



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
WASHINGTON, D C

Annual Report on DC. Law 2-144 the "Historic Landmark and Historic District Protection Act of 1978"

During the first year of implementation of D.C. Law 2-144, "The Historic Landmark and Historic District Protection Act of 1978" (Act), 647 permit applications for alterations, demolitions, subdivisions and new construction were processed by the Historic Preservation Office. The legislation requires review of such permit applications and issuance of the applications by the Mayor or his delegated Agent if the application is in the public interest as defined by the law or if the denial of such will pose an unreasonable economic hardship to the applicant. The Joint Committee on Landmarks of the National Capital (JCL) and the Commission of Fine Arts (CFA) serve as the review bodies who make recommendations to the Mayor's Agent.

The largest number of permit applications processed were for alterations. Of the 493 processed, 465 were issued in the public interest as defined by Section 2b of the Act. Another five received recommendations of "do not issue" but were withdrawn-by the applicants after receiving the recommendations so that they were never considered at public hearings. Twenty-three other applications were returned to the permits office, largely for the failure of the applicants to supply required information. All of the permit applications received were on structures located in historic districts. None were for individually designated landmarks. Also of the alteration permits approved, three were those for preliminary review.

During the same period 70 new construction permit applications were received, 69 of which were issued because they were in the public interest as defined by Section 2b of the Act. One application is still pending, having received a negative recommendation from the JCL. Five subdivision permit applications were processed and approved by the JCL and the Mayor's Agent for their consistency were the purposes of the Act.

Fourty-two demolition applications were processed, seven of which were eventually withdrawn by the applicants for a variety of reasons. Fifteen of the demolition applications were not subject to the Act because they complied with Section 2.3 of the Rules of Procedure as they were part of the approved redevelopment plans of the Pennsylvania Avenue Development Corporation. Fourteen of the applications received recommendations that advised that they did not contribute to the historic district in accordance with Section 5(c) of the Act.

Another six demolition permit applications were heard at public hearings. The first public hearing considered a demolition application in Georgetown. The Mayor's Agent found that the application was consistent with the purposes of the law as defined by Section 2(b) as the property did not contribute to the historic district. Another public hearing was held on an individually designated landmark, the Old Lansburgh's Furniture Store at 901 F Street, N.W., which is also listed in the National Register of Historic Places. After the hearing the Mayor's Agent found that the applicant had failed to prove that denial of the permit would result in an unreasonable economic hardship. The applicant failed to prove that he could not obtain a reasonable use of the property or that he could not get a reasonable return on his investment. The decision is presently pending appeal in the D.C. Court of Appeals.

Three other demolition applications were among four heard at a public hearing to consider the claim by an applicant that the permits were necessary to construct a project of special merit on Square 224. All of these were individually designated landmarks. Two of the demolition applications, were razing applications, to demolish or to relocate, the Rhodes Tavern. The other demolition application was a partial demolition permit application for the National Metropolitan Bank Building. The Mayor's Agent determined that the project was one of special merit by virtue of the proposed project's exemplary architecture. The decision on this case is also pending appeal in the D.C. Court of Appeals. Another public hearing has been held on the District of Columbia's request for a demolition permit to demolish a designated landmark, the B.P.O. Elks Lodge at 919 H Street, N.W., to construct a project of special merit, the Washington Civic Center. A decision on this case is still pending.

Lastly, under Section 2.5(f) of the Rules of Procedure, 27 applications have been considered for conceptual design review. Under this regulatory provision, no action is required by the Mayor's Agent but allows applicants the opportunity to discuss and seek the advise of the review bodies before applying for the permits.

It should also be noted that while the Act requires a decision by the Mayor's Agent within 120 days of an application's referral to him or her by the Permits Office, most actions on permit applications are made within a one to three week period after their referral. Some applications have been resubmitted several times to the CFA and JCL in order to work out problems and in order to secure those bodies' approvals. Requests by applicants to extend the 120 day time period have been granted.

The first year of the enactment of this legislation has been a difficult one largely because no money was allocated to administer it. Four members of the staff provide the technical support and expertise to both the JCL and the Mayor's Agent. The Historic Preservation Office staff has carried out the increased duties required by the Act, largely at the expense of other legislated duties such as the resource identification required by the 1966 National Historic Preservation Act in the administration of those federal funds. A great amount of time has been taken to establish and implement procedures under the law and to coordinate these procedures with those of other review bodies such as the Board of Zoning Adjustment. For the most part such efforts have been successful. However to be more efficient and to provide the general advice and support really necessary, additional funds should be appropriated to properly staff and implement the law.