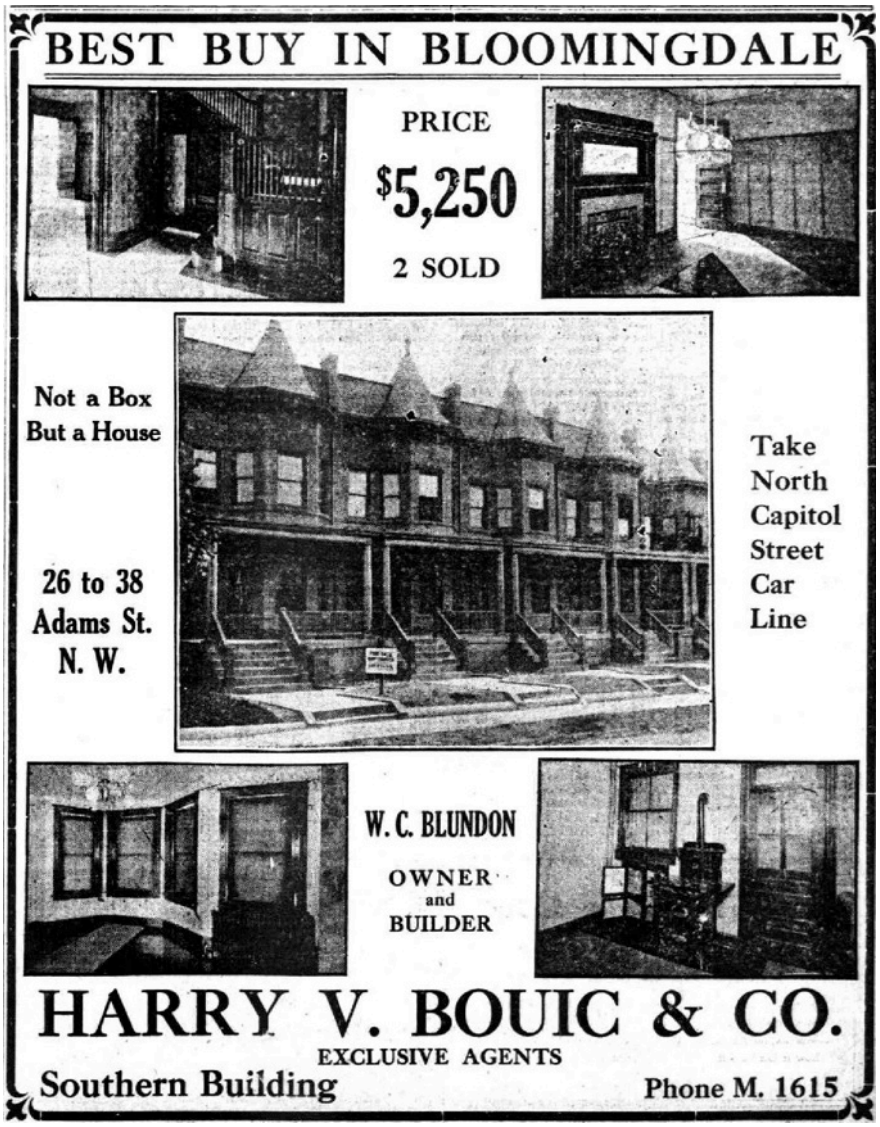

Figure 4: Advertisement for Bloomingdale Homes, 1911. *The Washington Times,* August 19, 1911.

Early- to Mid-20th Century

Both economical and efficient row houses quickly became the city's principal building type.[7] Bloomingdale's large, Victorian Era row houses were built in groups of five or six by various developers, including Ray E. Middaugh, W.J. Frizzell, and

[6] Williams, *Eckington.*
[7] Gutheim and Lee, *Worthy of the Nation,* 111.

W.C. Blundon (Figure 4). Developer Harry Wardman built 180 row houses in Bloomingdale in the first decade of the 20th century. The neighborhood's moderately priced homes were popular with middle class families.[8] While row homes dominate Eckington's residential landscape today, the neighborhood's first houses were frame, Queen Anne-style cottages, many of which were built by architect John H. Lane. As the subdivision gained popularity, lots were divided anew to accommodate the popular row house form (Figure 5). A depiction of Eckington in a 1928 map by the Sanborn Publishing Company illustrates the neighborhood's eclectic mix of residential, institutional and industrial uses.

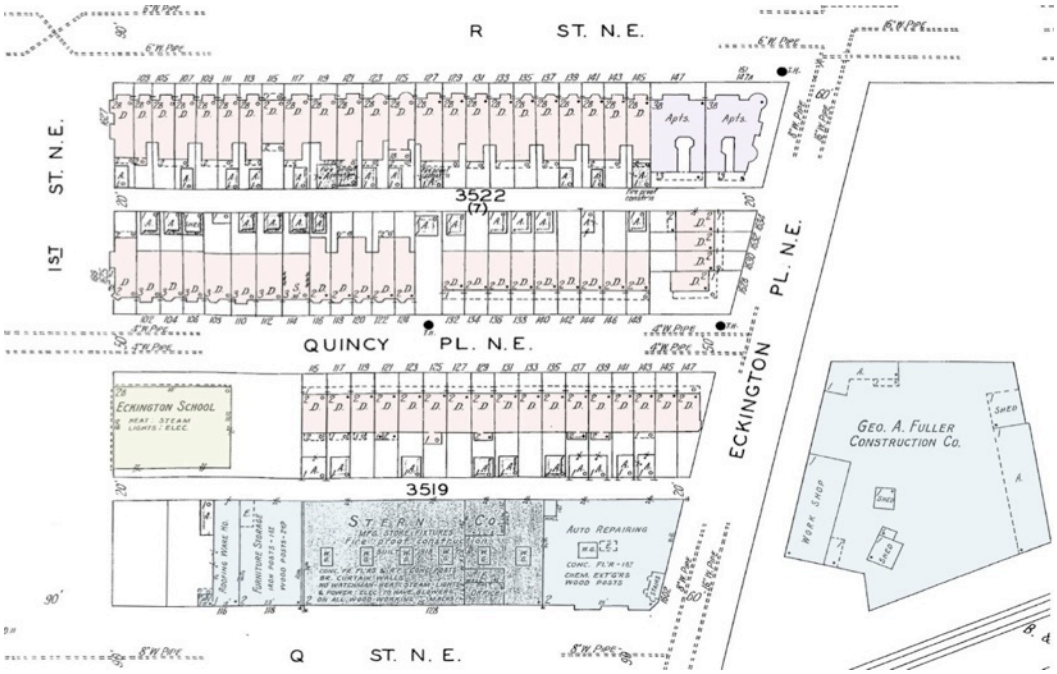

Figure 5: Sanborn Map of Eckington, 1928. Sanborn Map Publishing Company, Washington, D.C., 1927-1928, Volume 4.

Schools, churches and commercial storefronts emerged to serve the growing neighborhoods. Purpose-built apartments were constructed on the neighborhoods'

[8] "Colonial Houses Prove to be Good Sellers." *The Washington Times*. April 12, 1908.

empty lots as the multifamily housing movement gained popularity through the 1920s.[9]

Mid- to Late-20th Century

The second half of the 20th century was a time of transition for the city, both socially and physically. With a tally of over 802,000 residents, the 1950 census marked the District of Columbia's all-time population peak. Over the next three decades, the city lost 25 percent of its population.[10] Post-World War II "white flight," stimulated in part by the post-war GI Bill and new FHA mortgage codes, which encouraged new suburban construction, led to rapid population loses in cities nationwide during this era.

In 1948, the Supreme Court ruling on the Restrictive Covenant Cases struck down restrictive covenants in deeds, which had previously kept African Americans and others from owning property in certain areas.[11] Hurd vs. Hodge, one of these restrictive covenant cases decided by the Supreme Court in 1948, involved property at 116 Bryant Street NW in Bloomingdale. The populations of Bloomingdale and Eckington were predominantly white until the 1950s, when black middle-class families began purchasing homes in the neighborhoods. By 1970, the majority of residents were black.[12]

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[9] Williams, *Eckington*.
[10] U.S. Bureau of the Census, Population Division, Working Paper No. 76, Table 9.
[11] Jackson, Kenneth. *Crabgrass frontier: the suburbanization of the United States*. New York: Oxford University Press, 1985.
[12] Wheeler, Linda. "Ward 5: A Mosaic of Neighborhoods; Quiet, Stable Communities Contrast with Areas Plagued by Drugs, Violence." *The Washington Post,* June 23, 1994.

Figure 6: Aerial View of the North Capitol Street Corridor, 1992. Jack Boucher, "Aerial View Looking South Down The North Capitol Street Corridor From Above The Rhode Island Avenue Vicinity.*"* Historic American Buildings Survey [HABS DC-668-5]. http://www.loc.gov/pictures/item/dc0776.photos.042580p/

Eckington and Bloomingdale were spared from wholesale "urban renewal" projects in the 1960s, but highway construction of the era left permanent scars. In 1963, the Highway Department finished the five-year transformation of North Capitol Street into a "four-lane north-south artery" complete with multiple underpasses.[13] The project kept North Capitol "clear for through traffic," while imposing a massive barrier between the Eckington and Bloomingdale neighborhoods (Figure 6).[14]

[13] "Five Years' Work On North Capitol St. Will End This Week." *The Washington Post, Times Herald.* November 17, 1963.
[14] Ibid.

The middle class move from city to suburb continued into the 1970s, pushing many urban areas, including Bloomingdale and Eckington, into prolonged periods of decay and neglect. Drugs and violence plagued the neighborhoods in the 1980s and 1990s. A 1996 *Washington Post* article noted that Bloomingdale was "known more for drug dealers, robbers and burglars than its stately Victorian row houses."[15] After years of delayed repairs and dwindling enrollment, Eckington's McKinley Technological School closed in 1997.[16] Despite the difficulty of these decades, Eckington and Bloomingdale residents continued to fight for their communities. High points of this era include the neighborhoods' conversion of the old Chesapeake & Potomac Telephone Co. warehouse into the Crispus Attucks Center of the Arts.[17]

Present Day

The 2010 Census marked the first population increase for Washington, D.C., since its population peak in 1950,[18] and today the city is experiencing growth at an unprecedented pace. Bloomingdale and Eckington both elicit a strong sense of community identity and neighborhood pride among residents. However as the city adjusts to the new rate of development, neighborhoods like Bloomingdale and Eckington struggle with the some of the consequences of growth, such as gentrification. Hallmarks of gentrification are increasing property values and a reduction in the supply of affordable housing. Escalating prices encourage infill and additions that are not in keeping with the scale and architectural character of the

[15] Wheeler, Linda. "D.C. Tests Their Petal Mettle: Order to Cut Flowers Angers NW Residents." *The Washington Post.* Aug 10, 1996.
[16] Wilgoren, Debbi. "Valedictory For McKinley High School; The Halls Are Empty Now. And a Community Is Empty, Too." *The Washington Post.* June 19, 1997.
[17] Oman, Anne. "Community Turns Warehouse Into Neighborhood Arts Center." *The Washington Post*. Apr 6, 1978.
[18] U.S. Bureau of the Census, Population Division, Working Paper No. 76, Table 9.

neighborhoods. Residents fear that these incompatible redevelopment projects further detract from the eclectic neighborhood character that promotes diversity and variety in both housing stock and residents. The following section provides a closer look at changing demographics of residents over the past decade.

Housing Demographics

Based on indicators such as recent property value appreciation and proximity to high-priced areas, the Urban Land Institute identified Bloomingdale and Eckington as possible locations for future gentrification in 2000.[19] In 2013, Bloomingdale and Eckington exhibit many traits found in gentrifying areas. Over the course of the Mid City East Small Area Plan planning process, many residents expressed concern about the rising cost of housing and related development pressures in their communities. This section examines data from the U.S. Census to illustrate the velocity of change and reasons for development pressure in Bloomingdale and Eckington.

Housing Stock

Bloomingdale has approximately 2,499 housing units, of which, seventy-six percent were built before 1939, 11 percent between 1940 and 1949, and 22 percent in 1950 or later. The housing stock is composed of 66 percent one-unit attached dwellings (row houses), 11 percent two-unit structures, 4 percent one-unit detached dwellings, and 19 percent multi-family housing (apartments and condos).[20]

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[19] Turner, Margery Austin and Christopher Snow. "Leading Indicators of Gentrification in D.C. Neighborhoods." Urban Institute. June 14, 2001. http://www.urban.org/Presentations/Events/DCGentrification/sld012.htm.

[20] U.S. Bureau of the Census / American FactFinder. *2007-2011 American Community Survey, Table DP04, Census Tracts 33.01 and 33.02*, *District of Columbia*.

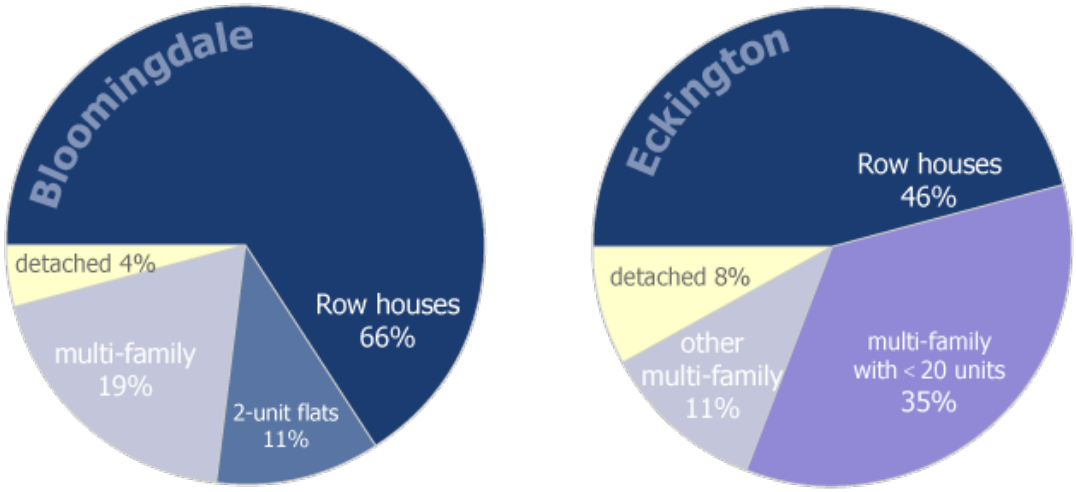

Figure 7: Housing Stock in Bloomingdale and Eckington, 2007-2011. U.S. Bureau of the Census; graphic by author.

Eckington has approximately 1,835 housing units, of which, fifty-nine percent were built before 1939, 17 percent between 1940 and 1949, and 24 percent in 1950 or later. The housing stock is composed of 46 percent one-unit attached dwellings (row houses), 8 percent one-unit detached dwellings, 35 percent multi-family structures with fewer than 20 units, and 11 percent multi-family structures with greater than 20 units.[21] Figure 7 depicts the area's housing stock by type.

Demographics

The bulk of the housing stock in Bloomingdale and Eckington consists of pre-1950's row homes, a product type that has historically appealed to homebuyers and renters seeking attainably priced single family homes relative to other close-in neighborhoods.[22] The neighborhoods have higher rates of home ownership (71 percent own in Bloomingdale, 56 percent own in Eckington) than the D.C. average

[21] U.S. Bureau of the Census / American FactFinder. *2007-2011 American Community Survey, Table DP04, Census Tracts 87.01 and 87.02, District of Columbia*.
[22] Green Door Advisors. "Mid City East Small Area Plan, Existing Conditions Report: Market Analysis." D.C. Office of Planning, July 2013.

(43 percent own), indicating residents' commitment to the neighborhood and desire to invest in it.[23] [See Figure 8] Ownership rates may be lower in Eckington than in Bloomingdale due to Eckington's large share of multi-family units, which is addressed in greater detail later below.

In 2007-2011, almost 44 percent of households in Eckington and Bloomingdale had moved into their homes after 2004.[24] While this is slightly lower than the city average (49 percent),[25] there has also been little new residential construction in the neighborhoods since 2005, suggesting a high rate of household turnover. In contrast, in 2000 only 36 percent of Eckington households had arrived within the past five years.[26] The increased rate of turn over is an indicator of possible gentrification.[27] Eckington's population is slightly more stable than Bloomingdale's, with 45 percent of residents having moved into their homes before 2000, compared to 35 percent in Bloomingdale.[28] Interestingly, this inversely correlates with ownership rates, which are higher in Bloomingdale. While Eckington has a larger share of rental housing, it also has a more stable renter population than Bloomingdale.[29]

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[23] U.S. Bureau of the Census / American FactFinder. *2007-2011 American Community Survey, Table B25003, Census Tracts 33.01 & 33.02 and 87.01 & 87.02*.
[24] U.S. Bureau of the Census / American FactFinder. *2007-2011 American Community Survey, Table DP04, Census Tracts 33.01 and 33.02 & 87.01 and 87.02*, *District of Columbia*.
[25] Ibid.
[26] U.S. Bureau of the Census, *2000 Census of Population and Housing, Summary File 4, Census Tracts 33.01 and 33.02 & 87.01 and 87.02*, *District of Columbia*.
[27] Turner and Snow, "Leading Indicators."
[28] U.S. Bureau of the Census / American FactFinder. *2007-2011 American Community Survey, Table DP04, Census Tracts 33.01 and 33.02 & 87.01 and 87.02*, *District of Columbia*.
[29] Ibid. 21 percent of renter household in Eckington moved in before 2000, compared to 7 percent in Bloomingdale.

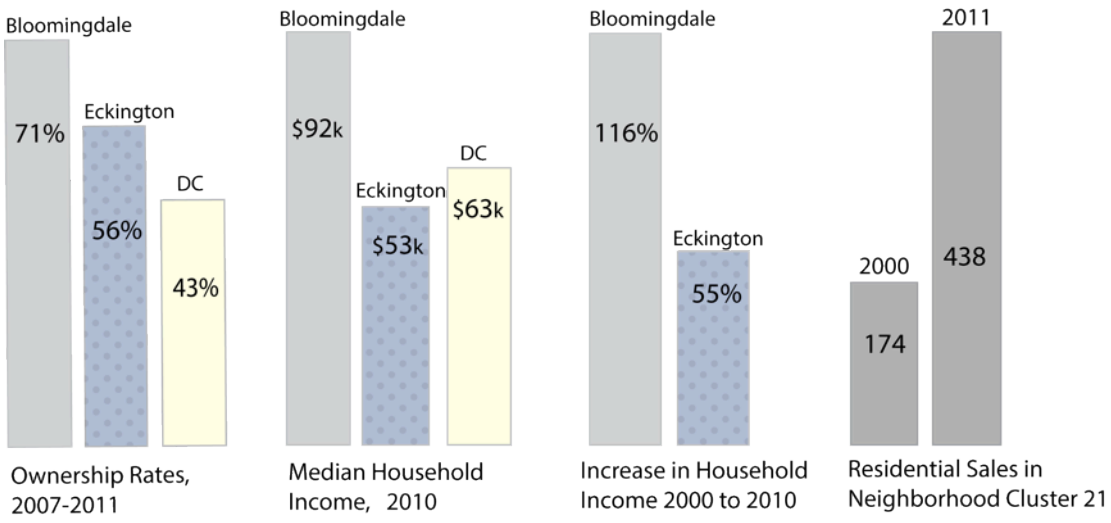

Figure 8: Housing Demographics, 2007-2011. U.S. Bureau of the Census; graphic by author.

Bloomingdale and Eckington are undergoing demographic changes that reflect citywide trends. Bloomingdale, in particular, is experiencing an influx of younger, wealthier residents. The median age of Bloomingdale residents is 34 years, down from 38 years in 2000, and the median household income is nearly $92,000, up 116 percent from 2000 and far exceeding the 2010 city average of $62,000. Bloomingdale gained 619 households between 2000 and 2010, outpacing the city with a household growth rate of 37 percent and population growth rate of 17.5 percent.

The changes in Eckington are less dramatic but still notable. Eckington gained 99 households (a 6.7 percent increase) between 2000 and 2010, but saw a population loss of 8 percent, due to the decrease of average household size from 2.8 people in 2000 to 2.45 people in 2010.[30] The median age of Eckington residents has remained stable since 2000 at 37 years, which is older than the city average of 33 years. Median household income in Eckington is $53,200, a 55 percent increase between 2000 and 2010 and on par with citywide trends.

[30] U.S. Bureau of the Census, *2000 Census of Population and Housing, Summary File 1, Census Tracts 87.01 and 87.02, District of Columbia*; U.S. Bureau of the Census, *2010 Census of Population and Housing, Summary File 1, Census Tracts 87.01 and 87.02, District of Columbia.*

Home values have nearly tripled in Bloomingdale since 2000 and are more than three times higher in Eckington.[31] Rents also increased dramatically in Eckington and Bloomingdale between 2000 and 2010. [32]

Changes are happening quickly. In 2000, 174 residential sales were registered with the Office of Tax and Revenue for Neighborhood Cluster 21 (Bloomingdale, Eckington, Edgewood and Truxton Circle). The same neighborhoods registered 438 residential sales in 2011.[33] In the past 12 months, Bloomingdale had at least 153 home sales and Eckington had 85.[34]

Like other neighborhoods in Washington, Bloomingdale and Eckington are experiencing an influx in population and new development as demand increases for the lifestyle and amenities of urban environments. The accompanying revitalization threatens not only the neighborhoods' social and historic assets but also their identity and sense of place. In response to community concerns, several planning efforts, including most recently the Mid City East Small Area Plan, recommended new tools to manage growth and retain local character. The following section looks at planning context and history in Washington, D.C. related to conservation districts and row house neighborhoods.

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[31] U.S. Bureau of the Census, *2000 Census of Population and Housing, Summary File 4, Census Tracts 33.01 and 33.02 & 87.01 and 87.02*, *District of Columbia*; U.S. Bureau of the Census / American FactFinder. *2007-2011 American Community Survey, Table B25077, Census Tracts 33.01 and 33.02 & 87.01 and 87.02*, *District of Columbia*.

[32] Ibid.

[33] District of Columbia Government, Registered Property. Last accessed December 20, 2013 at http://data.dc.gov.

[34] Zillow.com, Yahoo!-Zillow Real Estate Network. Home Sales from November 2012 - November 2013. Last accessed December 20, 2013 at http://www.zillow.com.

Planning Context

The District of Columbia's "Family of Plans" guides public policy in the city. These plans include the Comprehensive Plan, which steers the District's development and provides overall direction for all other city plans, such as City Element Plans, which include the Historic Preservation Plan, and Small Area Plans (SAP), such as the Mid City East SAP. Current city plans acknowledge the importance of D.C.'s historic row house neighborhoods like Bloomingdale and Eckington and establish the need for tools to retain neighborhood character and sense of place. This section examines relevant recommendations in the Comprehensive Plan (2006, 2010), the Historic Preservation Plan (2013), and the Mid City East Small Area Plan (2013).

The Comprehensive Plan For The National Capital (2006, 2010 update)

The D.C. Comprehensive Plan (2006, 2010) is a policy document that steers future planning and development in the city. It acts as the cornerstone of the city's planning system as it establishes citywide goals and priorities and guides all other planning documents. The Comprehensive Plan also directs zoning and the coordination of capital improvement programming in the municipal budget. The current Comprehensive Plan was adopted in 2006 and updated with amendments in 2010.

The policies set forth in the Comprehensive Plan affect "how neighborhoods are conserved and enhanced as desirable places to live."[35] In the Mid-City Area Element, the Plan recognizes the visible threats to the integrity of historic neighborhoods including Bloomingdale and Eckington and establishes the need to

[35] Government of the District of Columbia, *The Comprehensive Plan For The National Capital, 2006, (as amended, 2010).* D.C. Office of Planning, Washington, D.C., 2006, 2010; 109.1.

protect their defining "distinct and eclectic character."[36] In order to achieve this, the Plan recommends designating certain areas as "Conservation Districts." Relevant policies and actions include the following:

> Policy MC-1.1.5: Conservation of Row House Neighborhoods. Recognize the value and importance of Mid-City's row house neighborhoods as an essential part of the fabric of the local community. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect the desire to retain the row house pattern. Land use controls should discourage the subdivision of single family row houses into multi-unit apartment buildings but should encourage the use of English basements as separate dwelling units, in order to retain and increase the rental housing supply.[37]
>
> Policy MC-1.2.6: Mid-City Historic Resources. Protect the historic resources of the Mid-City area, with particular attention to neighborhoods that are currently not protected by historic district designation.[38]
>
> Action MC-1.2.A: Conservation Districts. Consider the designation of Columbia Heights, Eckington, Bloomingdale, and other Mid-City neighborhoods as "Conservation Districts." Design standards and review procedures for such districts would be less rigorous than those used in Historic Districts, but would strive for more compatible infill development and maintenance of historic building scale, mass, and height conditions.[39]
>
> Action MC-2.7.B: Conservation District. Consider the designation of the Eckington/Bloomingdale/Truxton Circle neighborhood as a Conservation District, recognizing that most of its structures are 80-100 years old and may require additional design guidance to ensure the compatibility of alterations and infill development.[40]

D.C. Historic Preservation Plan: Enriching our Heritage (2013)

In coordination with the Comprehensive Plan, D.C.'s Historic Preservation Plan guides the city's historic preservation efforts. The current Historic Preservation Plan, "Enriching our Heritage," was developed by the D.C. Historic Preservation

[36] Government of the District of Columbia, *Comprehensive Plan*, 2007.2.
[37] Government of the District of Columbia, *Comprehensive Plan,* 2008.6.
[38] Government of the District of Columbia, *Comprehensive Plan,* 2009.6.
[39] Government of the District of Columbia, *Comprehensive Plan*, 2009.7.
[40] Government of the District of Columbia, *Comprehensive Plan*, 2017.7.

Office in 2012 and finalized in 2013. It lays out goals, suggests actions, and identifies priorities for the city's preservation community.

In acknowledgement of misgivings and negative attitudes about historic preservation, as seen in recent opposition to historic districts, the Plan states "preservation has a perception problem."[41] However, it also notes constituents' concerns about insensitive development, including "pop-ups and out-of-place buildings."[42] One of the major themes in the D.C. Historic Preservation Plan is the need to be open to new possibilities and new approaches, "including tools beyond historic district designation."[43]

Mid City East Small Area Plan (2013)

The Mid City East Small Area Plan, developed through a collaborative process with stakeholders and drafted by the D.C. Office of Planning in December 2013, supplements the Comprehensive Plan by providing detailed direction for eight neighborhoods, including Bloomingdale and Eckington.[44] A major goal of the Mid City East Small Area Plan is the retention of the distinctive, defining character of the planning area's historically and culturally diverse neighborhoods. In order to achieve this, the Plan outlines steps for neighborhood-led conservation efforts. Specific recommendations include:

> MCE 1.1 - Develop a community-led neighborhood conservancy to lead historic preservation efforts and build consensus around preferred preservation strategies in Bloomingdale.

[41] District of Columbia Historic Preservation Office, *D.C. Historic Preservation Plan: Enriching our Heritage.* D.C. Historic Preservation Office, D.C. Office of Planning, Washington, D.C., 2013; p. 44.
[42] Ibid.
[43] Ibid.
[44] Government of the District of Columbia, *Comprehensive Plan*, 104.8

> MCE 1.2 - Explore options for designating Bloomingdale as an historic district or a pilot conservation district. After the designation, or completion of the pilot project, share lessons learned with other Mid City East neighborhoods.
>
> MCE 1.3 - Develop a community-led neighborhood conservancy to lead historic preservation efforts and build consensus around preferred preservation strategies in Eckington.
>
> MCE 1.4 – Explore options for designating Eckington as an historic district or a pilot conservation district. After the designation, or completion of the pilot project, share lessons learned with other Mid City East neighborhoods.[45]

Summary

The Comprehensive, Historic Preservation, and Small Area Plans recognize that row house neighborhoods, like Bloomingdale and Eckington, are significant to the city's heritage and should be protected. Furthermore, the plans acknowledge that the character of these important row house neighborhoods is being lost or substantially altered with increasing frequency. Critically, they concede that historic district designation may not be the best, or only, way to protect the city's neighborhoods. By recommending the consideration of "Conservation Districts," the Comprehensive Plan establishes the legislative basis for the creation of such tools.

Before envisioning what such a program would consist of, it is important to understand what*,* exactly*,* we aim to protect and preserve. The following chapter provides insight into the historic fabric of row house neighborhoods, through a case study of the major threats to neighborhood assets and the identification of character defining features in Bloomingdale and Eckington.

[45] D.C. Office of Planning, *Mid City East Small Area Plan (Draft)*.

Chapter 3: Neighborhood Character and Analysis

The Bloomingdale and Eckington neighborhoods possess diverse historic resources, including residential, commercial, institutional, and industrial properties, dating primarily from the 1870s to the 1930s. The area's historic building stock provides a rich architectural heritage, a tangible cultural history and a strong neighborhood character. While a handful of sites within these neighborhoods are recognized as historic landmarks, many important late 19th- and early 20th-century historic resources are without designation or protection. Absent the implementation of appropriate neighborhood preservation tools, Bloomingdale and Eckington face the threat of building demolition and inappropriate alterations and additions, diminishing important collections of Washington's architectural and cultural heritage and negatively impacting the neighborhoods' sense of place.

This chapter considers the historic fabric of Bloomingdale and Eckington by reviewing the individual features that constitute the overall neighborhood character, and by establishing the major threats to neighborhood assets. The first part of the chapter explores the various types of historic resources in each neighborhood through the identification of character-defining features. The second part of the chapter examines the neighborhoods' greatest assets and the threats they face, a summary of which is available in Table 1.

Neighborhood Character

Bloomingdale

Overview

Bloomingdale is characterized by its uninterrupted rows of press brick and stone row houses, which feature a variety of treatments fashionable at the turn of the 20th century. The streetscape is marked by a cohesive rhythm and variance due to the proliferation of projecting bays, turrets, and towers. A feeling of verticality arises from the lively roofline with its pyramidal and conical patterned slate roofs topped by finials on the towers and bays (Figure 9).

Figure 9: Bloomingdale Streetscape, 2013. Photograph by author.

Victorian Era/ Eastlake

Bloomingdale's large, decorated brick houses were constructed in the late 19th and early 20th centuries in groups of five or six, often with treatments in alternating mirror images. Typically, the row houses are two- and three-bays wide and two- or three-stories high above a raised basement and feature whimsical decorative elements of the Richardsonian Romanesque, Queen Anne and other Victorian era styles. Common features include projecting bays, towers and turrets, decorative lintels, bracketed roof cornices, elaborate entrances (Figure 10), and entry stoops flanked by decorative carved stair posts. Roofs are typically slate, sometimes laid in decorative patterns, and include a turret or tower topped with a finial (Figure 11). These houses feature wood windows in a variety of shapes and sizes.

Figure 10: Decorative keystone arch in Bloomingdale, 2013. Photograph by author.

Figure 11: Conical patterned slate roof in Bloomingdale, 2013. Photograph by author.

Wardman Rows

Developer Harry Wardman built more than 180 row homes in Bloomingdale between 1903 and 1908. Wardman homes are similar to their Victorian era neighbors but are more horizontal in nature and differ slightly in treatment. They typically feature projecting square bays topped with pavilion roofs and garland friezes located underneath the eaves, reflecting the popularity of the Classical Revival styles (Figure 12). Wardman used a single design for houses within a block, with the exception of the end units, which typically feature a contrasting bay or roof type.[46]

[46] EHT Traceries, Inc. "Washington Heights Historic District," National Register of Registration Form. Washington, D.C.: U.S. Department of the Interior, National Park Service, 2006.

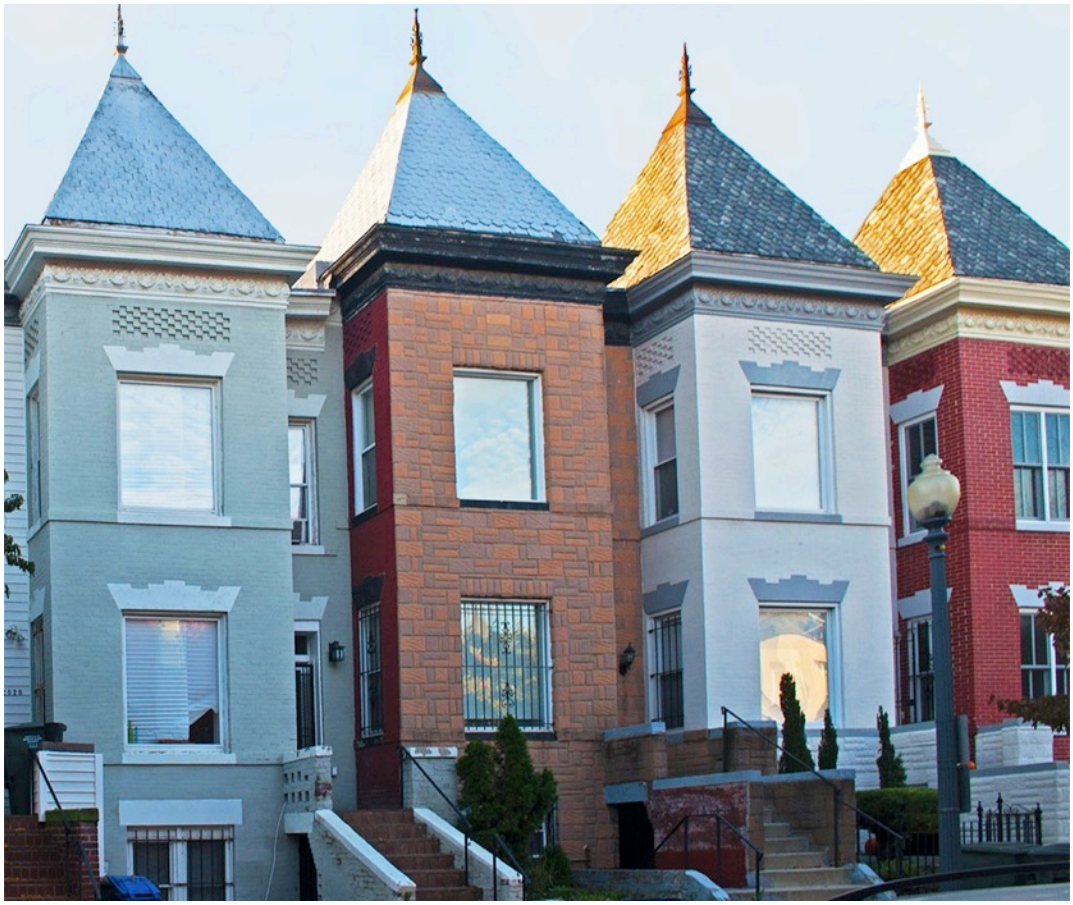

Figure 12: Wardman Row Houses in Bloomingdale, 2013. Photograph by author.

Apartment buildings

Apartment buildings emerged in the District of Columbia in the late 19th and early 20th centuries as a complement to the row house form. Bloomingdale contains numerous examples of the modest, three- and four-story apartment buildings that dominated the city's first wave of multi-family housing construction. Examples include the three-story Mediterranean Revival building at 6 Rhode Island Avenue, NW, built in 1909, and the 4-story brick building at 5 Rhode Island Avenue (1911). Many of the structures developed in the 1910s and 1920s are situated on non-rectangular lots and feature irregular massing, like the trapezoidal garden apartments at 1700 2nd Street, NW (1920).

Institutional

Bloomingdale's important institutions include high-style buildings, such as the Old Engine Company 12 firehouse and the Gage School, both of which are recognized historic landmarks. The Old Engine Company 12 was designed by Municipal Architect Snowden Ashford and constructed at the importuning of the Eckington Citizens Association in 1896-97. Since its construction, the Italian Renaissance Revival edifice has acted as a neighborhood landmark and is credited with "setting the tone" for future construction on North Capitol Street.[47] The Gage School (2035 2nd Street, NW), a two-story, high-style Colonial Revival-style red brick building, was designed by Lemuel W. Norris and built by Gleeson & Humphrey in 1904-1905.[48] Municipal Architect Snowden Ashford designed the complementary 1908 addition. Children from the LeDroit Park, Bloomingdale, and Eckington neighborhoods attended the school, which served as a community focal point.[49]

Commercial

Bloomingdale's commercial node centers around the small, neighborhood-oriented businesses at the intersection of Rhode Island Avenue and First Street, NW. Bloomingdale's earliest commercial anchors include the Sylvan Theatre (originally called the American Theater) and 1836 1st St NW (known today as the Bloomingdale Liquor building). Architect H.T. Haller designed the Sylvan Theatre (116 Rhode Island Ave NW), a two-story Pompeian brick structure with marble trim and a painted balustrade (Figure 13). The Bloomingdale Liquor building is a one-story building

[47] District of Columbia Historic Preservation Office, "District of Columbia Inventory of Historic Sites." Historic Preservation Office, Government of the District of Columbia, September 30, 2009.
[48] District of Columbia Historic Preservation Office. "Nathan Parker Gage School," National Register of Registration Form. Washington, D.C.: U.S. Department of the Interior, National Park Service, 2008.
[49] District of Columbia Historic Preservation Office, "Inventory of Historic Sites."

with a bracketed red tile roof. The single structure incorporates five articulated storefronts with front gabled roofs, party wall parapets, and other details similar to those found on the neighborhood's residential row homes.

Figure 13: The Sylvan Theater on Rhode Island Avenue, 2007. Photograph courtesy of army.arch@flickr.com, used with permission.

Eckington

Overview

Eckington is characterized by its multilayered history, discernible in its unique collection of residential, institutional and industrial buildings. Front porch style row houses step up the neighborhood's steep streets in stair fashion (Figure 14). On flatter ground, Queen Anne-style frame "cottages" stand between small apartment buildings and whimsical Victorian-era stone and brick row houses line the tree canopied streets of west Eckington. Renaissance, Georgian and Colonial Revival styled institutional buildings give way to the rail corridor and the utilitarian early 20th-century warehouses of the industrial era.

Figure 14: Eckington Streetscape, 2013. Photograph by author.

"Villas"

Many of the subdivision's early houses or "villas" were built in the 1890s by George Trussdell's principal builder, John H. Lane. The two- and three-story, freestanding, frame Queen Anne-style "cottages" are clad with weatherboard and shingle siding and feature dominant hip and gabled roofs (Figure 15). Common elements include round, square and polygonal turrets and towers and a variety of porches.

Figure 15: "Villa" at 2nd and S Street, NE, 2013. Photograph by author.

"West Eckington" row houses

Eckington's earliest row houses were built in the 1890s in what was known as "West Eckington." The whimsical two- and three-story stone and brick dwellings feature a variety of elaborate elements of Queen Anne and other late Victorian era styles. Examples include the unit blocks of R Street, Quincy Place, and Q Street NE (Figure 16).[50]

Figure 16: Brownstones on the unit block of Quincy Place, NE, 2013. Photograph by author.

"Front porch style" row house

"Front porch style" row houses feature prominently in Eckington (Figure 17). Primarily developed in the 1900s and 1910s, these two- or two-and-a-half-story, brick, row houses feature an elevated front porch with brick supports and often a stone or brick retaining wall. Typically, dormers with front facing pediments pierce the

[50] Williams, *Eckington.*

bracketed, Mansard roof covered in materials such as slate and red tile. Flat roofs with decorative parapets and other Mediterranean Revival-style details are also common. Other prevalent elements include a roof cornice with brackets and often dentil moulding, brick party wall parapets and flat stone or concrete lintels above doors and windows.

Figure 17: Front Porch Style Row Houses in Eckington, 2013. Photograph by author.

Small Apartment Buildings

Eckington's apartment buildings represent multiple stages of the multifamily housing movement between 1900 and 1940. The neighborhood contains early examples of middle-class, purpose-built apartment buildings, which reflect the changing nature of housing in the early 20th century.[51] Small, low rise apartments, such as the Owasco (1901, 11 R Street, NE) and the Onondaga (1901, 147-49 R Street, NE) illustrate the evolution of apartment buildings from row house precedents. For example, the Onondaga, which was commissioned by George Truesdell and

[51] District of Columbia Historic Preservation Office, "Inventory of Historic Sites."

designed by architect George S. Cooper, retains the turrets and bays of the Victorian era, but with a Colonial Revival facade and front lawn reflecting early 20th-century suburban ideals. Larger apartment buildings, including the four-story structures at 219 T Street, NE (1913) and 1831 2nd Street, NE (1929), feature Spanish Revival facades with diapered brickwork, terra cotta tile roof, and limestone trim. Modest, two-story brick structures featuring Colonial Revival-style elements were built in the late 1930s as twin pairs of semi-detached flats with four-units each.

Institutions

Eckington's strong collection of historic institutional buildings reflects national trends in social theory and aesthetic taste, as well as local policy and preferences. These buildings, many of which may be eligible for designation as Historic Landmarks, feature various styles popular in the first decades of the 20th century, including the Renaissance, Georgian and Colonial Revival styles.

Eckington Elementary School (1897, 111 Quincy Place, NE*)* was designed by a private architect as part of the city's efforts to improve upon the Victorian-era school buildings described in the late 19th century as "ugly brick box[es]."[52] Its black slate roof and finely textured red terra cotta reliefs represent a high form of the Renaissance Revival style (Figure 18).[53] McKinley Technical High School (1928, 151 T Street, NE), now McKinley Senior High School, was the first technical high school to teach manual training when it was founded in 1902. The school was relocated to the new building at 2nd and T Streets NE in 1928. Architect Albert L. Harris designed the Georgian and Colonial Revival style building; while noted landscape

[52] "Eckington: Historic Resource and Cultural Guide." District of Columbia Office of Planning, Washington, D.C., July 2013.
[53] Williams, *Eckington.*

architect George Burnap designed the grounds.[54] The school's design represents the prevailing notion of schools as "temples of education" as well as the broad range of programming offered in early 20th-century public education.[55] Other noteworthy schools include the twelve-classroom Emery School (1901, 1725 Lincoln Rd, NE) and Langley Junior High School (1923, 101 T Street, NE), a three-story brick building designed by D.C. Municipal Architect, Albert L. Harris.

Figure 18: Eckington Elementary School, 2013. Photograph by author.

Industrial Buildings

Eckington's rich collection of industrial buildings reflects the city's economic and developmental growth at the turn of the 20th century. The establishment of Union Station and the expansion of the rail lines to the north eliminated east Eckington and opened the area to new industrial uses. The transformed suburb eventually secured its

[54] Ibid.
[55] Tanya Edwards Beauchamp, Associates. "Public School Buildings of Washington, D.C., 1862-1960," National Register of Historic Places Multiple Property Documentation Form. Washington, D.C.: U.S. Department of the Interior, National Park Service, 2001.

position as one of the city's major industrial areas in the first part of the 20th century. While Eckington's warehouses range greatly in size and scale, the majority are of "mill construction," meaning they were built using a strong, durable, and fire-resistant type of joisted masonry construction with additional interior brick supports.[56] Like most 20th-century industrial buildings, Eckington's warehouses exhibit basic elements of popular architectural styles while "emphasizing their utilitarian and industrial character."[57]

Architect C.S. Lesser designed the Schlitz Brewing Company Bottling Plant (309 Randolph Street, NE), built in 1908. In his paper on Washington's brewing culture, Daniel Tana posits that the structure may be Washington's only surviving link to the city's 20th-century brewing industry.[58] The two-story bottling plant and distribution center, constructed of brick and stone with a cement foundation, features subtle brick ornamentation and a parapet wall. The Sanitary Grocery Company's nearly identical Art Moderne warehouses (1923, 1845 4th Street; 1929, 1629-1631 Eckington Place, NE) feature projecting parapet walls with recessed panels and inlaid tile work in geometric patterns.[59] Other notable examples include the Judd & Detweiler Printing Company (1500 Eckington Place, NE), an "impressive and unified" brick building originally built in 1913 and expanded numerous times with additions designed by notable local architects,[60] and the National Biscuit

[56] *D.C. Warehouse Survey Project Final Report*. Prepared by Traceries for The D.C. Preservation League, March 1991.
[57] Ibid.
[58] Tana, Daniel. *The Last Call: Preserving Washington's Lost Historic Breweries*. University of Maryland, 2013; 55. http://drum.lib.umd.edu//handle/1903/14410
[59] *D.C. Warehouse Survey,* 102.
[60] *D.C. Warehouse Survey*, 93.

Company's two-story brick stable and one-story warehouse (1907, 336 Randolph Place, NE).[61]

Neighborhood Analysis

Table 1: Summary of Neighborhood Analysis

	Bloomingdale	Eckington
Assets	· Strong neighborhood identity and sense of place · Cohesive blocks of well-built row houses, lively roof line, varied streetscape · Variety of housing types, including small historic apartment buildings · Historic commercial corridor · 3 historic landmarks; 9 potential HL · High degree of integrity	· Strong neighborhood identity and sense of place · Cohesive blocks of well-built row houses, unique topography and views · Original frame villas, institutions and small apartment buildings · Compatible coexistence with historic industrial area · 12 potential historic landmarks · Good degree of integrity
Threats	· Pop-ups · Excessive/incompatible rear additions · Incompatible new development · Escalating values and loss of affordability · Loss of fabric that supports diversity	· Pop-ups and other inappropriate additions · Demolition and teardown · Incompatible new development · Escalating values and loss of affordability · Loss of fabric that supports diversity

Bloomingdale

Assets

Bloomingdale's numerous, uninterrupted blocks of cohesive row homes are the neighborhood's defining asset (Figure 19). The houses were built with quality materials and craftsmanship at the turn of the 20th century. They feature original materials and details, including projecting bays and towers, and retain a high degree of integrity. An assortment of housing types, including numerous small historic apartment buildings, enhances the neighborhood's appeal. Other assets include a small commercial corridor at Rhode Island Avenue and First Street NW and

[61] "Eckington: Historic Resource and Cultural Guide."

important civic and religious institutions, such as Rhode Island Avenue Methodist Episcopal Church and the Old Emery School.

Figure 19: Row Houses in Bloomingdale, 2013. Photograph by author.

The three Bloomingdale properties listed in the D.C. Inventory of Historic Sites and in the National Register of Historic Places represent a small portion of the neighborhood's historic resources. A historic resource analysis identified nine potential historic landmarks in Bloomingdale [see Appendix A] and concluded that Bloomingdale's intact historic fabric makes the neighborhood a strong candidate for listing as a National Register historic district.[62] When considering a district for listing, the National Register of Historic Places evaluates the area's "integrity" through seven aspect or qualities: location, design, setting, materials, workmanship, feeling, and

[62] Traceries. "Mid City East Small Area Plan, Existing Conditions Report: Historic Resources Analysis." D.C. Office of Planning, June 2013.

association.[63] As a potential historic district, Bloomingdale retains a high degree of integrity in all seven aspects.

During the Mid City East planning process, Bloomingdale residents expressed a desire to preserve the neighborhood's look and feel. Residents consider major architectural features, such as turrets, to be integral parts of the neighborhood's identity and aesthetic. Community members spoke about the importance of Bloomingdale's front stoops and porches and their part in encouraging a familial neighborhood quality. Similarly, Bloomingdale's commercial corridor is highly valued for its small-scale, neighborhood-oriented restaurants and retail offerings.[64]

Threats

The most visible threats to Bloomingdale's historic neighborhood character are inappropriate rooftop additions, known as "pop-ups," and large rear additions and extensions (Figure 20). Pop-ups, additions of one or more stories to existing buildings, are frequently constructed by speculative developers with no long-term interest in the welfare of the neighborhood and often have negative impacts on the architectural character of the neighborhood. Historically and aesthetically insensitive additions destroy character-defining elements such as turrets, disrupt the consistency of the roofline, and damage the overall integrity of the block. They also generally alter the historic building use from Single Family Dwelling to Multiple Family Dwelling units.

[63] National Park Service. *National Register Bulletin 34*. U.S. Department of Interior, National Park Service, Washington, D.C. http://www.nps.gov/nr/publications/bulletins/nrb34/nrb34_8.htm
[64] Mid City East: Bloomingdale/LeDroit Park Area Meeting Notes. D.C. Office of Planning, June 20, 2013. <http://midcityeast.com/wp-content/uploads/2013/07/130620-Meeting-Notes_-LeDroit-Bloomingdale.pdf>

Figure 20: Pop-Up in Mid City East, 2013. Photograph by author.

At community meetings and in local web forums, community members regularly voice concerns about incompatible development and its increasing frequency. [65] Throughout the Mid City East planning process, Bloomingdale residents asked for tools to prevent pop-ups or to impose pop-up design standards.[66] In testimony to the D.C. Zoning Commission, Councilmember Jim Graham communicated his constituents' "exasperation" with pop-ups, which he noted, are

[65] Boese, Kent. "RE: CM Jim Graham Asks for 'Pop Up' Relief--Please Pass On." WardOneDC Yahoo Group, Message 15814, November 7, 2013. <http://groups.yahoo.com/neo/groups/WardOneDC/conversations/messages/15814>

[66] Mid City East: Bloomingdale/LeDroit Park Area Meeting Notes. D.C. Office of Planning, June 20, 2013.

"inalterably changing the character of [our neighborhoods.]"[67] Many rooftop additions destroy character-defining elements, such as turrets, and cannot be reversed.

Pop-ups are legal under D.C. Zoning Code as long as they remain under the maximum height allowed within the zone. Most of D.C.'s row house neighborhoods, including Bloomingdale and Eckington, fall under the R-4 zone. The R-4 zone permits matter-of-right three stories and/or a maximum height of 40 feet for single-family dwellings.[68] Many of the neighborhood's two-and-a-half and three story row houses are no more than 30 feet in height. The differential between the typical height of D.C.'s row houses and the maximum height allowed by zoning encourages and enables developers to maximize profits by building up, as illustrated in Figure 21.[69]

Figure 21: Maximum Heights Allowed by Zoning. Illustration by author.

[67] Graham, Jim. "CM Jim Graham Asks for 'Pop Up' Relief--Please Pass On." WardOneDC Yahoo Group, Message 15813, November 7, 2013. Last Accessed November 24, 2013 at <http://groups.yahoo.com/neo/groups/WardOneDC/conversations/messages/15813>

[68] District of Columbia Municipal Regulations §11-401.

[69] Layman, Richard. "Changing matter of right zoning regulations for houses to conform to heights typical within neighborhoods, not the allowable maximum." Rebuilding Place in the Urban Space, May 16, 2012. <http://urbanplacesandspaces.blogspot.com/2012/05/changing-matter-of-right-zoning.html>

Without protections, similar development issues may arise in Bloomingdale's commercial corridor at Rhode Island Avenue and First Street NW. While the existing buildings are one or one-and-a-half story structures, the area's C-2-A zoning allows a maximum height of 50 feet.[70]

While zoning regulations have generated the phenomenon of pop-ups, they are unlikely to provide the solution. As Advisory Neighborhood Commissioner Kent Boese noted in an email to the community, residents who oppose pop ups "express their concerns in terms of community character, the architectural integrity of the street, and the like… none-of-which are zoning considerations [in D.C.]."[71] Rather, pop ups may be best addressed through a framework which accommodates for new construction and healthy growth, while considering context, compatibility and aesthetics. Without the establishment of such a process, Bloomingdale's cultural history and unique character remain at risk.

Eckington

Assets

Eckington's assets include cohesive blocks of well-built row houses (Figure 22), several remaining Queen Anne frame dwellings, unique industrial buildings, and important civic and religious institutions. The steep topography characterizing Eckington highlights the historic architecture and provides striking views and vistas of the city from multiple vantage points.[72] Eckington's diverse historic and cultural resources are a testament to the neighborhood's multilayered history. Despite the

[70] District of Columbia Municipal Regulations §11-701.
[71] Boese, "Pop up relief."
[72] "Eckington: Historic Resource and Cultural Guide." District of Columbia Office of Planning, Washington, D.C., July 2013.

demolition of the eastern section of the subdivision in 1901, Eckington retains its sense of place and time along with its physical integrity. A historic resource analysis identified 12 potential historic landmarks in Eckington [see Appendix A] and concluded that Eckington's intact historic fabric makes the neighborhood a strong candidate for listing as a National Register historic district.[73]

Figure 22: Row Houses in Eckington, 2013. Photograph by author.

During the Mid City East planning process, Eckington residents expressed a desire to retain the neighbor's overall character and to preserve its row homes and industrial buildings.[74] Community members also spoke about the importance of Eckington's unique views of the city, specifically those available from McKinley Technological High School and the Summit at St. Martin's. One participant suggested

[73] Traceries. "Mid City East Small Area Plan, Existing Conditions Report: Historic Resources Analysis." District of Columbia Office of Planning, June 2013.
[74] Mid City East: Eckington Area Meeting Notes. D.C. Office of Planning, June 12, 2013.

that a cultural heritage trail could help spotlight the neighborhood's history. Other suggestions included promoting the creative use of underutilized industrial space.[75]

Threats

Like Bloomingdale, Eckington faces threats from speculative developers and others constructing inappropriate additions and extensions, including pop-ups. Throughout the Mid City East planning process, participants repeatedly expressed concerns about pop-ups and other large additions to residences, adding that they detract from the neighborhood's historic scale and character. While a handful of residents sought to ban all roof top additions, the majority of participants asked for tools to ensure additions would be compatible in scale and design.[76]

In addition to pop-ups and large rear extensions, Eckington also faces real threats of teardowns and incompatible infill. This type of development reduces economic and social diversity, as smaller, affordable homes are replaced with larger, more expensive units. Out-of-scale infill disrupts the established building patterns of an area and threatens to destroy the community character and identity that makes the neighborhood desirable (Figure 23).[77]

Teardowns, demolishing an existing house to build new, often larger home in its place, are relatively rare in D.C.'s row house neighborhoods due to spatial constraints and the high cost of housing.[78] However, Eckington has a handful of blocks with only a few row houses remaining, making it a prime site for future

[75] Ibid.
[76] Ibid.
[77] "What's Wrong with Teardowns: A Visual Analysis." National Trust for Historic Preservation, 2008. <http://www.preservationnation.org/information-center/sustainable-communities/creating/teardowns/whats_wrong_with_teardowns_visual_analysis.pdf>
[78] Ibid.

redevelopment. Additionally, many of the subdivision's original villas sit on lots large enough to make teardowns profitable. The lack of regular maintenance on some of the neighborhood's structures may increase the likelihood of demolition.

Figure 23: Infill on the unit block of T Street, NE, 2013. Photograph by author.

The DC Preservation League included Eckington on its list of Most Endangered Places in 2007, noting the pressure put on the neighborhood by speculative builders "who are tearing down buildings that would be potentially contributing within a historic district, and replacing them with non-compatible buildings that envelop entire lots."[79] Ironically, the very impetus that created the neighborhood, speculative building, now threatens its character. In addition to damaging the neighborhood's historic character, insensitive development may upset the compatible co-existence of Eckington's residential and industrial sectors.

One of Eckington's greatest assets, its stock of historic industrial buildings, is also one of its most threatened. The industrial corridor suffers from a lack of visibility

[79] DC Preservation League. Most Endangered Places, "Eckington," 2007. http://www.dcpreservation.org/endangered-places/y2007/

and general knowledge about its buildings, their history and their current and past users.[80] Eckington's historic industrial buildings include the Judd & Detweiler Printing Company (Figure 24), the Schlitz Brewing Company Bottling Plant[81] and other structures, which despite potential eligibility are not listed in the National Register. In fact, Eckington currently does not have a single historic property listed in the National Register of Historic Places. Without the implementation of appropriate neighborhood preservation tools, Eckington's historic assets face the threat of building demolition and inappropriate alterations and additions. These activities have the potential to not only diminish the neighborhood's important collection of architectural and cultural heritage but also destroy its sense of place.

Figure 24: Photograph of Judd & Detweiler Printing Plant (c. 1913-1925). National Photo Company Collection, Library of Congress, Prints & Photographs Division, Washington, D.C, 1913-1925. http://www.loc.gov/pictures/resource/npcc.31517/

[80] Ward Five Industrial Land Transformation Study, Stakeholder Feedback. September 30, 2013. <http://planning.dc.gov/DC/Planning/In+Your+Neighborhood/Wards/Ward+5/Small+Area+Plans+&+Studies/Ward+5+Industrial+Land+Transformaton+Study+Station+5+SWOT>

[81] Tana, *Washington's Breweries,* 55.

Summary

Bloomingdale and Eckington possess valuable historic resources, which provide tangible links to the neighborhoods' unique roles in the social, cultural, and economic development of the city at the turn of the 20th century. The area's historic material fabric bestows Bloomingdale and Eckington with lively and varied streetscapes, distinctive character, and a strong sense of place. Inappropriate additions, teardowns and incompatible infill threaten not only to diminish collections of Washington's architectural and cultural heritage but also to undermine economic and social diversity, and dilute the neighborhood character and sense of place.

With these threats in mind, the following chapter appraises current preservation tools, examines the legal and political environment of preservation in Washington, D.C., and looks to other jurisdictions for best practices in conservation district programs.

Chapter 4: Tools and Precedents

As the previous chapters have delineated, Bloomingdale and Eckington endeavor to embrace change and growth while retaining the historic material fabric that supports neighborhood identity, community character and sense of place. This chapter addresses our current preservation tool kit's efficacy for protecting historic urban neighborhoods' like Bloomingdale and Eckington. It also examines how the Conservation District has been used in other cities and asks if it would be an appropriate tool for Washington neighborhoods. The first part assesses the preservation tools currently available to Bloomingdale and Eckington, while examining the legal and political environment of preservation in D.C. This is followed by a case study of four conservation district programs in other jurisdictions, which are analyzed for their applicability to Washington, D.C.

Current Tools

Nationwide historic preservation policies and Washington's local preservation program support a menu of tools that can be utilized to maintain and enhance the unique cultural heritage, beauty, and identity of the city and its neighborhoods. This section provides examples of available tools that may be used to cultivate and support historic preservation initiatives on a community level, and assesses their use in Mid City East neighborhoods.[82]

[82] District of Columbia Office of Planning. *Mid City East Small Area Plan (Draft)*. Washington, D.C., 2013.

Historic District Designation

Historic districts in Washington, D.C. are granted official recognition and protection for their contribution to the cultural and aesthetic heritage of the nation's capital. In addition to local recognition, all city historic districts are listed in the National Register.[83]

In the District of Columbia, the Historic Preservation Review Board (HPRB) oversees district and landmark designation and reviews permits for changes to designated properties.[84] Properties in historic districts are subject to district design guidelines, which include restrictions on additions, demolitions, and renovations to a designated property. Demolitions are only allowed if deemed by the Mayor's Agent as "necessary in the public interest" or if the failure to issue a demolition permit will cause "unreasonable economic hardship."[85]

Since enacting the Historic Landmark and Historic District Protection Act of 1978, the District has designated 28 neighborhood-based historic districts. Historic district designation and listing in the National Register offers benefits to property owners, such as grant and tax incentive eligibility. Additional benefits of historic district designation may include insulation from extreme market fluctuations,[86] the stabilization of residential patterns,[87] and increased connections among neighbors and higher rates of community participation.[88]

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[83] Ibid.
[84] District of Columbia Municipal Regulations, §6-1103.
[85] District of Columbia Municipal Regulations, §6-1104
[86] Gale, Dennis E. *The Impacts of Historic District Designation in Washington, D.C.* Occasional Paper No. 6. Center for Washington Area Studies, George Washington University, Washington, D.C, 1991; 8.
[87] Rypkema, Donovan D. *Preservation & Property Values in Indiana*. Historic Landmarks Foundation of Indiana, Indianapolis, 1997; 2.
[88] Rypkema, Donovan D. *The Economics of Historic Preservation: A Community Leader's Guide.* National Trust for Historic Preservation; 2nd Edition, 2005; 51-52.

Opposition to designation

While historic districts are powerful tools with tangible benefits, local designations have faced increased opposition in recent years. Objections to district designations are often motivated by philosophical and economic misgivings, in addition to individual property rights concerns.[89] Arguments against district designation in Washington, D.C. include fears it will significantly increase the cost of maintenance and minor additions,[90] unnecessarily restrict growth,[91] and escalate gentrification and displacement.[92] In terms of gentrification, critics contend that historic district designation raises property values, leading to the escalation of property taxes and rent, which in turn forces moderate- to low-income households and small businesses out of the neighborhood.[93] The increase in property values may also prevent lower income residents from purchasing homes in the neighborhood. Others argue that historic districts' "obsession with authenticity" reflects a middle-class sensibility that is at odds with the values of lower-income and working-class communities.[94] The following examples of unsuccessful attempts to establish historic districts highlight residents' concerns.

- A 2005 effort to obtain historic designation for the Brookland neighborhood in Northeast ended after a heated debate during which community members raised concerns about the designation's potential to impart "wide-ranging

[89] Conde, Sarah N. *Striking a Match in the Historic District: Opposition to Historic Preservation and Responsive Community Building*. Georgetown University Law Center, 2007; 23.
[90] "Barney Circle: Preserving Hill East." July 5, 2010. Blog post on DCMud.blogspot.com. <http://dcmud.blogspot.com/2010/07/barney-circle-preserving-hill-east.html>
[91] Yglesias, Matthew. "Preservation and Density," *Think Progress*. July 6, 2010. <http://thinkprogress.org/yglesias/2010/07/06/197784/preservation-and-density/>
[92] Steptoe, Carolyn. Correlation Between 'Historic' Designation and Urban Development, July 20, 2006. <electsteptoe2006.blogspot.com/2006_07_01_archive.html>
[93] Gale, *Impacts of Designation,* 3.
[94] Conde, *Striking a Match,* 23.

negatives" including displacement.[95] Critics of the potential historic district said the designation effort failed to engage the community, adding "most residents of Ward 5 are unaware of what has been proposed for our neighborhoods."[96]

- In 2004, the community group Historic Chevy Chase D.C. began an effort to gain historic district status for the neighborhood, which would have included over 900 structures. Many neighbors wanted protection from the threat of demolition, additions and "McMansions." However, the designation effort faced fierce opposition from some residents who resisted the "additional government oversight and costs [to] renovate their homes."[97] The nomination to designate was circulated in 2007, but subsequently withdrawn by Historic Chevy Chase D.C. in 2008.[98]
- A 2008 effort initiated by the Kalorama Citizens Association to designate Lanier Heights as a historic district was met with strong neighborhood opposition. Residents expressed concerns about the increased costs of maintenance in historic districts and the subjective nature of HPRB review. Others characterized the designation process as "secretive" and void of public participation.[99]
- Barney Circle Neighborhood Watch Association began seeking historic

[95] Conde, *Striking a Match,* 20.
[96] Steptoe, Correlation.
[97] Schwartzman, Paul. "How Historic Is Chevy Chase D.C.?" *The Washington Post*, November 1, 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/10/31/AR2007103101073.html>
[98] Alpert, David. "Chevy Chase won't be a historic district." *Greater Greater Washington.* October 21, 2008. <http://greatergreaterwashington.org/post/1338/chevy-chase-wont-be-a-historic-district/>
[99] Harvey, Anthony. "Plan for Lanier Heights Historic District Met With Heavy Opposition, Complaints," *The InTowner. November 24, 2008*. <http://intowner.com/2008/11/14/plan-for-lanier-heights-historic-district-met-with-heavy-opposition-complaints/>

district designation for their neighborhood in 2004. Six years into the effort, Barney Circle residents appeared "invested in preserving their neighborhood's charm and character."[100] Nevertheless, passionate opposition emerged, primarily from the neighborhood's newer residents, after the HPRB scheduled a hearing on the topic in 2010.[101] Some residents claimed little public outreach had been done,[102] and others were "dismayed by its fine-print restrictions—including having to file for a permit to change a home's façade."[103] After a contentious hearing, the HPRB declined to vote on the application.[104]

In the aftermath of these failed efforts, community members, both in Mid City East neighborhoods and citywide, have asked for a compromise in the form of a new tool, the conservation district, to better serve the goals of their communities.[105] Conservation districts are discussed in the second half of Chapter 4 and expanded on in Chapter 5.

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[100] Baca, Alex. "Barney Circle: God Willing, A Smooth Road Ahead For Historic District," *Washington City Paper*, April 27, 2010. <http://www.washingtoncitypaper.com/blogs/housingcomplex/2010/04/27/barney-circle-god-willing-a-smooth-road-likely-ahead-for-historic-district/>

[101] Abrams, Amanda. "Neighborhood Profile: Barney Circle," *The Washington Post*, February 29, 2012. <http://articles.washingtonpost.com/2012-02-29/news/35442891_1_traffic-circle-neighborhood-profile-capitol-hill>

[102] Laughlin, Lynda. "Some feel left out in Barney Circle historic debate," *Greater Greater Washington,* July 7, 2010. <http://greatergreaterwashington.org/post/6385/some-feel-left-out-in-barney-circle-historic-debate/>

[103] Abrams, "Barney Circle."

[104] Yarnell, Bruce. HPRB Actions, June 24, 2010. <https://groups.google.com/forum/#!topic/anc1d/oZ8FGmgcX8c>

[105] *See* Alpert, Baca, and Layman.

Landmark and Multiple Property Designation

Historic Landmark Designation

Historic landmarks are afforded a similar level of recognition and protection as historic districts. Unlike districts, which encompass small or large groupings of structures, historic landmark designation is reserved for an individual building or small set or campus of buildings, as well as archaeological sites, engineering structures, objects, or landscape features. Bloomingdale's Historic Landmarks include the Nathaniel Parker Gage School, Old Engine House 12, and Samuel Gompers House.[106] Additional properties in Bloomingdale may be eligible for designation, including the Sylvan Theater (116 Rhode Island Ave, NW) and the Barnett Aden House (127 Randolph Place, NW).[107] Although Eckington does not have any officially recognized landmarks, a dozen proprieties may be eligible for listing and designation, including the Eckington School (111 Quincy Place, NE), the National Geographic Printing Plant (326 R Street, NE), the Onondaga Apartments (147-49 R Street, NE) and others.[108] [See Appendix A for a list of potentially eligible properties.]

Benefits of landmark designation and listing in the National Register include federal tax credits for rehabilitation of income-producing historic property. While historic landmark designation helps preserve an individual property, it does not provide protections for overall neighborhood character.

[106] District of Columbia Historic Preservation Office, "Inventory of Historic Sites."
[107] District of Columbia Office of Planning. *Mid City East.*
[108] Ibid.

Multiple Property Designation

Multiple property designations (MPD) are related to historic landmark designations, however, MPDs focus on providing context for multiple or discontinuous historic properties that are connected historically, physically, or thematically. Themes can include building types (e.g. apartments, schools, firehouses), a period of significance, and/or an architectural style. MPDs help identify and clarify the historical evolution of the area, and provide a framework for the designation of related properties at a later date. They serve as an alternative tool for properties for which district designation is not appropriate due to discontinuity or lack of integrity in the surrounding historic environment.[109]

The framework developed for several existing MPDs could be applied to properties in Eckington and Bloomingdale, including small apartment buildings and schools. Washington does not have a MPD for warehouses and industrial structures, but if one were created it could be of great use to Eckington's industrial area. A MPD may also be appropriate for Eckington's original subdivision residences or "villas."[110] Like historic landmark designations, MPDs only afford protection to specific properties and therefore cannot address the broader character of a neighborhood or streetscape.

Additional Tools

Grant Programs

Grant programs, funded through private or public funds, are a way for communities to incentivize historic preservation. Some grant programs are targeted to

[109] Ibid.
[110] Ibid.

older buildings or long-established businesses.[111] The District of Columbia offers a number of programs aimed at façade improvement, including the Department of Housing and Community Development's (DCHD) Storefront Facade Improvement program and the Office of the Deputy Mayor for Planning and Economic Development's (DMPED) Great Streets Small Business Capital Improvement Grants. Bloomingdale and Eckington's commercial properties on North Capitol Street are eligible for DMPED's Great Streets grants. The Historic Preservation Office's Historic Homeowner Grant Program awards funds to low- and moderate-income households living in specific historic districts for exterior repairs, rehabilitation, and structural work.[112]

Heritage Tourism

Heritage tourism centers on promoting places and activities that represent the stories of past and present generations of a neighborhood. Heritage tourism seeks to preserve a neighborhood's heritage, make it accessible to both residents and visitors, and generate the local economic benefits of tourism. Currently, Cultural Tourism DC's African American Heritage Tour includes six sites in the adjacent LeDroit Park neighborhood. A new 2 ½ mile LeDroit Park/Bloomingdale Heritage Trail will be launched in Fall 2014. The cultural heritage trail was created by the non-profit organization Cultural Tourism DC in partnership with community members.[113] The trail will include signage for a self-guided walking tour, which highlights sites that represent memories and stories of the scientists, judges, and groundbreaking

[111] Ibid.
[112] District of Columbia Municipal Regulations, §6-1110.02.
[113] Kyungmin, Lee. "Bloomingdale Bites," MidCity DC, Capitol Community News. April 12, 2013. <http://www.capitalcommunitynews.com/content/bloomingdale-bites-3>

educators who called these neighborhoods their home throughout the late 19th and early 20th centuries.[114]

Conservation District Precedents

The increased opposition to historic district designation coupled with the sustained desire for some type of control over development suggests a need for neighborhood-level protection with a more limited set of regulations. This type of limited protection could come in the form of a conservation district program. Conservation districts are currently not supported by Washington's historic preservation ordinance, however steps are being taken to revise the ordinance to create a new program that would be administered by HPO. This section examines conservation district precedents in other cities which could serve as a model for Washington, D.C.

Neighborhood conservation districts are an increasingly popular tool for preserving the character of established residential neighborhoods. They can be found in numerous cities throughout the nation including Nashville, Tennessee, and Cambridge, Massachusetts. Although this type of designation is often referred to as a "historic district-lite," conservation districts do not necessarily represent an inferior kind of preservation.[115] Conservation districts protect the historic fabric and character of a neighborhood through design guidelines often written with the assistance of neighborhood organizations. These standards and guidelines for new construction and

[114] District of Columbia Office of Planning. *Mid City East.*
[115] McClurg, Jessie. "Alternative Forms of Historic Designation: A Study of Neighborhood Conservation Districts in the United States," Center for Urban and Regional Affairs (CURA), February 2011.

alterations are often similar to, but generally more lenient than, historic district design guidelines. The guidelines tend to focus on regulating consistent massing, height, setback, and orientation that unify the neighborhood and contribute to the character.[116]

Since their introduction in the 1970s, conservation districts have evolved into a viable alternative to historic districts and a powerful tool to protect character-defining features of older neighborhoods or districts under threat from development pressures.

Conservation districts function differently in every city (see Table 2). The following programs—Cambridge, MA, Nashville, TN, Indianapolis, IN, and Philadelphia, PA—represent common practices in conservation district management, and were chosen in part due to their applicability to Washington. Cambridge, Nashville, Indianapolis, and Philadelphia already had historic district programs in place prior to the authorization of conservation districts. Additionally, many neighborhoods that sought conservation district status in these cities were facing issues similar to those experienced by Eckington, Bloomingdale and other neighborhoods in MCE. The models are summarized in Table 2.

Model A: Cambridge, Massachusetts

Unlike Cambridge's historic districts, which are enabled by the Massachusetts General Laws, conservation districts are guided by a local ordinance. The conservation district ordinance employs a similar framework as the state historic preservation law, but differs in terms of administration and regulation.

[116] District of Columbia Office of Planning. *Mid City East.*

Table 2: Summary of Conservation District Precedents

	Model A Cambridge	**Model B Nashville**	**Model C Indianapolis**	**Model D Philadelphia**
Purpose/ Catalyst	Provides protection areas that have architectural and/or historical merit but do not qualify for historic district status	Provides protection for neighborhoods that cannot garner sufficient support for historic district levels of review	Provides protection areas that have architectural and/or historical merit but do not qualify for historic district status	Provides protection for neighborhoods that cannot garner sufficient support for historic district levels of review
Requirements	Groups of buildings or settings that are architecturally or historically distinctive; must not be eligible for designation as a historic district	National Register of Historic Places criteria (same as Nashville HDs)	Historic association and a strong sense of time and place; support from 75% of property owners (recommended)	Consistent physical character, 2 blocks by 2 blocks, primarily residential, not in an historic district
Initiation and Adoption	Initiated by ten city residents; Adopted by Council after year-long study process	Initiated by an interested group; submitted by Councilmember; recommended by MHZC; Approved by Council	Grassroots neighborhood petitioning process; IHPC approval; MDC endorsement; Adopted into comprehensive plan	Initiated by neighborhood assoc. or 30% of owners by petition; Adopted by Council
Ordinance	Yes	Yes	No	Yes
Actions Requiring Review	All construction, demolition or alteration that affects the exterior architectural features, other than color.	Demolition; New construction; Additions to existing structures; Relocation of a structure; Setback reductions	Demolition; New construction; Additions; Relocation; Most roof and front facade alterations	Exterior alterations visible from public way; Demolition, New construction; Use of vacant lot
Items not subject to review	Subject to NCD guidelines; All work requires a Certificate of Appropriateness, Non-Applicability or Hardship	Construction of appurtenance; Signage; Repairs or alterations to existing structures	Renovation, alteration and demolition of non-contributing buildings; Most alterations on the rear façade	All other actions.
Administration	Neighborhood Commission (or HC) and HC staff	MHZC (also administers/ reviews HDs)	IHPC (also administers/ reviews HDs)	Planning department (admin. review only)
Review Process	HC staff issues Certificates of Non-Applicability, or forwards to the Neighborhood Commission for a public hearing before issuing a COA	MHZC staff issue Preservation Permit, or forward to MHZC for public hearing before approving or denying permit	IHPC staff issues administrative COA, sends to a hearing officer, or forwards to the IHPC for Committee review at a public hearing	Planning department staff issues Certificates of Compliance, with conditions if warranted

In the 1980s, demolition and inappropriate infill construction threatened the character of several Cambridge neighborhoods. Conservation districts were created to protect areas that have architectural or historical merit but do not qualify for historic district status. At the time, Cambridge only considered resources from the Revolutionary War period or earlier as historic, and thus did not provide protection for Victorian era and 20th-century resources.[117] Cambridge established its first historic district in 1963 and it's first conservation district in 1983. Today, Cambridge has two historic districts and four conservation districts.

Requirements, Initiation and Adoption

Cambridge's conservation districts are areas of citywide significance with a distinctive character that are not eligible for designation as a historic district.[118]

Any 10 city residents may initiate the neighborhood conservation district designation process by petitioning the Historical Commission (HC) to study an area for that purpose. After deeming the area eligible for consideration, the HC directs the city manager to appoint a study committee to report on the merits of the proposed district, recommend boundaries, and draft regulations. After a one-year study period along with public meetings and consensus building, the study committee presents its final recommendations to the HC for acceptance. If warranted, the HC forwards the report to the City Council with a recommendation to designate by majority vote.[119]

Actions Subject to Review

Cambridge Neighborhood Conservation Districts (NCDs) require review of all construction, demolition or alteration that affects a structure's exterior architectural

[117] McClurg, "Alternative Forms," 37.
[118] Cambridge, Massachusetts Municipal Ordinance §2.78.180(A).
[119] Cambridge, Massachusetts Municipal Ordinance, §2.78.180.

features, with the exception of color. However, the ordinance lists several possible exemptions that an NCD may adopt (including walls, fences, and storm doors) and allows for both binding and non-binding categories of review. District-specific design guidelines and regulations must be established prior to district designation.[120]

The only actions not subject to review are "landscaping with plants, trees or shrubs" and those that do not "involve a change in design or material or the outward appearance thereof." [121]

Administration and Review Process

Conservation districts are administered by independent Neighborhood Conservation District Commissions. The city manager appoints qualified residents and property owners and a member of the HC to the NCD Commission upon district designation.

Cambridge Neighborhood Conservation Districts require the issuance of a Certificate of Appropriateness, Non-Applicability or Hardship before any construction, demolition or exterior alteration is preformed. Property owners must submit an application to the historical commission before making any alterations, building an addition, or demolishing a structure. Historical Commission staff review the application to determine if the work falls under the district's jurisdiction, and if it does not, issues a Certificate of Non-Applicability. If the proposed work falls under the district's jurisdiction, it requires a public hearing in front of the district's Neighborhood Commission. The decisions made at these hearings can be either binding or non-binding, depending on how the district's ordinance is written. NCD

[120] Cambridge, Massachusetts Municipal Ordinance, §2.78.190.
[121] Cambridge, Massachusetts Municipal Ordinance, §2.78.200.

commission decisions may be appealed to the Historical Commission, and Historical Commission decisions may be appealed to the superior court.[122]

Assessment

As a city with one of the oldest and most sophisticated conservation district programs,[123] Cambridge acts as a useful model for the District of Columbia and Mid City East neighborhoods. The Cambridge model allows for guidelines to be tailored closely to the needs of the individual district,[124] which would be advantageous for Washington's neighborhoods with distinct character and style.

Certain aspects of the Cambridge model, however, may be inappropriate for the District of Columbia and Mid City East Neighborhoods. For example, the model does not address residents' opposition to historic district regulation nor does it fulfill the desire for a less restrictive tool. Although the requirements for certificates of appropriateness for the conservation district are less rigorous than those in many historic districts, property owners are still required to receive certificates of non-applicability prior to most exterior work.

Additionally the use of a separate NCD commission for each district requires a considerable number of knowledgeable residents who are not only willing and able to serve, but also capable of maintaining the professional atmosphere needed for decisions to hold up in court.[125]

Model B: Nashville, Tennessee

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[122] Cambridge, Massachusetts Municipal Ordinance, §2.78.240
[123] Gladhill, Elizabeth L. "An Investigation of Historic Conservation Districts as a Viable Option for Saint Paul, Minnesota." Goucher College, 2001; p. 4.
[124] Cambridge Historical Commission. *Neighborhood Conservation Districts in Cambridge.* Cambridge, MA, 2002.
[125] McClurg, "Alternative Forms," 40.

Nashville's conservation districts were introduced in the 1980s as an alternative to historic districts for neighborhoods that wanted protection from inappropriate infill and development pressure, but opposed strict regulation. Today, Nashville's "one ordinance, two standards system,"[126] which gives historic and conservation districts "equal status and similar operation"[127] is considered a standard for conservation districts nationwide.

Nashville's two types of historic zoning overlay districts, historic and neighborhood conservation, differ based on the level of protection and review they offer. The neighborhood conservation zoning overlay is less restrictive than the historic district overlay and only guides change for new construction, additions, demolitions or relocation of structures. The Metropolitan Historic Zoning Commission (MHZC) oversees both historic and conservation districts. Nashville adopted its first historic district in 1978 and its first conservation district in 1985. Today, Nashville has six historic districts and 17 conservation districts.[128]

Requirements, Initiation and Adoption

Nashville uses the National Register of Historic Places criteria to determine eligibility for both historic and conservation district overlays,[129] although the MHZC staff often interprets the criteria more liberally for conservation districts.[130] The dual programs allow neighborhoods to chose the appropriate level of protection.[131]

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[126] Gladhill, "Investigation," 40.
[127] Zellie, Carole. "A Consideration Of Conservation Districts And Preservation Planning: Notes From St. Paul, Minnesota," *Issue Paper: Conservation Districts. Cultural Resources Partnership Notes*. National Park Service, June 1998; 12.
[128] Metro Government of Nashville and Davidson County. "Historical and Historic Zoning." Accessed on December 17, 2013 at http://www.nashville.gov/Historical-Commission.aspx
[129] Metro Government of Nashville and Davidson County Municipal Code, §17.36.120.
[130] Zellie, "Consideration," 12.
[131] Ibid.

An interested group, typically a neighborhood organization, initiates the designation process for historic zoning in Nashville. MHZC staff explores possibilities with the group and their council member and holds a public meeting for area property owners to explain historic zoning and answer questions. The council member files a zone change application with the Metropolitan Planning Commission (MPC), preferably along with a letter of support from a neighborhood organization and a petition signed by property owners. The MHZC and the Planning Commission review the proposal at public hearings, and, if appropriate, recommend the area to Council for designation by majority vote.[132]

Actions Subject to Review

Nashville's Neighborhood Conservation Districts (NCD) require a Preservation Permit for demolition, new construction (primary and secondary buildings), additions to existing structures (rear and side additions, dormers, porches, or anything that increases habitable space or height of a building), relocation of a structure, and setback reductions. Proposals are reviewed according to the district's design guidelines, which are based on the Secretary of Interior's Standards, developed jointly by the neighborhoods and the MHZC, and established prior to district designation.[133]

Items not subject to review include the construction of appurtenances (including fences, retaining walls, and walkways), signage, and repairs or alterations to existing structures (such as reroofing, repointing, and repairing or replacing

[132] Metropolitan Historic Zoning Commission. *Metro Historic Zoning Handbook*. Metropolitan Government of Nashville and Davidson County, Nashville, Tennessee, 2012.
[133] Ibid.

windows or doors).[134]

Administration and Review Process

Nashville's NCD's are administered by the MHZC. Applications for preservation permits are initially submitted to MHZC staff for review. If the project can be approved administratively, a preservation permit will be issued and the applicant may go on to apply for a building permit. Otherwise, the application is scheduled for hearing at the next MHZC monthly meeting. MHZC may either deny or approve the application, with or without conditions. Staff decisions may be appealed to the Commission, and Commission decisions may be appealed to the court of jurisdiction.[135]

Assessment

Nashville's program serves as an excellent model for the District of Columbia and Mid City East neighborhoods. Nashville's dual-district system provides neighborhoods a choice; it carefully differentiates conservation districts from historic districts by requiring a noticeably lower level of regulation and review. Conservation districts are not less historically significant than historic districts; rather, the goals of the conservation district overlay are more compatible with the needs and concerns of the specific neighborhood. This type of program would be especially useful in neighborhoods that seek protection, but resist the demands of the more restrictive historic district designation. Conservation district standards allow for a variety of maintenance techniques and may decrease the financial burden associated with historic districts, making it an attractive choice for neighborhoods with lower incomes.

[134] Ibid.
[135] Ibid.

Nashville has also done a good job with neighborhood outreach and education materials.

Model C: Indianapolis, Indiana

Indianapolis's conservation district program arose in the late 1990s as a tool to protect neighborhoods that do not meet the traditional criteria for local historic districts. In the past decade, they have become an increasingly popular option for neighborhoods adverse to the regulatory nature of historic districts.

Indianapolis's conservation districts are authorized by and subject to the same state legislation as the city's historic districts. The Indianapolis Historic Preservation Commission (IHPC) administers both programs. Unlike Cambridge and Nashville, which adopt conservation districts through ordinance, Indianapolis adopts the districts into the city's comprehensive plan.

Conservation district's strive to "retain neighborhood coherence and provide stability,"[136] rather than preserve its individual architectural components.[137] Indianapolis began its historic district program in 1967 and its conservation district program in 1995. The city has a total of 12 historic districts and five conservation districts.

Requirements, Initiation and Adoption

Although Indianapolis's conservation districts are usually neither eligible for nor listed in the National Register of Historic Places, the district must exhibit some

[136] Ibid.
[137] Indianapolis and Marion County Governments. "Conservation Districts." Last Accessed on December 17, 2013 at <http://www.indy.gov/eGov/City/DMD/IHPC/Districts/Conservation/Pages/home.aspx>

degree of historic association and a strong sense of time and place.[138] District designation typically begins at the grassroots level with a neighborhood petitioning process. IHPC looks for support from at least 75 percent of property owners before initiating the designation process. Upon initiation, the Commission instructs IHPC staff to create a preservation plan for the proposed district. After two public hearings, the Metropolitan Development Commission (MDC) may approve the district. Upon MDC approval, it is adopted as a part of the comprehensive plan, with no legislative endorsement needed.[139]

Actions Subject to Review

State law authorizes the IHPC to review construction, alteration, demolition, rezoning and variances in conservation and historic districts.[140] Although conservation district designation does not alter zoning, the preservation plan does help guide future land use decisions.[141]

In conservation districts, all work is exempt from review unless specifically noted in the district design guidelines.[142] Therefore, conservation districts have very specific review requirements, which do not vary substantially between districts. In addition to new construction and demolition, actions subject to review include masonry work, fencing, additions of rooms and alterations to the roof, siding, decorative cornices, and front and side windows, doors, trim, and porches. Districts can choose whether to require review for front facade door replacement, reroofing

[138] Metropolitan Historic Zoning Commission.
[139] Ibid.
[140] Indianapolis Code §36-7-11.1.
[141] Indianapolis Historic Preservation Commission (IHPC). "Policies and Procedures." March 3, 1993. <http://www.indy.gov/eGov/City/DMD/IHPC/Resources/Pages/policies.aspx.
[142] Indianapolis Code §36-7-11.1-7.

(color and material), chimneys (alteration, removal or addition), and the demolition of one-story garages.[143] All five of Indianapolis's conservation districts require review for chimneys, three require review for door replacement and only one (Ransom Place) requires review for reroofing.

Items not subject to review include renovation, alteration and demolition of non-contributing buildings, most alterations on the rear façade, and landscaping.

Administration and Review Process

Before undertaking actions requiring review, property owners must obtain a Certificate of Appropriateness (COA) or, in special circumstances, a certificate of authorization from the IHPC. The IHPC uses the district's design guidelines to review proposals and make decisions. After an initial review, IHPC staff will either grant an administrative COA, schedule a meeting with a hearing officer, or forward the application to the IHPC for Committee review at a public hearing.[144]

Staff and hearing officer decisions may be appealed to the IHPC, who will hear the case de novo; IHPC decisions may be appealed to the Circuit or Superior Court of the county.[145]

Assessment

IHPC's administration of both the historic and conservation district programs is one of the Indianapolis program's assets. The use of a similar framework helps make the process easy and understandable. Another strength of the Indianapolis program is their robust educational materials, which include workbooks that interested parties use to work though the designation process. Since Indianapolis

[143] IHPC, "Policies and Procedures."
[144] IHPC, "Policies and Procedures."
[145] IHPC, "Policies and Procedures."

conservation districts require review for a number of items, it may not be a good option for neighborhood's looking to avoid cumbersome regulation. Additionally, the comprehensive preservation plan required for each district and the request for support from 75 percent of neighbors may impede district creation.

Model D: Philadelphia, Pennsylvania

In 2004, Philadelphia amended its zoning code to allow for the creation of neighborhood conservation districts. The legislation sought to protect vernacular neighborhoods from "economic and social pressures which threatened their identity."[146] Queen Village, an eclectic Philadelphia neighborhood, became Philadelphia's first NCD in 2008. The neighborhood desired protection from increasingly popular demolition, inappropriate infill, and a practice termed "garagification"— the conversion of a townhome's first floor into a parking garage, but resisted the strict regulations of a historic district. NCD designation allowed Queen Village to craft design guidelines to address these specific problems.

While the Philadelphia Historic Commission administers the historic district program, the Planning Department oversees the city's NCDs. Planning Department staff perform a technical review of proposals using district design guidelines before issuing certificates of compliance. Philadelphia created its first historic district in 1984 and its first conservation district in 2008. Today, Philadelphia has 15 historic districts and one conservation district.[147]

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[146] Allen, Lindsey E. *Philadelphia Neighborhood Conservation: Using Public Policy to Protect Historic and Threatened Residential Neighborhoods*. University of Pennsylvania, 2010; 78. http://repository.upenn.edu/cgi/viewcontent.cgi?article=1138&context=hp_theses

[147] City of Philadelphia. "Philadelphia Historic Districts." Accessed on December 17, 2013 at http://www.phila.gov/historical/registry/Pages/districts.aspx

Requirements, Initiation and Adoption

Philadelphia Neighborhood Conservation Districts (NCD) may be created for residential areas at least "two blocks by two blocks" in size, no part of which is contained within a historic district. The area must possess a consistent physical character, as determined by City Council.[148]

An NCD may be initiated either by a neighborhood association located within the proposed NCD or with a petition containing the signatures of at least 30 percent of all property owners within the proposed NCD. After initiation, the Philadelphia Planning Department works with residents to draft design guidelines specific to the NCD. Once the guidelines are established, every property owner in the proposed district is notified by mail that Council will adopt the NCD unless 51 percent of all property owners object in writing.[149]

Actions Subject to Review

Neighborhood Conservation Districts in Philadelphia require a Certificate of Compliance for exterior alteration visible from a public street, demolition, and construction of a new building. Although NCDs cannot prevent demolition, they can guide the construction of a new building or use of a vacant property after substantial demolition of an existing building.

The design guidelines for Queen Village, Philadelphia's first and only NCD, specify that materials, scale, and height must be appropriate to the surrounding structures. Queen Village has two sets of guidelines, one for residential and a less

[148] Philadelphia Ordinance, §14-1203.1-5.
[149] Philadelphia Ordinance, §14-1203.

robust set for commercial and industrial properties.[150]

Administration and Review Process

Neighborhood Conservation Districts are administered by the Planning Department, which has a staff member dedicated to NCD design review. Applications for Certificates of Compliance are forwarded to the planning department when a request for a permit in an NCD is filed. The Planning Department evaluates the proposed design for compliance with the guidelines and issues a certificate, with or without conditions, if appropriate. During review, the Planning Commission may consult with the Historical Commission and/or an advisory design review panel. The Queen Village Neighborhood Association established an advisory zoning committee to issue recommendations.

The Planning Commission's decision can be appealed to the Board of License and Inspection Review, which handles all of the city's building permit appeals. The Board can grant an exception for unnecessary hardship if not contrary to the public interest.

Assessment

The District of Columbia can learn from the strengths and weaknesses of Philadelphia's program. One of the Philadelphia program's assets is its flexibility. The ordinance-based program can be tailored to each neighborhood's distinct character, concerns and needs. For example, Queen Village included a separate set of guidelines to address commercial and industrial areas in addition to the residential property guidelines. Another strength of the program is that it allows for a variety of maintenance techniques, thus reducing the financial burden associated with historic

[150] Philadelphia Ordinance, §14-504(5).

districts. The accessibility of Philadelphia's design guidelines is an asset. The guidelines are clear and straightforward, leaving little room for interpretation. However, this is also a liability of the program, as it does not allow for specific considerations of context, compatibility and aesthetics. As Allen notes in her thesis, "an application that complies with the NCD ordinance cannot be denied a permit, even if the [planning commission] believes the building is still out of context."[151]

The primary weakness of the program is the disconnect between the NCD's goals of preservation and its technical administration by the Planning Commission.[152] The program may be better served under the Philadelphia Historical Commission, which administers the city's historic districts.

Summary

The case studies of Cambridge, Nashville, Indianapolis, and Philadelphia illustrate the variety of forms that a conservation district program can take. These cities created conservation districts to provide protection for neighborhoods that either did not want or did not qualify for historic district designation. In Indianapolis and Cambridge, conservation districts provide protection for areas that do not qualify for historic district status, whereas conservation districts in Nashville and Philadelphia primarily provide protection for neighborhoods that cannot garner sufficient support for historic district designation. Due to Washington's high concentration of historic resources, the exclusion of neighborhoods eligible for historic district status would drastically limit the use of conservation districts. Rather, Washington should look to Nashville and Philadelphia as models in terms of purpose

[151] Allen, *Public Policy,* 82.
[152] Allen, *Public Policy,* 85.

as they were facing issues similar to those experienced by Eckington, Bloomingdale and other D.C. neighborhoods.

While specific eligibility requirements vary considerably by city, all four cities look for a strong sense of place in conservation districts. In contrast to Indianapolis, Cambridge, and Philadelphia, Nashville uses the National Register of Historic Places criteria to determine eligibility for both historic and conservation district overlays. While the criteria is identical, it may be interrupted more liberally for conservation districts. A similar policy may work well in Washington, where all historic districts are nominated to the National Register.

While all four cities encourage community participation and neighborhood support during the designation process, the degree and extent of involvement varies. For example, in Philadelphia the designation process may only be initiated by a neighborhood association or with a petition containing the signatures of thirty percent of the area's property owners. Indianapolis requests, but does not require, support from at least 75 percent of property owners before initiating the designation process. Nashville and Cambridge gauge support and receive input during public meetings held prior to district adoption. Community involvement will be crucial to the success of conservation districts in Washington. Yet, conservation districts should not be more difficult to create than historic districts and additional regulation and requirements should be avoided.

The determination of which actions are subject to review is a crucial part of a conservation district program and differs considerably between cities. Conservation districts in Indianapolis and Cambridge, which protect areas that do not qualify for

historic district status, have extensive review requirements. For example, Cambridge requires review of all construction, demolition or alteration that affects the exterior architectural features, other than color. Similarly, Indianapolis reviews demolition, construction, relocation and most roof and front facade alterations in conservation districts. On the other hand, Philadelphia allows neighborhoods to select actions for review, while Nashville limits review to demolition, new construction, additions, and relocation. In order to address opposition and fulfill the desire for a less restrictive tool, Washington will need to clearly differentiate conservation districts from historic districts by limiting review to specific, major actions such as roof top additions and large rear additions.

Conservation district administration and review is typically handled by a historic preservation or zoning commission. Nashville's Metropolitan Historic Zoning Commission and Indianapolis's Historic Preservation Commission oversee both historic and conservation districts in their respective cities. In Cambridge, individual neighborhood commissions administer conservation districts with the assistance of Historical Commission staff. Philadelphia is unique in that conservation districts are handled administratively by the Planning Department. Given its experience and expertise, the Historic Preservation Review Board is the most appropriate choice for this responsibility in Washington.

The manner in which conservation districts function reflects the needs and values of each city. The programs in Cambridge, Nashville, Indianapolis and Philadelphia represent common practices in conservation district management and reveal valuable lessons for Washington. While all of the models have strengths,

Nashville's dual-district system is most applicable to Washington, in general, and the neighborhoods of Eckington and Bloomingdale, in particular (Table 3).

While current preservation tools, such as historic district designation, meet the needs of many neighborhoods in Washington, an alternative tool, such as the conservation district, would better serve the goals of other communities. The case studies of conservation districts in other jurisdictions can help inform a future program in Washington, D.C. As the Nashville model illustrates, a dual-district system that clearly differentiates conservation districts from historic districts increases options and opportunities for preservation. The following chapter builds on these insights to explore the benefits and challenges of a potential conservation district program in Washington, D.C.

Table 3: Takeaways from Conservation District Models

	Appropriate for D.C. Neighborhoods	Not Appropriate for D.C. Neighborhoods
Model A Cambridge	· Review process parallel to HD review · Allows for guidelines to be tailored closely to the needs of the individual district	· Only for neighborhoods which do not qualify for historic district status · Similar level of review as HDs (i.e. review of all ext. alterations); not less restrictive · Admin by Neighborhood Commissions
Model B Nashville	· Dual-district system; clear differentiation with lower level of review than HDs (i.e. additions but not minor alterations) · National Register criteria determines eligibility; Not "2nd-class district" · Review process parallel to HD review; Admin by MHZC	
Model C Indianapolis	· Review process parallel to HD review; Admin by IHPC · Robust educational materials and workbooks	· Only for neighborhoods which do not qualify for historic district status · Similar level of review as HDs (i.e. review of most exterior alterations); not less restrictive
Model D Philadelphia	· Allows for guidelines to be tailored closely to the needs of the individual district · Lower level of review than HDs (i.e. visible ext. alterations); allows for a variety of maintenance techniques reducing associated financial burden	· Vague eligibility requirement "consistent physical character" · Admin by Planning Commission, not the Historical Commission · Technical review only

Chapter 5: Recommendations

A Conservation District program in Washington, D.C. would address public demand for a new, less restrictive conservation tool, while increasing overall options and opportunities for preservation. The city is taking steps to revise its preservation law, the Historic Landmark and Historic District Protection Act of 1978, to allow for the creation of these districts. This chapter delineates and assesses a preliminary draft version of the revised ordinance. The analysis of Bloomingdale and Eckington, as well as the examination of conservation district precedents, inform the inquiry in the chapter's first section. The second section offers additional recommendations and concluding thoughts.

Conservation District Ordinance

With the support of the Comprehensive Plan and the Small Area Plan and in response to recommendations and public demand, the D.C. Historic Preservation Office (HPO) drafted preliminary plans for a conservation district program, as described below. As drafted, the conservation district program would be enacted through a revision to the Historic Landmark and Historic District Protection Act of 1978, to be known as the Historic Preservation Act of 2014 (Appendix B). If adopted, conservation districts would be enabled and protected by the same legislation that governs historic landmarks and historic districts. The Historic Preservation Review Board (HPRB) would oversee both historic and conservation districts, but conservation districts would differ from historic districts in terms of the level of

protection and review they offer (Table 4). This chapter lays out the draft version of the Historic Preservation Act of 2014 and examines its opportunities and challenges.

Table 4: Comparison of Historic Districts and Conservation Districts

	Historic Districts	Conservation Districts
Requirements	Meets National Register of Historic Places standards	*Same*
Initiation and Adoption	Triggered by SHPO's written decision to nominate to National Register	Triggered by SHPO's written determination of eligibility for National Register
	Hearing by HPRB required	Hearing by HPRB required
Actions Requiring Review	Demolition, new construction, subdivision, alteration	Demolition, new construction, major addition
	Alteration: Change in exterior appearance requiring a permit, or ground disturbance at an archaeological site	Major addition: Addition more than 500 sf, an increase in height, or an addition onto the front of a building
Administration	HPRB (and HPO)	*Same*
Review Process	Reviewed with general and district-specific guidelines; minor work reviewed by HPO, using DCRA counter and major work reviewed by HPRB	Reviewed with general and district-specific guidelines; delegated items reviewed by HPO, using DCRA counter and major work reviewed by HPRB
Review Process for Demolition	Hearing by the Mayor's Agent required	*Same*
Property Maintenance	Standards set by preservation law	Standards set by building code (equivalent)
Demolition by Neglect	Subject to HPO enforcement	Not subject to HPO enforcement

Requirements, Initiation and Adoption

As with historic districts, National Register criteria would be used to determine eligibility for conservation districts. The draft ordinance defines a conservation district as the following:

> (A) [an area] nominated for listing as a conservation district in the District of Columbia's Inventory of Historic Sites; and
> (B) [an area] for which the State Historic Preservation Officer for the District of Columbia has issued a written determination of eligibility for

> listing as a historic district in the National Register of Historic Places, after a public hearing before the Historic Preservation Review Board. [153]

In contrast to historic districts, which must be nominated to the National Register, conservation districts would only need to be deemed eligible for designation and listed in the D.C. Inventory of Historic Sites. It is possible that, in practice, the HPRB and the State Historic Preservation Officer could interpret the National Register criteria more liberally for conservation districts.

According to D.C. Regulations, historic district designation is officially initiated via submission of an application to the Board.[154] The Board may also initiate the historic district designation by directing staff to prepare an application, or by adopting an existing National Register nomination.[155] In practice, a neighborhood organization typically initiates the designation process by holding meetings to build community consensus and working with Historic Preservation Office (HPO) staff to complete a survey and application. Conservation district designation would follow this same process and, as with historic districts, a public hearing before the HPRB would be required prior to designation. The major difference is that in historic districts the trigger for designation is a written decision to nominate the district to the National Register, while conservation districts would require only a written determination of eligibility for National Register listing.

Actions Subject to Review

Conservation districts would require review for demolition, new construction, and major additions to existing structures. The proposed amendment defines "major

[153] Historic Preservation Act of 2014 (Draft), §2B-1(b)
[154] Historic Preservation Act of 2014 (Draft), §204.1
[155] Historic Preservation Act of 2014 (Draft), §207.1

additions" as:

> … [the] expansion of an existing building or structure that:
>
> (A) increases the height of the building or structure;
> (B) adds to the front of the building or structure;
> (C) increases the gross floor area of the building or structure by 500 square feet or more; or
> (D) increases the footprint of the building or structure by 250 square feet or more.[156]

Proposals would be reviewed according to citywide and district-specific design guidelines, which are based on the Secretary of Interior's Standards.

Minor additions, alterations and subdivision, which are subject to review in historic districts, would not be reviewed in conservation districts. These types of actions include, but are not limited to storm doors, fences, retaining walls, signage, repairs or alterations to existing structures (such as reroofing, repointing, and repairing or replacing windows or doors).

Administration and Review Process

The Historic Preservation Review Board (HPRB) would administer both historic and conservation districts. The full Board conducts review for properties in historic districts, but it may be possible for the HPRB to form a smaller committee dedicated to conservation district review. As with historic districts, applications for approval would be initially submitted to HPO staff for review according to citywide and district-specific design guidelines. Staff would either approve the application administratively or schedule it for hearing at the next Board or Committee meeting either as a Consent Calendar or Agenda item. The Board or the Committee may either deny or approve the application, with or without conditions. If an

[156] Historic Preservation Act of 2014 (Draft), §3A-2a

application is denied, the property owner can request a hearing before the Mayor's Agent. Appeal of a decision by the Mayor's Agent may be pursued through the judicial process.

Assessment

The draft ordinance provides a strong basis for a conservation district program in Washington, D.C. Its strengths include the use of familiar systems and understood standards and the clear differentiation between historic and conservation districts. If enacted, the conservation district program will address a public demand and provide a new tool for historic preservation.

One of the assets of the draft program is that, like Nashville's system, it provides historic and conservation districts equal status and similar operation. The high standard of National Register eligibility is appropriate for Washington's neighborhoods, as it neither understates significance of the neighborhoods nor reduces them to " second class status." Rather, it grants neighborhoods the ability to choose which type of designation is compatible with the needs and concerns of the neighborhood.

Another advantage of the draft program is its use of familiar systems and understood standards. Enacting conservation districts through an amendment to the Historic Preservation Act and entrusting their operations to the HPRB achieves simplicity and builds on a system already in place. The use of vetted legislation and an already operational system avoids inventing another process and helps to minimize the administrative burden and prevent confusion. The historic and conservation district processes would work together from designation to enforcement. Actions

affecting conservation districts would be reviewed according to the Secretary of Interior's Standards. These standards, which are also used for historic districts, are familiar and will allow for considerations of context, compatibility and aesthetics. Additionally, each district would have its own set of guidelines, which provides an opportunity to focus on their individual characters and concerns.

Although the draft ordinance confers equal status to both types of districts, it also clearly differentiates conservation districts from historic districts by requiring a noticeably lower level of regulation and review. Notably, while historic districts require review and compatibility of alterations, conservation districts only require review and compatibility of major additions. Both types of districts require review for new construction and demolition, but unlike historic districts, conservation districts do not monitor subdivision. The proposed program manages to lower the burden of review while simultaneously offering significant protections against demolition.

Perhaps most importantly, the draft program addresses public demand for a new preservation tool that accommodates new construction and healthy growth, while respecting and retaining local character. The review requirement for major additions, along with general and neighborhood specific design guidelines, will ensure that additions do not comprise character-defining elements such as turrets or irreparably harm the neighborhoods sense of place. It protects against incompatible redevelopment by affording conservation districts the same level of protection against demolition as historic districts, and requiring review for all new construction. At the same time, the relaxed standards of conservation districts allow for compatible

growth. For example, a pop-up, like the one shown in Figure 25, may be deemed appropriate in certain contexts.

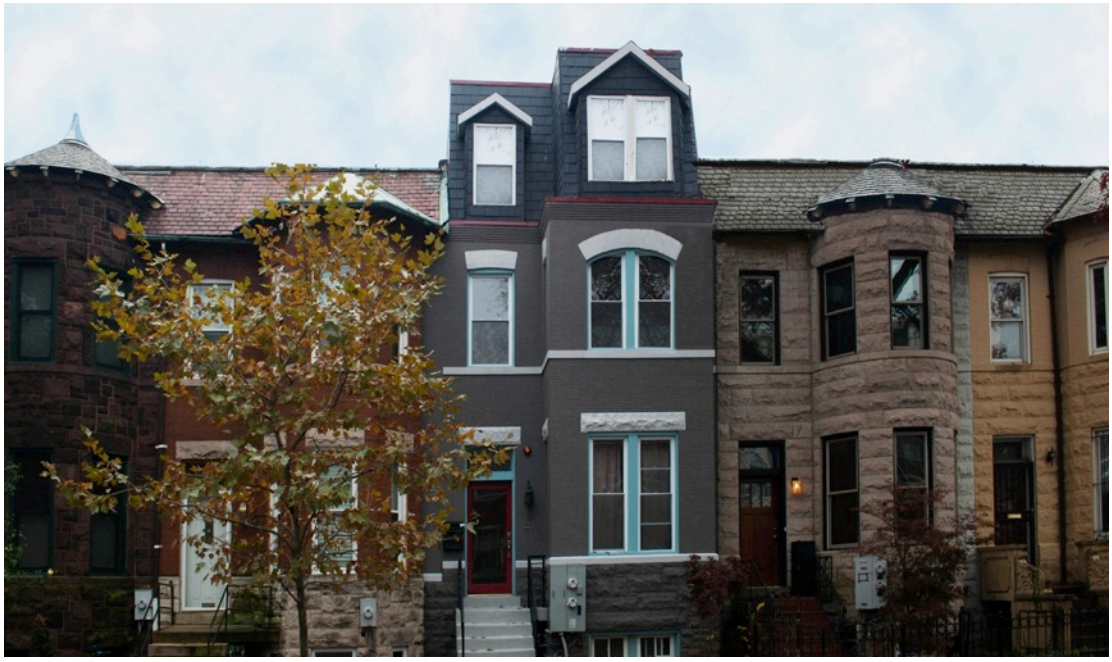

Figure 25: Pop-up in Eckington, 2013. Photograph by author.

One notable difference between historic districts and conservation districts is how maintenance standards are defined and enforced. Whereas property maintenance standards for historic districts are set by preservation law and subject to HPRB and HPO enforcement, properties in conservation districts would be subject to equivalent D.C. building code standards and enforcement by the Department of Consumer and Regulatory Affairs (DCRA). Conservation districts would not be subject to HPO enforcement of demolition by neglect, the intentional long-term neglect of a property to the point of severe deterioration. This may not mean much in practice, since Washington rarely enforces this proactively. The lack of maintenance oversight by the HPO may, in fact, help assuage the fears of property owners who worry that the government will fine them for not performing costly maintenance if their

neighborhood is designated. At the same time, it lessens the regulatory burden conservation districts create for the HPO.

The draft program addresses many of the arguments against historic district designation in D.C. Unlike historic districts, which require review for all alterations and repairs, conservation districts only require review for major additions. Allowing for a variety of maintenance techniques decreases the financial burden associated with historic districts and makes conservation districts an attractive choice for neighborhoods with lower incomes. While conservation districts do not specifically address gentrification, the decrease in associated costs may help current home owners afford ongoing maintenance and upkeep. At the same time, the decreased review standards lessen the regulatory burden, making conservation districts an attractive option for neighborhoods that seek protection, but resist the demands of more restrictive historic district designation.

Overall, the draft proposal represents a realistic response to a perceived problem and creates a new tool for maintaining neighborhood character. Since it builds on a system already in place, it could be implemented relatively quickly. Nevertheless, the HPO and the HPRB must consider possible challenges and shortcomings prior to implementation.

Challenges

While the conservation district program negates many of the objections to historic district designation, it still represents a form of increased government regulation. In light of widespread misinformation, misgivings and negative attitudes about historic preservation, the public presentation of conservation districts must be

sensitively executed. It is important that the ordinance revision is publicly vetted and supported prior to adoption. Likewise, a public education campaign that explains the differences between historic districts and conservation districts will be crucial to the program's success. Washington should look to Nashville and Indianapolis for examples of quality outreach and educational materials. Implementation through a pilot program, as recommended by the Mid City East Small Area Plan, offers the opportunity to share lessons learned and to make any necessary adjustments before widespread use.

Prior to implementation, there should be a system in place that allows for the voluntary transformation of a conservation district into a historic district. Conservation district designation could serve as a first step towards historic district designation for some neighborhoods. The process should be transparent, based on widespread community support and entirely optional. Establishing such a system prior to implementation may help assuage fears that conservation district designation is a "slippery slope" towards historic district status. The HPO and the HPRB will also need to be prepared to address requests from established historic districts that would prefer to be a conservation district once this option is available. Since the city does not have mechanism which allows neighborhoods to shed historic district status, it is unlikely to allow this type of change. Nevertheless, the HPO and the HBRB will need to explain and justify the reasoning.

Additional Recommendations

Landmark Designations in Mid City East

Existing tools can be better leveraged to cultivate and support historic preservation in Eckington and Bloomingdale. The first priority should be the creation of a Multiple Property Document (MPD) for Washington, D.C.'s warehouses and industrial structures. As discussed in previous chapters, Eckington's warehouses and industrial structures are simultaneously one of the neighborhood's greatest and most threatened assets. Through the identification of common themes, trends and patterns of history shared by multiple properties, MPDs provide a general historic context for Landmark nominations, thus simplifying and shortening the process for individual buildings.

The city's preservation community should also pursue individual designations for important buildings in Bloomingdale and Eckington. As discussed in Chapter 4, the frameworks developed in existing Multiple Property Documents could be applied to several properties in Eckington and Bloomingdale, including small apartment buildings and schools.

Demolition Ordinance Revision

It is notable that conservation districts are given the same demolition protections as historic districts and landmarks. At the same time, D.C.'s current demolition review ordinance is lacking in terms of penalties. The small fees currently imposed will not stop a company from demolishing a structure if they are determined to do so. D.C. could take lessons from other jurisdictions with stricter penalties, such

as provisions that require a complete rebuild after illegal demolition or forbid the offending company from receiving work authorization in D.C. for 18 months or more.

Incentivize District Designation

Tax credits and grant programs are useful ways to encourage and enable preservation. For example, the Historic Preservation Office's Historic Homeowner Grant Program, which awards funds to low- and moderate-income households living in specific historic districts for exterior repairs, rehabilitation, and structural work, could be extended in the future to include conservation districts.

Conclusion

A conservation district program would provide a powerful tool for Washington neighborhoods struggling to welcome development and growth without compromising neighborhood identity, community character and sense of place. The ideal program would build on the historic district program that is already in place and draw a clear distinction between conservation and historic districts. Swift implementation is essential, as the character of important row house neighborhoods is being lost or substantially altered with increasing frequency. Conservation district designation may not be appropriate for every neighborhood; indeed, there are drawbacks as it does not provide the same level of protection as historic district designation. Ultimately, Eckington and Bloomingdale will have to decide what if any type of designation is appropriate for their neighborhood. A community-led neighborhood conservancy can spearhead historic preservation efforts and help build consensus around preferred preservation strategies in Eckington and Bloomingdale.

Community involvement will be crucial to the success of conservation districts in Washington.

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Appendix A : Neighborhood Historic Resources
Properties Potentially Eligible for Listing on the National Register of Historic Places[157]

Bloomingdale Resources:

1. Memorial Church of the United Brethren (1712 North Capitol Street, NW)
   Now Metropolitan Wesley Ame Zion Church
   Constructed: 1893 Chapel, 1904 Main Church
   Resource Type: Church
2. Central Methodist Protestant Church (1901 1st Street, NW)
   Now Mt Bethel Baptist Church
   Constructed: 1902
   Resource Type: Church
3. Bryant Street Pumping Station (300 block of Bryant Street, NW)
   Constructed: 1904
   Resource Type: Industrial
4. Hurd House: Hurd v. Hodges Supreme Court Case (116 Bryant Street, NW)
   Constructed: 1905
   Resource Type: Residential
5. Aden-Barnett House (127 Randolph Place, NW)
   Constructed: 1910
   Resource Type: Residential/ Commercial
6. Sylvan Theater (116 Rhode Island Ave, NW)
   Constructed: 1913
   Resource Type: Theatre/ Commercial
7. Bloomingdale Liquor Store Building (1828 1st Street, NW)
   Constructed: 1913
   Resource Type: Commercial
8. Saint Martin's Catholic Church #1 (1900-1909 North Capitol Street, NW)
   Constructed: 1913
   Resource Type: Church
9. Resource Name: Saint Martin's Catholic Church #2 (1902 North Capitol Street, NW)
   Constructed: 1939
   Resource Type: Church

Eckington Resources:

1. Saint Martin's Convent (116 T Street, NE)
   Constructed: 1923
   Resource Type: Church

[157] Traceries, "Existing Conditions," 23-30.

2. Eckington, Early Subdivision Houses, “Villas”
   Constructed: 1890s
   Resource Type: Residential
3. Onondaga Apartment (147-49 R Street, NE)
   Constructed: 1901
   Resource Type: Apartment
4. Owasco Apartment (11 R Street, NE)
   Constructed: 1901
   Resource Type: Apartment
5. Eckington School (111 Quincy Place, NE)
   Constructed: 1897
   Resource Type: School
6. Emery School (1725 Lincoln Rd, NE)
   Constructed: 1901
   Resource Type: School
7. Lincoln Road Methodist Episcopal (2001 Lincoln Road, NE)
   Constructed: 1923
   Resource Type: Church
8. Langley Junior High School (101 T Street, NE)
   Constructed: 1923
   Resource Type: School
9. McKinley Technical High School (151 T Street, NE)
   Constructed: 1928
   Resource Type: School
10. Resource Name: Eckington Car Barn (1901 4th Street, NE)
    Constructed: 1898
    Resource Type: Industrial
11. Sanitary Grocery Company Warehouse (1901 4th Street, NE)
    Constructed: 1923
    Resource Type: Warehouse
12. Sanitary Grocery Company Warehouse (1629 Eckington Place, NE)
    Constructed: 1929
    Resource Type: Warehouse
13. Schlitz Brewing Company Bottling Plant (309 Randolph Street, NE)
    Constructed: 1908
    Resource Type: Warehouse
14. National Geographic Society Printing Plant (326 R Street, NE)
    Constructed: 1924
    Resource Type: Warehouse
15. National Biscuit Co Stable & Warehouse (336 Randolph Place, NE)
    Constructed: 1907
    Resource Type: Warehouse

Appendix B : Historic Preservation Act of 2014 (Draft)

AN ACT
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
To provide protection for historic landmarks, historic districts, and conservation districts in the District of Columbia

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the *Historic Landmark and Historic District Protection Act of 1978, as amended, or the Historic Preservation Act of 2014.*

Section 2. Purposes. (D.C. Official Code § 6-1101)

(a) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural and aesthetic merit are in the interests of the health, prosperity and welfare of the people of the District of Columbia. Therefore, this act is intended to:

(1) Effect and accomplish the protection, enhancement and perpetuation of improvements and landscape features of landmarks and districts which represent distinctive elements of the city's cultural, social, economic, political and architectural history;
(2) Safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such landmarks and districts;
(3) Foster civic pride in the accomplishments of the past;
(4) Protect and enhance the city's attraction to visitors and the support and stimulus to the economy thereby provided; and
(5) Promote the use of landmarks, historic districts, and conservation districts for the education, pleasure and welfare of the people of the District of Columbia.

(b) It is further declared that the purposes of this act are:

(1) With respect to properties in historic districts:
  (A) To retain and enhance those properties which contribute to the character of the historic district and to encourage their adaptation for current use;
  (B) To assure that alterations of existing structures are compatible with the character of the historic district; and
  (C) To assure that new construction and subdivision of lots in an historic district are compatible with the character of the historic district;
(2) With respect to historic landmarks:
  (A) To retain and enhance historic landmarks in the District of Columbia and to encourage their adaptation for current use; and
  (B) To encourage the restoration of historic landmarks.
(3) With respect to archaeological sites designated as historic landmarks or contributing properties within historic districts:
  (A) To protect historic and prehistoric archaeological sites from irreparable loss or destruction; and
  (B) To encourage the retrieval of archaeological information and artifacts when the destruction of an archaeological site is necessary in the public interest.
  (Note: Paragraph 3 was added by D.C. Law 16-185 on November 16, 2006)
(4) With respect to properties in conservation districts:

(A) To retain and enhance those properties which contribute to the character of the conservation district and to encourage their adaptation for current use;
(B) To assure that major additions to existing structures are compatible with the character of the conservation district; and
(C) To assure that new construction in a conservation district is compatible with the character of the conservation district.

Section 3. Definitions. (D.C. Official Code § 6-1102)

(a) For the purposes of this act the term:
(1) *Alter* or *alteration* means:
(A) A change in the exterior appearance of a building or structure or its site, not covered by the definition of demolition, for which a permit is required;
(B) A change in any interior space that has been specifically designated as an historic landmark;
(C) The painting of unpainted masonry on a historic landmark or on a façade restored as a condition of a permit approved pursuant to this act; or
(D) Excavation or action disturbing the ground at an archaeological site listed in the District of Columbia Inventory of Historic Sites or an archaeological site identified as a contributing feature in the designation of a historic landmark or historic district.
(Note: Paragraphs C and D were added by D.C. Law 16-185 on November 16, 2006)
(1A)
(A) *Area median income*" means:
(i) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;
(ii) For a household of 3 persons, 90% of the area median income for a household of 4 persons;
(iii) For a household of 2 persons, 80% of the area median income for a household of 4 persons;
(iv) For a household of one person, 70% of the area median income for a household of 4 persons; and
(v) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons;
(B) Any percentage referenced in paragraph (1) of this subsection shall be determined through a direct mathematical calculation not taking into account any adjustments made by the U.S. Department of Housing and Urban Development for the purposes of the programs it administers. *(Note: Section 1A was added by D.C. Law 16-189, effective March 2, 2007)*
(2) *Commission of Fine Arts* means the United States Commission of Fine Arts established pursuant to the Act of May 17, 1910 (40 U.S.C. 104).
(2a) *Conservation district* means an area:
(A) nominated for listing as a conservation district in the District of Columbia's Inventory of Historic Sites; and
(B) for which the State Historic Preservation Officer for the District of Columbia has issued a written determination of eligibility for listing as a historic district in the National Register of Historic Places, after a public hearing before the Historic Preservation Review Board.

(3) *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 facade of a building or structure.

(3A) *Demolition by neglect* means neglect in maintaining, repairing, or securing an historic landmark or a building or structure in an historic district that results in substantial deterioration of an exterior feature of the building or structure or the loss of the structural integrity of the building or structure. *(Note: This subparagraph was added by D.C. Law 13-281 on April 27, 2001 and amended by D.C. Law 16-185 on November16, 2006 to add the word "substantial")*

(4) *Design* means exterior architectural features including height, appearance, texture, color and nature of materials.

(4A) *District of Columbia undertaking* means a project of the District of Columbia government that involves or contemplates demolition, alteration, subdivision, or new construction affecting a property owned by or under the jurisdiction of a District of Columbia agency, including an independent agency. *(Note: This subparagraph was added by D.C. Law 16-185, effective November 16, 2006).*

(5) *Historic district* means an historic district:

(A) listed in the National Register of Historic Places as of the effective date of this act;

(B) nominated to the National Register by the State Historic Preservation Officer for the District of Columbia; or

(C) which the State Historic Preservation Officer for the District of Columbia has issued a written determination to nominate to the National Register after a public hearing before the Historic Preservation Review Board.

(6) *Historic landmark* means a building, structure, object or feature, and its site, or a site:

(A) listed in the National Register of Historic Places as of the effective date of this chapter; or

(B) listed in the District of Columbia's Inventory of Historic Sites, or for which application for such listing is pending with the Historic Preservation Review Board; provided, that the Review Board shall schedule a hearing on the application within 90 days of one having been filed, and will determine within 90 days of receipt of an application pursuant to sections 5 through 9 of this act whether to list such property as a historic landmark. *(Note: This subparagraph is as amended by D.C. Law 12-86 on April 29, 1998 and D.C. Law 16-185, effective November 16, 2006)*

(6A) *Historic Preservation Office* or *HPO* means the administrative office that serves as the staff to the Historic Preservation Review Board, State Historic Preservation Officer, and Mayor in performing functions pursuant to this act. *(Note: This subparagraph was added by D.C. Law 16-185, effective November 16, 2006)*

(7) *Historic Preservation Review Board* or *Review Board* means the Board designated pursuant to section 4 of this act and pursuant to regulations promulgated by the United States Secretary of the Interior under the Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(7A) *Inventory of Historic Sites* means the current inventory of historic landmarks, historic districts, and conservation districts maintained by the Historic Preservation Review Board pursuant to this act.

(7B) *Major addition* means an expansion of an existing building or structure that:

(A) increases the height of the building or structure;

(B) adds to the front of the building or structure;

(C) increases the gross floor area of the building or structure by 500 square feet or more; or

(D) increases the footprint of the building or structure by 250 square feet or more.

(8) *Mayor* means the Mayor of the District of Columbia, or the Mayor's designated agent.

(9) *National Register of Historic Places* or *National Register* means that national record of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, and culture established pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470a).

(10) *Necessary in the public interest* means consistent with the purposes of this act as set forth in section 2(b) or necessary to allow the construction of a project of special merit.

(10A) *Public safety facility* means a fire station, police station, or any other building or structure owned by the District of Columbia used for public safety operations, but excludes facilities used primarily for administrative functions. *(Note: This paragraph was added by D.C. Law 15-228, effective March 16, 2005)*

(11) *Special merit* means a plan or building 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 services.

(12) *State Historic Preservation Officer* or *SHPO* means the person designated by the Mayor to administer the National Register Program within the District of Columbia established pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. § 470 et seq.).

(13) *Subdivide* or *subdivision* means the division or assembly of land into one or more lots of record, including the division of any lot of record into two or more theoretical building sites as provided by the Zoning Regulations of the District of Columbia (11 DCMR 2516 et seq.). *(Note: This paragraph is as amended by D.C. Law 8-232, effective March 8, 1991)*

(14) *Unreasonable economic hardship* means that failure to issue a permit would amount to a taking of the owner's property without just compensation or, in the case of a low-income owner(s) as determined by the Mayor, failure to issue a permit would place an onerous and excessive financial burden upon such owner(s).

Section 4. Historic Preservation Review Board. (D.C. Official Code § 6-1103)

(a) The Mayor is authorized to establish an Historic Preservation Review Board comprised of nine members who shall be confirmed by the Council of the District of Columbia. The Review Board shall be constituted and its members qualified so as to meet the requirements of a State Review Board under regulations issued by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq*.). *(Note: This paragraph is as amended by D.C. Law 16-185, effective November 16, 2006)*

(b) Subject to the requirements of subsection (a) of this section, all appointments to the Historic Preservation Review Board shall be made with a view toward having its membership represent to the greatest practicable extent the composition of the adult population of the District of Columbia with regard to race, sex, geographic distribution and other demographic characteristics. The term of office of each member of the Review Board shall be 3 years, staggered so that one third of the appointments expire each year. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed. *(Note: This paragraph is as amended by D.C. Law 16-185, effective November 16, 2006)*

(c) The Review Board shall:

(1) Advise the Mayor on the compatibility with the purposes of this act (as set forth in section 2) of the applications referred to it by the Mayor pursuant to sections 5 through 9 of this act;

(2) Perform the functions and duties of a State Review Board as set forth in regulations issued pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. § 470 *et seq.*);

(3) Designate and maintain a current inventory of historic landmarks, historic districts, and conservation districts in the District of Columbia and, in connection therewith, adopt and publish appropriate procedures; and

(4) Perform such other functions and duties relating to the protection, preservation, enhancement and perpetuation of the historic, architectural, cultural and aesthetic heritage of the District of Columbia as the Mayor may from time to time assign.

[*Subparagraph 5, which read "Consider applications to designate historic landmarks under the contested case procedures contained in D.C. Official Code § 1-1509" was added by D.C. Law 12-256 on April 29, 1998, and repealed by D.C. Law 13-172 on October 19, 2000.*]

(d) (1) If, after a hearing, the Review Board has determined to deny an application to designate a building, structure, object or feature, and its site, as a historic landmark, or has determined to deny an application to designate a historic district, the Review Board shall not accept a subsequent application for that designation during the 12-month period after the denial; except that in the case of a conservation district or historic district, the Review Board may accept a refiling of the application as the other type of district. *(Note: This subparagraph was added by D.C. Law 12-86, effective April 29, 1998, and amended by D.C. Law 16-185, effective November 16, 2006).*

(2) If an application for designation of a historic landmark or historic district is withdrawn, the Review Board shall not accept a new application for the same property during the 12-month period following the withdrawal; except that in the case of a conservation district or historic district, the Review Board may accept a refiling of the application as the other type of district. *(Note: This subparagraph was added by D.C. Law 12-86, effective April 29, 1998, and amended by D.C. Law 16-185, effective November 16, 2006).*

Section 5. Demolitions. (D.C. Official Code § 6-1104)

(a) Before the Mayor may issue a permit to demolish an historic landmark or a building or structure in an historic district or conservation district, the Mayor shall review the permit application in accordance with this section and place notice of the application in the *District of Columbia Register*.

(b) Prior to making the finding required by subsection (e) of this section, the Mayor may refer the application to the Historic Preservation Review Board for a recommendation, but shall so refer all applications that are not subject to review by the Commission of Fine Arts under the Old Georgetown Act (D.C. Official Code, § 6-1201 *et seq.*). The Mayor shall consider any recommendation by the Review Board or by the Commission of Fine Arts pursuant to such referral.

(c) Within 120 days after the Review Board receives the referral, the Mayor shall, after a public hearing, make the finding required by subsection (e) of this section: Provided, that the Mayor may make such finding without a public hearing in the case of a building or structure in an historic district or conservation district, or on the site of an historic landmark if the

Review Board or Commission of Fine Arts has advised in its recommendation that the building or structure does not contribute to the historic district, the conservation district, or the historic landmark. *(Note: This paragraph is as amended by D.C. Law 16-185, effective November 16, 2006)*

(d) If the Review Board recommends against granting the permit, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor.

(e) No permit shall be issued unless the Mayor finds that 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.

(f) The owner shall submit at the hearing such information as is relevant and necessary to support his or her application.

(g) (1) In any instance where there is a claim of unreasonable economic hardship, the owner shall submit, by affidavit, to the Mayor at least 20 days prior to the public hearing, at least the following information:
- (A) For all property:
  - (i) The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
  - (ii) The assessed value of the land and improvements thereon according to the two most recent assessments;
  - (iii) Real estate taxes for the previous two years;
  - (iv) Annual debt service, if any, for the previous two years;
  - (v) All appraisals obtained within the previous two years by the owner or applicant in connection with his or her purchase, financing or ownership of the property;
  - (vi) Any listing of the property for sale or rent, price asked, and offers received, if any; and
  - (vii) Any consideration by the owner as to profitable adaptive uses for the property; and
- (B) For income-producing property:
  - (i) Annual gross income from the property for the previous two years;
  - (ii) Itemized operating and maintenance expenses for the previous two years;
  - (iii) Annual cash flow, if any, for the previous two years.

(2) The Mayor may require that an applicant furnish such additional information as the Mayor believes is relevant to a determination of unreasonable economic hardship and may provide in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his or her affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(h) In those cases in which the Mayor finds that the demolition is necessary to allow the construction of a project of special merit, no demolition permit shall be issued unless a permit for new construction is issued simultaneously under section 3 of this act and the owner demonstrates the ability to complete the project.

[Note: Sections 5a, 5b, and 5c were added by D.C. Law 13-281, effective April 27, 2001, and were amended and renumbered as sections 10b, 10c, and 11a by D.C. Law 16-185, effective November 16, 2006]

Section 6. Alteration. (D.C. Official Code § 6-1105)

(a) Before the Mayor may issue a permit to alter the exterior or site of an historic landmark or of a building or structure in an historic district or conservation district, the Mayor shall review the permit application in accordance with this section and place notice of the application in the *District of Columbia Register*.

(b) Prior to making the finding required by subsection (f) of this section, the Mayor may refer the permit application to the Historic Preservation Review Board for a recommendation, but shall so refer all applications that are not subject to review by the Commission of Fine Arts under the Old Georgetown Act (D.C. Official Code, § 6-1201 *et seq*.) or the Shipstead-Luce Act (D.C. Official Code, § 6-611.01). The Mayor shall consider any recommendation by the Review Board or by the Commission of Fine Arts pursuant to such referral.

(c) Within 120 days after the Review Board receives the referral pursuant to subsection (b) of this section, the Mayor shall make the finding required by subsection (f) of this section.

(d) If the Review Board recommends against granting the application, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor. If the Commission of Fine Arts recommends against granting the application, the Historic Preservation Office shall notify the applicant of the Commission of Fine Arts' recommendation. *(Note: The second sentence of this paragraph was added by D.C. Law 16-185, effective November 16, 2006)*

(e) In cases in which a claim of unreasonable economic hardship or special merit is made and in any other case the Mayor deems appropriate or in which the applicant so requests, the Mayor shall hold a public hearing on the permit application.

(f) No permit shall be issued unless the Mayor finds that such issuance is necessary in the public interest or that a failure to issue a permit will result in unreasonable economic hardship to the owner.

(g) The owner shall submit at the hearing such information as is relevant and necessary to support his or her application. In any instance where there is a claim of unreasonable economic hardship, the owner shall comply with the requirements of subsections (f) and (g) of section 5 of this act.

(h) If the Mayor finds that an alteration is necessary to allow the construction of a project of special merit, a permit shall not be issued unless the owner demonstrates the ability to complete the project. *(Note: This paragraph was added by D.C. Law 16-185, effective November 16, 2006)*

Section 6a. Major Addition. (D.C. Official Code § 6-1105) [THIS ENTIRE SECTION BELOW IS NEW—IT IS A VERBATIM REPEAT OF THE ALTERATION SECTION ABOVE, BUT WITH THE CHANGES IDENTIFIED]

(a) Before the Mayor may issue a permit to construct a major addition on the site of a building or structure in a conservation district, the Mayor shall review the permit application in accordance with this section and place notice of the application in the *District of Columbia Register*.

(b) Prior to making the finding required by subsection (f) of this section, the Mayor may refer the permit application to the Historic Preservation Review Board for a recommendation, but shall so refer all applications that are not subject to review by the Commission of Fine Arts under the Shipstead-Luce Act (D.C. Official Code, § 6-611.01). The Mayor shall consider any recommendation by the Review Board or by the Commission of Fine Arts pursuant to such referral.

(c) Within 120 days after the Review Board receives the referral pursuant to subsection (b) of this section, the Mayor shall make the finding required by subsection (f) of this section.

(d) If the Review Board recommends against granting the application, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor. If the Commission of Fine Arts recommends against granting the application, the Historic Preservation Office shall notify the applicant of the Commission of Fine Arts' recommendation.

(e) In cases in which a claim of unreasonable economic hardship or special merit is made and in any other case the Mayor deems appropriate or in which the applicant so requests, the Mayor shall hold a public hearing on the permit application.

(f) No permit shall be issued unless the Mayor finds that such issuance is necessary in the public interest or that a failure to issue a permit will result in unreasonable economic hardship to the owner.

(g) The owner shall submit at the hearing such information as is relevant and necessary to support his or her application. In any instance where there is a claim of unreasonable economic hardship, the owner shall comply with the requirements of subsections (f) and (g) of section 5 of this act.

(h) If the Mayor finds that a major addition is necessary to allow the construction of a project of special merit, a permit shall not be issued unless the owner demonstrates the ability to complete the project.

Section 7. Subdivisions. (D.C. Official Code § 6-1106)

(a) Before the Mayor may admit to record any subdivision of an historic landmark or of a property in an historic district, the Mayor shall review the application for admission to record in accordance with this section and place notice of the application in the *District of Columbia Register*.

(b) Prior to making the finding on the application for admission to record required by subsection (e) of this section, the Mayor shall refer the application to the Historic Preservation Review Board for its recommendation.

(c) Within 120 days after the Review Board receives the referral, the Mayor shall, after a public hearing, make the finding required by subsection (e) of this section: Provided, that the Mayor may make such finding without a public hearing in the case of a subdivision of a lot in an historic district or a subdivision that assembles land with the lot of a historic landmark if the Review Board advises the Mayor that such subdivision is consistent with the purposes of this act. *(Note: This paragraph is as amended by D.C. Law 16-185, effective November 16, 2006)*

(d) If the Review Board recommends against granting the application, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor.

(e) No subdivision subject to this act shall be admitted to record unless the Mayor finds that admission to record is necessary in the public interest or that a failure to do so will result in unreasonable economic hardship to the owner.

(f) The owner shall submit at the hearing such information as is relevant and necessary to support his or her application. In any case in which there is a claim of unreasonable economic hardship, the owner shall comply with the requirements of subsections (f) and (g) of section 5 of this act.

(g) In those cases in which the Mayor finds that the subdivision is necessary to allow the construction of a project of special merit, no subdivision shall be permitted to record unless a permit for new construction is issued simultaneously under section 8 of this act and the owner demonstrates the ability to complete the project. *(Note: This paragraph is as amended by D.C. Law 16-185, effective November 16, 2006)*

Section 8. New Construction. (D.C. Official Code § 6-1107)

(a) Before the Mayor may issue a permit to construct a building or structure in an historic district or conservation district, or on the site of an historic landmark, the Mayor shall review the permit application in accordance with this section and shall place notice of the application in the *District of Columbia Register*.

(b) Prior to making the finding on the permit application required by subsection (f) of this section, the Mayor may refer the application to the Historic Preservation Review Board for recommendation, but shall so refer all applications that are not subject to review by the Commission of Fine Arts under the Old Georgetown Act (D.C. Official Code § 6-1201 *et seq*.) or the Shipstead-Luce Act (D.C. Official Code § 6-611.01). The Mayor shall consider any recommendation by the Review Board or by the Commission of Fine Arts pursuant to such referral.

(c) Within 120 days after the Review Board receives the referral, the Mayor shall make the finding required by subsection (f) of this section.

(d) If the Review Board recommends against granting the application, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor. If the Commission of Fine Arts recommends against granting the application, the Historic Preservation Office shall notify the applicant of the Commission of Fine Arts' recommendation. *(Note: The second sentence of this paragraph was added by D.C. Law 16-185, effective November 16, 2006)*

(e) In any case where the Mayor deems appropriate, or in which the applicant so requests, the Mayor shall hold a public hearing on the permit application.

(f) The permit shall be issued unless the Mayor, after due consideration of the zoning laws and regulations of the District of Columbia, finds that the design of the building and the character of the historic district, conservation district, or historic landmark are incompatible; provided, that in any case in which an application is made for the construction of an

additional building or structure on a lot where there is presently a building or structure, the Mayor may deny a construction permit entirely where he or she finds that any additional construction will be incompatible with the character of the historic district or historic landmark. Notwithstanding a finding of incompatibility, the Mayor may find that issuance of the permit is necessary to allow the construction of a project of special merit. *(Note: The last sentence of this paragraph was added by D.C. Law 16-185, effective November 16, 2006)*

Section 9. Preliminary review; conceptual review. (D.C. Official Code § 6-1108)

(a) An applicant may apply to the Mayor for a preliminary review of a project for compliance with the provisions of this act relating to new construction, and to any demolition, alteration or subdivision necessary for such new construction. Upon the provision of such information and upon compliance with such other conditions as the Mayor may require, such application shall be considered by the Mayor without the necessity of the applicant completing other permit requirements not necessary for a finding under this act. Where an application for a preliminary review is received pursuant to this section, the Mayor will determine, in accordance with the procedures and requirements specified in sections 5, 6, 7, and/or 8, as applicable, whether to issue a preliminary finding of compliance with this act; provided, that no permit shall be granted except in accordance with all other permit requirements, and after final review by the Mayor under this act; provided further, that where the final review shows that the project is not consistent with the preliminary review, the application will again be processed in accordance with the procedures and requirements of sections 5, 6, 7, and/or 8, as applicable.

(b) A prospective permit applicant may apply to the Historic Preservation Review Board for conceptual review of a project for compliance with the provisions of this act relating to demolition, alteration, major addition, subdivision, or new construction. After receipt of such information as it may require, the Review Board shall consider the application without requiring the applicant to complete other permit requirements not necessary for its review. To assist in conducting conceptual review, the Review Board may appoint advisory committees composed of two or more Review Board members. *(Note: This paragraph was added by D.C. Law 16-185, effective November 16, 2006)*

(c) The Mayor shall not determine compliance with sections 5, 6, 6a, 7, or 8 based on an application for conceptual review, but the Mayor may consider the Review Board's recommendation on an application for conceptual review as evidence to support a finding on a related application submitted for review under sections 5, 6, 6a, 7, or 8. *(Note: This paragraph was added by D.C. Law 16-185, effective November 16, 2006)*

Section 9a. Conceptual review of public safety facilities. (D.C. Official Code § 6-1108.01) *(Note: This section was added by D.C. Law 15-228 on March 16, 2005).*

(a) For any public safety facility that is a historic landmark, potential historic landmark as determined by the State Historic Preservation Officer, or building or structure within a historic district or conservation district, the Mayor shall conduct conceptual review of a proposed rehabilitation or new construction in accordance with this section and shall place notice of the application for conceptual review in the District of Columbia Register.

(b) Before proceeding beyond conceptual plans for a proposed rehabilitation or new construction, and before making the referral required in section 5(b), 6(b), 7(b), or 8(b), the Mayor shall refer an application for conceptual review of a proposed rehabilitation or new

construction plan to the State Historic Preservation Officer and the Historic Preservation Review Board, and may refer the application to the Commission of Fine Arts for a recommendation.

(c) The State Historic Preservation Officer shall advise the Mayor on how to accommodate the rehabilitation or new construction plan with any historic preservation interests consistent with operational needs of the public safety facility.

(d) (1) The Historic Preservation Review Board shall:
(A) Advise the Mayor on the compatibility of the rehabilitation or new construction plan with the purposes set forth in section 2(b); and
(B) Determine whether to list the property as a historic landmark pursuant to section 4(c).
(2) If the Review Board recommends against granting the application, it shall promptly notify the Mayor in writing of its recommendation and the reasons for it.

(e) Within 120 days after the Mayor refers the application for conceptual review to the Historic Preservation Review Board pursuant to subsection (b) of this section, the Mayor shall make the finding required by subsection (f) of this section. If the Mayor makes no finding within 120 days, the project shall be deemed to be one of special merit as that term is defined in section 3(11), and the affected public safety agency may proceed with the design and permit process, unless the affected public safety agency and the State Historic Preservation Officer agree in writing to an extension of time for the Mayor to make the finding required by subsection (f) of this section.

(f) No permit shall be issued unless the Mayor finds that the issuance of a permit is necessary in the public interest. Upon making a finding, the Mayor shall issue an order defining the nature of the approved conceptual design and specifying any further consultation the Mayor considers appropriate prior to the submission of the application required in section 5(b), 6(b), 7(b), or 8(b).

(g) In a case in which a claim of special merit is made, the Mayor shall hold a public hearing on the conceptual review application. In considering a claim of special merit, substantial rehabilitation or new construction for operational needs of a public safety facility shall constitute a public interest having a significantly higher priority than that of historic preservation. The Mayor may consider increased costs of historic preservation that constitute an excessive financial burden on the operational needs of the facility in deciding whether to issue a permit.

Section 9b. Effect of District undertaking; comment by State Historic Preservation Officer. (D.C. Official Code § 6-1108.02) *(Note: This section was added by D.C. Law 16-185, effective November 16, 2006)*

Before authorizing the expenditure of funds for design or construction or seeking the permit, license, or approval for a District of Columbia undertaking, the Deputy Mayor, head of the subordinate agency, or head of the independent agency with direct jurisdiction over the undertaking shall take into account the effect of that undertaking on any property listed or eligible for listing in the District of Columbia Inventory of Historic Sites and shall consult with and afford the State Historic Preservation Officer a reasonable opportunity to comment on the undertaking.

Section 10. Regulations. (D.C. Official Code § 6-1109)

The Mayor is authorized to issue such regulations as may be necessary or appropriate to carry out his duties under this act. *(Note: This section is as amended by D.C. Law 16-185, effective November 16, 2006)*

Section 10a. Violations. (D.C. Official Code § 6-1109.01) *(Note: This section was added by D.C. Law 16-185, effective November 16, 2006)*

(a) It shall be unlawful for any person to alter, demolish, or construct any building or structure subject to the provisions of this act or to subdivide any property subject to the provisions of this act except in accordance with this act or any rules, regulations, permits, or orders issued pursuant to this act.

(b) It shall be unlawful for any person acting under authority of or pursuant to a building permit or otherwise subject to this act to fail to complete any alteration, repair, construction, or other work required as a condition of any order, permit approval, or enforcement action issued in accordance with this act.

Section 10b. Maintenance of property. (D.C. Official Code § 6-1109.02) *(Note: This section was added as Section 5a by D.C. Law 13-281, effective April 27, 2001, and amended as Section 10b by D.C. Law 16-185, effective November 16, 2006).*

(a) The owner of an historic landmark or a contributing building or structure within an historic district shall comply with all laws and regulations governing the maintenance of real property. The buildings or structures shall be preserved against decay and deterioration and shall be made and kept free from structural defects through prompt corrections of defects such as:

(1) Façade or façade elements that may fall and injure persons or property;
(2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls, or other vertical structural supports;
(3) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration;
(4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
(5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering; or
(6) A fault or defect in the building or structure that renders it structurally unsafe or not properly watertight.

(b) An owner who fails to maintain a building or structure in compliance with this section shall be subject to the remedial procedures of section 10c and the penalties under section 11.

Section 10c. Prevention of demolition by neglect. (D.C. Official Code § 6-1109.03) *(Note: This section was added as Section 5b by D.C. Law 13-281, effective April 27, 2001, and amended as Section 10c by D.C. Law 16-185, effective November 16, 2006).*

(a) If the Mayor determines that an historic landmark or a contributing building or structure within a historic district is threatened by demolition by neglect, upon obtaining an order from the Superior Court of the District of Columbia, the Mayor may:

(1) Require the owner to repair all conditions contributing to demolition by neglect; or

(2) If the owner does not make the required repairs within a reasonable period of time, enter the property and make the repairs necessary to prevent demolition by neglect.

(b) The cost of any work pursuant to subsection (a) of this section shall be charged to the owner and may be levied by the District of Columbia as a special assessment against the real property. The special assessment shall be a lien against the real property.

Section 10d. Annual notice to property owners. (D.C. Official Code § 6-1109.04) *(Note: This section was added by D.C. Law 19-123, effective April 27, 2012).*

Beginning with real property assessments for tax year 2013 and for each real property tax year thereafter, the Mayor shall provide, along with the annual notice of the assessment for the next real property tax year, each owner of real property with a historic landmark designation and each owner of real property located within a historic district or conservation district information on the current law and regulations relating to historic property improvements, including regarding:

(1) Building permits;
(2) Consultation with Advisory Neighborhood Commissions;
(3) Review by the Commission of Fine Arts; and
(4) Any other information that the Mayor determines would be helpful to owners of historic properties.

Section 11. Penalties; remedies; enforcement (D.C. Official Code § 6-1110)

(a) *Criminal penalty.* Any person who willfully violates any provision of this act or of any regulation issued under the authority of this act shall, upon conviction, be fined not more than $1,000 for each day a violation occurs or continues or be imprisoned for not more than 90 days, or both. Any prosecution for violations of this act or of any regulations issued under the authority of this act shall be brought in the name of the District of Columbia in the Superior Court of the District of Columbia by the Office of Attorney General for the District of Columbia. *(Note: This section is as amended by D.C. Law 16-185, effective November 16, 2006)*

(b) *Civil remedy*. Any person who demolishes, alters or constructs a building or structure in violation of sections 5, 6, or 8 of this act shall be required to restore the building or structure and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought in the name of the District of Columbia in the Superior Court of the District of Columbia by the Office of Attorney General for the District of Columbia. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty. *(Note: This section is as amended by D.C. Law 16-185, effective November 16, 2006)*

(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to the Civil Infractions Act of 1985 (D.C. Official Code § 2-1801 *et seq*.). Adjudication of any infraction of this act shall be pursuant to the Civil Infractions Act of 1985 (D.C. Official Code § 2-1801 *et seq*.).

(d) (1) The Historic Preservation Office shall be responsible for enforcement of the provisions of this act.
(2) The Mayor may delegate to the Historic Preservation Office coordinated enforcement of Building Code provisions applicable to preservation of historic landmarks, and

historic districts, and conservation districts pursuant to a written agreement with and under the authority of the Building Code Official.

(Note: This paragraph was added by D.C. Law 16-185, effective November 16, 2006)

(e) An appeal of any enforcement action brought by the Historic Preservation Office shall be heard by the Office of Administrative Hearings. *(Note: This section was added by D.C. Law 16-189, effective March 2, 2007)*

Section 11a. Historic Landmark-District Protection Fund; establishment. (D.C. Official Code§ 6-1110.01) *(Note: This section was added as Section 5c by D.C. Law 13-281, effective April 27, 2001, and amended as Section 11a by D.C. Law 16-185, effective November 16, 2006).*

(a) There is established within the General Fund of the District of Columbia, the Historic Landmark-District Protection Fund ("HLP Fund") as a nonlapsing, revolving fund; the funds of which shall not revert to the General Fund at the end of any fiscal year but shall remain available, without regard to fiscal year limitation pursuant to an act of Congress, for the purpose of paying the costs of repair work necessary to prevent demolition by neglect as described in section 10c or for the costs of carrying out any other historic preservation program consistent with the purposes of and pursuant to this act.

(b) There shall be deposited into the HLP fund:
(1) Such amounts as may be appropriated for the fund;
(2) Grants or donations from any source to the fund or to the District of Columbia for the purposes of the fund;
(3) Interest earned from the deposit or investment of monies of the fund;
(4) Amounts assessed and collected as costs or penalties under this act, or otherwise received to recoup any amounts, incidental expenses, or costs incurred or expended for purposes of the fund, or any sums received pursuant to a resolution or settlement of disputes or enforcement actions under this act where the resolution or settlement provides in writing for such payment;
(5) All other receipts derived from the operation of the fund;
(6) The proceeds from the sale of real or personal property or other items of value from any source donated to the fund or to the District of Columbia for the purposes of the fund; and
(7) All proceeds from the payment of the filing fee and transmittal fees for applications to designate a historic landmark, historic district, or conservation district as set forth at 10 DCMR § C 205.

(Note: Subparagraph (7) was added to this section by D.C. Law 19-21, effective September 14, 2011)

(c) The Mayor shall include in the budget estimates of the District of Columbia for each fiscal year such amount as may be necessary for capitalization of the HLP fund.

Section 11b. Targeted Homeowner Grant Program. (D.C. Official Code§ 6-1110.02) *(Note: This section was added by D.C. Law 16-189, effective March 2, 2007)*

(a) The Mayor may use authorized funds to establish a targeted homeowner grant program to assist homeowners with the rehabilitation of their historic property.

(b) A grant under this program may be used to rehabilitate a structure that contributes to the character of one of the following historic districts:

(1) Anacostia Historic District;
(2) Blagden Alley/Naylor Court Historic District;
(3) Capitol Hill Historic District;
(4) Greater Fourteenth Street Historic District;
(5) Greater U Street Historic District;
(6) LeDroit Park Historic District;
(7) Mount Pleasant Historic District;
(8) Mount Vernon Square Historic District;
(9) Mount Vernon Triangle Historic District;
(10) Shaw Historic District;
(11) Strivers' Section Historic District; or
(12) Takoma Park Historic District.

(c) A grant shall be limited to structural repairs or work on the exterior of a qualified structure.

(d) A grant shall not exceed $25,000; except, that a grant may be a maximum of $35,000 if the structure is located in the Anacostia Historic District.

(e) (1) A grant may be made to a taxpayer, as defined in D.C. Official Code section 47.1801.04(7), who has a household income of 120% or less of the area median income; provided, that:
(A) The grant is for rehabilitation of the taxpayer's principal place of residence or a structure that will be the taxpayer's principal place of residence within 60 days after the rehabilitation is completed;
(B) The taxpayer submits an application showing that the taxpayer meets the applicable household income criteria and is listed on the Office of Tax and Revenue's records as currently receiving the homestead deduction for property taxes, and includes written consent from each person in the applicant's household to disclosure by Office of Tax and Revenue to the Historic Preservation Office of his or her gross income; which disclosure shall be used solely for consideration of grant applications under this section.
(2) The Office of Tax and Revenue shall report the gross income of each of the persons in the taxpayer's household at the time the grant application is made pursuant to subparagraph (B) of paragraph (1) based upon the most recent income tax return of each person to the Historic Preservation Office prior to the award of a grant.

(f) A taxpayer who has a household income of more than 60% but no more than 90% of area median income shall be required to match the grant by contributing a minimum of 25% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 15% for a taxpayer in the Anacostia Historic District.

(g) A taxpayer who has a household income of more than 90% of area median income shall be required to match the grant by contributing a minimum of 50% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 40% for a taxpayer in the Anacostia Historic District.

(h) The Mayor shall:
(1) Approve the scope of rehabilitation work prior to award of a grant;
(2) Ensure that all work is consistent with the purposes of this act and implementing regulations; and.

(3) Award grants and disburse grant funds pursuant to rules and procedures the Mayor shall establish for this purpose.

(i) (1) The taxpayer shall enter into a preservation covenant with the State Historic Preservation Officer against the property on which the structure is located. The covenant shall run with the land and shall require that the rehabilitation improvements be maintained in good repair satisfactory to the State Historic Preservation Officer for 5 years after the date on which the grant is fully disbursed.

(2) If the taxpayer does not maintain the certified rehabilitation improvements in good repair for any period of time covered by the covenant, the Mayor may take any enforcement action authorized under this act and may assess the amount of the grant as a tax on the property, and shall:

(A) Carry the tax on the regular tax rolls; and

(B) Collect the tax in the same manner as real property taxes are collected provided; that a lien shall not be valid as against any bona fide purchaser, or holder of a security interest, mechanic's lien, or other such creditor interested in the property, without notice, until notice by filing the lien in the Recorder of Deeds.

(j) (1) An action may be brought in the name of the District at any time within 3 years after the expiration of 60 days from the date that the tax was assessed to recover the amount of the unpaid tax.

(2) A lien shall be satisfied by payment of the amount of the lien to the State Historic Preservation Officer.

(k) (1) The Mayor shall deposit in the HLP Fund established in section 11a any funds appropriated for the purposes of the Targeted Homeowner Grant Program.

(2) The Mayor may expend up to $1.25 million of appropriated funds for this purpose each fiscal year. Any appropriated funds not expended during a fiscal year shall be used only for the same purpose in subsequent fiscal years.

(3) In each fiscal year, the Mayor may expend up to 5% of the amount of the funds authorized in that year for reasonable administrative costs.

(Note: This paragraph was amended by the Targeted Homeowner Grant Program Funding Amendment Act of 2009 (Title II, Subtitle M, Fiscal Year 2010 Budget Support Act of 2009, D.C. Law 18-111, effective March 3, 2010))

Section 12. Insanitary and Unsafe Buildings. (D.C. Official Code § 6-1111)

(a) Nothing in this act shall interfere with the authority of the Board for the Condemnation of Insanitary Buildings to put a building or structure into sanitary condition or to demolish it pursuant to the provisions of the Act of May 1, 1906 (D.C. Official Code, §§ 5-701 through 5-719); except, that no permit for the demolition of an historic landmark or building or structure in an historic district or conservation district shall be issued to the owner except in accordance with the provisions of this act.

(b) Nothing in this act shall affect the authority of the District of Columbia to secure or remove an unsafe building or structure pursuant to the Act of March 1, 1899 (D.C. Official Code, §§ 5-601 through 5-603).

(c) Except as provided under Subtitle B of Title IV-A of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, nothing in this act shall affect the authority of the Mayor to enclose or demolish a structure under Subtitle B of Title IV-A of

the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 (i.e., Due Process Demolition, Subchapter II of Chapter 31C of Title 42, D.C. Official Code §§ 42-3173.01 through 42-3173.12). *(Note: This section was added by D.C. Law 14-144, effective April 19, 2002, as amended by D.C. Law 14-213, effective October 19, 2002).*

Section 13. Administrative Procedures. (D.C. Official Code § 6-1112)

(a) In any case of demolition, alteration, subdivision, or new construction in which a hearing was held, the Mayor's decision on such application shall not become final until 15 days after issuance. In all applications for which a hearing is held, the Mayor's decision must be issued within 120 days after the hearing record is closed, including the filing of any required post-hearing submissions. *(Note: This subsection was amended by D.C. Law 12-86, effective April 29, 1998, which added the sentence "The hearing by the Review Board upon the filing of an application to designate a historic landmark shall be conducted under the contested case procedures contained in §1-1509. Any final order of the Mayor under this act and any final order of the Review Board regarding the designation of a historic landmark shall be reviewable in the District of Columbia Court of Appeals." D.C. Law 13-172, effective October19, 2000, deleted these sentences, substituted "120 days" for "60 days" and deleted "or the application shall be deemed approved by the Mayor" at the end of the second sentence, which had also been added by D.C. Law 12-86. D.C. Law 13-313, effective June 19, 2001, added "subdivision" and amended D.C. Law 13-172 to provide that its provisions apply only prospectively to hearings held by the Mayor or the HPRB after October 19, 2000).*

(b) All proceedings pursuant to this act shall be conducted in accordance with the applicable provisions of the District of Columbia Administrative Procedure Act (D.C. Official Code, § 2-501 *et seq.*). *(Note: This subsection is as amended by D.C. Law 13-172 on October 19, 2000).*

Section 14. Annual Report. (D.C. Official Code § 6-1113) *(Note: This section is as amended by D.C. Law 16-185, effective November 16, 2006).*

By April 1 of each year, the Mayor shall transmit to the Council a detailed report on the implementation of this act, including:

(1) The number of applications reviewed pursuant to sections 5, 6, 6a, 7, and 8 for historic landmarks and each historic district and conservation district, categorized by type of application;
(2) The number of such applications granted after a public hearing; specifying for each application the nature of the requested permit, the nature of the applicant's claim, whether or not economic hardship was found, whether or not it was found to be in the public interest and on what grounds; and
(3) The financial condition of the HLP fund, including:
    (A) The results of the operations and collections for the preceding fiscal year;
    (B) An accounting of receipts and expenditures;
    (C) Amounts of unrecovered costs, taxes, and penalties;
    (D) The names of delinquent property owners; and
    (E) The nature of corrected building violations.

Section 15. Repealers. (Deleted from the D.C. Official Code)

Regulation No. 73-25 (Delay-in-Demolition) and the Historic Sites Subdivision Amendment of 1976, effective September 2, 1976 (D.C. Law 1-30), are hereby repealed.

Section 16. Severability. (D.C. Official Code § 6-1114)

The sections of this chapter are hereby declared to be severable. In the event that any section of this act or portion thereof is held void or unenforceable for whatever reason, all remaining provisions shall remain in full force and effect.

Section 17. Effective Date. (D.C. Official Code § 6-1115)

This act shall become effective as provided for acts of the Council of the District of Columbia in D.C. Official Code § 1.206.02(c)(1). Notwithstanding any other provision of law, upon the effective date of this act, all pending applications for permits shall be subject to this act and no outstanding permits shall be renewed or reissued except in accordance with the provisions of this act.

Effective March 3, 1979

Amendments:
Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (D.C. Law 6-42, effective October 5, 1985)
Historic Landmark and Historic District Protection Amendment Act of 1990 (D.C. Law 8-232, effective December 27, 1990)
Omnibus Regulatory Reform Amendment Act of 1998 (D.C. Law 12-86, effective April 29, 1998)
Historic Preservation Reorganization and Amendment Act of 2000 (D.C. Law 13-172, effective October 19, 2000)
Technical Amendments Act of 2000 (D.C. Law 13-313, effective June 19, 2001)
Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 (D.C. Law 13-281, effective April 27, 2001)
Housing Act of 2002 (D.C. Law 14-114, effective April 19, 2002)
Technical Amendments Act of 2002 (D.C. Law 14-213, effective October 19, 2002).
Historic Preservation Process for Public Safety Facilities Amendment Act of 2004 (D.C. Law 15-228, effective March 16, 2005)
Historic Preservation Amendment Act of 2006 (D.C. Law 16-185, effective November 16, 2006).
Targeted Historic Preservation Assistance Amendment Act of 2006 (D.C. Law 16-189, effective March 2, 2007)
Targeted Homeowner Grant Program Funding Amendment Act of 2009 (Title II, Subtitle M, Fiscal Year 2010 Budget Support Act of 2009, D.C. Law 18-111, effective March 3, 2010)
Historic Preservation Fee Authorization Clarification Amendment Act of 2011 (Title II, Subtitle B, Fiscal Year 2012 Budget Support Act of 2011, D.C. Law 19-21, effective September 14, 2011)
Historic Property Improvement Notification Amendment Act of 2012 (D.C. Law19-123, effective April 27, 2012)