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

**PROPOSED AMENDMENT TO DCMR TITLE 10A
HISTORIC PRESERVATION REGULATIONS**

Revised Procedures for Historic District Designation

November 20, 2008

The Historic Preservation Office is in the process of drafting proposed amendments to Chapter 2 and Chapter 20 of the Historic Preservation Regulations (DCMR Title 10A). The proposed amendments would revise the procedures for designation of historic districts, in response to recent historic district designation efforts and legislation pending before the D.C. Council.

The proposed regulations are intended to clarify the Board's policies on public involvement in the historic district designation process and to give more structure to the process. They would accomplish the following:

- 1) **Eliminate the alternate method for providing public notice of proposed historic districts with more than 50 property owners.** The alternate method allows a combination of newspaper notice and street placards before the Review Board hearing on a large district. The alternate method has never been used, and would be both less effective and more cumbersome than notice mailed to each property owner. The revision would require HPO to maintain that current practice in all cases.
- 2) **State that property owners may concur in or object to the listing of a proposed historic district in the D.C. Inventory of Historic Sites.** HPO would be required to facilitate the public comment process by including with the hearing notice a form that property owners could return to register their objection to the designation. The form could also be used to register objection to listing in the National Register of Historic Places.
- 3) **Reinforce the Board's policy on public participation and expression of views.** The amendment more clearly states the Board's policy of encouraging public participation in the designation process. This provision supplements existing sections on public participation and the requirement for ANC "great weight" consideration.
- 4) **Make explicit the Board's expectation of broad community support for proposed historic districts.** The amendment makes the Board's longtime policy explicit. The burden of demonstrating community support would be placed on the applicant for designation.
- 5) **Establish a more concrete schedule for consideration of proposed historic districts.** The amendment reinforces the National Register requirement for full access to information

during an official public comment period. Specific actions by HPO and the applicant would be required before the public comment period starts.

- 6) **Require design guidelines customized to each new historic district.** HPO would be required to release draft design and preservation guidelines for a proposed historic district before the public comment period. After a designation, HPRB would adopt the guidelines after further public comment and review.
- 7) **Specify the Board's expectations for public outreach.** The applicant for a proposed historic district would be expected to conduct and document specific outreach activities, including distribution of information and public meetings, before the public comment period starts.
- 8) **Require a tally and report of owner objections to a proposed historic district.** At the end of the public comment period, the SHPO would be required to tally and determine whether a majority of private property owners object to listing the proposed district, according to National Register rules. The Board would be required to report this in its decision.
- 9) **Establish procedures to resolve insufficient support for a historic district.** The amendment would give guidance on means to resolve majority owner objection to a proposed historic district, or a Board finding of insufficient support for the proposal absent majority objection.

The staff will submit the proposed rules to the Board for review in advance of publication in the *D.C. Register* for public comment. After publication in the *Register*, the staff will schedule a hearing for the Board to receive public comment on the proposed rules.