

The following is a compilation of paraphrased questions and answers from the September 14, 2016 historic designation meeting at Washington International School. All answers provided by David Maloney and Kim Williams were reviewed by Kim Williams, an architectural historian and the DC Office of Planning's National Register Coordinator.

Q. Are current zoning regulations and historic designation the only two choices or is there something in the middle that the city can be pushed to enact?

A. Mr. David Maloney said conservation districts are another option, but that those would require legislation from the city council. He added that to-date, the city administrations have not shown any interest in pursuing conservation districts, and his office feels it is “not likely to happen.” Instead, his office tries to make sure that the historic preservation process is as flexible as possible to deal with many different situations.

Q. What do we stand to gain with historic designation? What gets better for us?

A. Mr. Maloney reiterated that he was not there as an advocate for HD. Instead, he pointed out what would change: Applications for building permits would go through a preservation review process to ensure that the proposed work is compatible with the character of the neighborhood.

A. Mr. Eric Langenbacher said the October 13 meeting [since cancelled] would have speakers to address the likely economic benefits and some likely economic disadvantages of historic designation.

Q. What does historic designation do for the value of all the houses in the neighborhood and the speed of the sale of a house in that neighborhood?

A. Ms. Lenore Rubino, speaking from her experience as a Realtor, said that people usually like to live in historic districts because of a certain level of comfort in knowing what the community looks like, and that’s usually why they buy into one to begin with. She said she hadn’t seen anything in historic districts like Cleveland Park, Woodley Park, or Capitol Hill that deters a buyer from buying there.

A. Mr. Langenbacher said he hadn’t seen any research that says historic districts depress housing values.

Q. Could you confirm that no added third floors would be allowed?

A. Mr. Maloney said his office looks “at the circumstances of the individual properties.” He said they have allowed [front] visible additions on some types of buildings (like non-contributing structures) and in some denser downtown neighborhoods with a bigger mix of

building heights. “For a typical Burleith row house,” he said, “no, we would not want you to take the historic façade and just go straight up.” He added that that does not mean his office is restricting the ability to add rooms, because rooms can be added in the back and the structure can go higher in the back if it’s not visible from the street. He said every situation is different and part of it is evaluating the particular circumstances to see what’s compatible. He said it’s not like zoning where there are rigid rules.

A. Ms. Rubino mentioned a few buildings in Burleith that had very large modern additions in the back that were not visible from the front.

Q. Since third-floor additions in the rear have not been allowed in other historic districts when they’re not visible from the front but are visible from the alley, aren’t we at the mercy of the review board? What are the standards for rear additions?

A. Mr. Maloney said that some rear additions have not been allowed, noting that “It’s not cut and dried.” He said that HPO’s website has [guidelines for additions](#) that explain rear addition requirements. Additions should not overwhelm a house and should be subordinate to it, but he said, but that “subordinate” does not always mean smaller, citing large additions in Cleveland Park as examples.

Q. How long does it take to get a permit through the system?

Note: The speaker was talking about a situation in Georgetown, which is not applicable to Burleith.

Q. How do you determine the will of the community?

A. Mr. Maloney said that the Historic Preservation Office doesn’t decide whether an application will be submitted; it’s up to the community to decide. After the application is found to be technically complete, his office schedules a hearing and gives public notice. The Historic Preservation Review Board considers whether the application meets the criteria for historic designation. It is the board’s practice to look for “broad community support,” including the ANC, community organizations, and businesses. He said there is no “magic number” or percentage of homeowners who must agree or disagree. He noted that inadequate support from a community usually does not lead to an application being filed.

Q. Will the community have input in the voting process or will the Board or the HD Committee decide? Will voting include the community at large or just members of the BCA, which doesn’t represent everybody in Burleith?

A. Mr. Langenbacher replied that “The Historic Designation Committee will decide nothing, the Board will decide nothing.” He said there will be a discussion about the voting process at the annual community meeting in November.

Q. For homes that have been altered prior to HD, how are they impacted by future changes? Do you have to return something to its original condition when repairs are needed? If you are replacing windows that weren’t conforming, would you have to go back to the original style or replace them to how they most recently looked?

A. Mr. Maloney said you are not required to restore the home to its original condition, just to its existing condition. However, when you apply for a building permit for something new, that’s when the regulations would apply. For windows, you would be encouraged to make the replacement windows compatible to the character of the structure, but not necessarily to the original standard.

Statement by John Donnelly: Mr. Donnelly said that what is being proposed and considered is a reduction of property rights and urged attendees not to let that occur. He said he was concerned about a lack of continuity about what would be permitted that might result if committees or boards feel one way now but are replaced and/or feel differently later.

A. Mr. Langenbacher conveyed comments others were saying: “What about the property rights of the people next door? They have property rights as well.”

A. Mr. Maloney said it was important for everyone to have basic information and encouraged attendees to use this meeting to understand how the process works, adding that opinions could be argued amongst ourselves at some other time. He referenced the written [design guidelines](#) on HPO’s website that are intended to ensure consistency and a fair and equitable standard and ensure that communities in historic districts can work with his office to have input into what those guidelines say.

Q. Generally speaking, is it not compatible within historic designation guidelines to have an additional floor?

A. Mr. Maloney said that an additional floor that goes straight up in front is generally not compatible in residential properties in historic districts. He said many people want historic districts because they don’t want pop ups. He added, “That’s not to say you couldn’t build higher than the original house if it is set back far enough so that it’s not really visible.”

Q. How are guidelines for a neighborhood established?

A. Ms. Kim Williams, using Meridian Hill as an example, said that once it became apparent that Meridian Hill wanted to pursue HD, the HPO and the community started working on the guidelines. She prepared a draft outline based on the character and history of the buildings in the historic district and presented it, during a lengthy process, at a series of public meetings with community associations and various planning and zoning committees of the neighborhood's four ANCs. She said the community was insistent on some points, and there were certain things on which her office held "hard and fast." Ultimately everyone approved the [design guidelines](#), and they were adopted shortly after HD went into effect. She said there was a lot of back and forth, but not so much that the guidelines became "meaningless." She said "There wouldn't be any point to having a historic district if the guidelines allowed everything."

Q. Can a neighborhood ask to withdraw from historic designation after it has been granted?

A. Mr. Maloney said it hasn't happened and isn't likely to happen. An application would have to be filed to revoke the designation.

Q. What about home values and price trends in DC neighborhoods before and after historic designation, including rental properties? It seems that Burleith is trending upwards in home values in part because of the freedom to do renovations without HD restrictions.

A. Mr. Maloney said he could not answer the question because he is "not a real estate person" and because his office has not done studies of home values generally. He said studies across the country generally indicate that historic districts have a neutral or positive effect on home values. He added that it's more often the case is that the "inherent underlying aesthetics and quality of a neighborhood" are what determine the value.

Q. When your office gets an application, is it your office's assumption that the entire community or a large majority of the entire community is in favor of it? How do you determine it?

A. Mr. Maloney said that his office tells communities that they must do "substantial public outreach" before they submit an application. His office monitors this process to see that this happens. Once the application is received, he said his office understands that there are still opponents who won't change their minds. We don't assume there is "complete support." He said that the preservation law contains no voting test to determine support. The expectation of the process is that there is "broad community support." If the HPRB, as it reviews the merits of the application, sees that 90 percent of the people are opposed, it's not going to happen as "a practical matter." He concluded, "We're not in the business of shoving historic districts down peoples' throats. If communities don't want them, they're not going to get them."

Q. from ANC 2E representative Ed Solomon: When you talk about things visible from the street, you're talking about from the "public space," correct?

A. Mr. Maloney replied that, in Burleith and typical row house communities, it would be primarily the impact from the street.

Q. from Mr. Solomon: What determines where on the street to stand to judge visibility?

A. Mr. Maloney said a "reasonableness" standard is applied. The position on construction is not that "nothing" is visible, but rather that it is reasonable and compatible.

Q. from Mr. Solomon: What about adding rear additions going back? HD wouldn't eliminate the possibility of the "tunnel" effect if neighbors on both sides build additions, would it?

A. Mr. Maloney said that everyone has a zoning envelope covering lot coverage, setbacks, etc. In a historic district, he said, you do not have a "fair expectation" that you have a matter of right in all cases to fill up the zoning envelope. He said they have told people that zoning may allow the addition, but that it's just too big for the character of this historic district, and we would work with them to come up with something generally acceptable. Conversely, he said, they have told neighbors that their neighbors have a right to build a reasonable addition.

Q. What percentage of homeowners in Burleith are BCA members? Has a survey been done of the community or the members?

A. Mr. Langenbacher replied that Burleith consists of about 500 houses, half of which are rentals. About 160 property owners are members. He said that he thinks it is more appropriate to wait for information sessions and discussions to occur before conducting a survey.

Q. If HD takes effect, can you give us examples of things that would be disallowed because they would detract from the architectural cohesiveness?

A. Mr. Maloney and Ms. Williams said tear downs, pop-ups, construction going straight up, roof decks visible from the street, basement entrances, adding vestibules and dormers, removing front porches, towers, and dormers (if part of the original house), and changing the roof line are usually not allowed.

Statement by attendee: He said he did a search of economic studies on the effect of historic designation on property values. He said that not all studies conclude that property values always increase. The overall factor affecting property values are the "overall character of the neighborhood itself." He said values decreased for small houses and increased most in areas

that neighbor historic district zones. Mr. Langenbacher asked for a copy of the research so that it could be posted on the website.