



**DC PRESERVATION LEAGUE**

*The mission of the DC Preservation League is to preserve, protect, and enhance the historic and built environment of Washington, DC, through advocacy and education.*

**TESTIMONY OF  
DC PRESERVATION LEAGUE  
before**

**THE COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
VINCENT C. GRAY, COMMITTEE CHAIR**

**on  
FISCAL YEAR 2007 AND FISCAL YEAR 2008 SPENDING  
AND PERFORMANCE BY THE OFFICE OF PLANNING**

John D. Bellingham, FCIQB, FAIC, C.E.  
*President*

**THURSDAY, FEBRUARY 14, 2008  
10:00 A.M.**

John Sandor  
*Vice President*

Good afternoon Chairman Gray and other Councilmembers.

Laura Vowell  
*Treasurer*

My name is Edwin Fountain and I am testifying today on behalf of the DC Preservation League. Since its founding in 1971, the mission of the DC Preservation League and its hundreds of members across the District has been to preserve, protect and enhance our historic resources.

James A. Smailes, P.E.  
*Secretary*

Mr. Chairman, 2007 was a good year for historic preservation in the District of Columbia. Scattered controversies cannot eclipse the tremendous, positive impact that preservation is having. Examples from Anacostia to Columbia Heights, the H Street corridor, and throughout downtown, establish that steady adherence to sound historic preservation policies yields tremendous dividends in terms of quality economic development and community vitality. Many share in the credit for this success including neighborhood leaders and real estate developers, home owners and bankers, architects and builders. Today, though, we focus on the roles played by the Office of Planning and, in particular, its Historic Preservation Office and related agencies.

James Abdo  
Shalom Baranes, FAIA  
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John F. Clark, Esq.  
Jacqueline Corbett  
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Francine Raizes  
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D. Peter Sefton  
Chuck Wagner

Let me start by applauding Mayor Fenty for re-nominating Tersh Boasberg as Chair of the Historic Preservation Review Board, and the Council for confirming him. Mr. Boasberg has been an effective Chair and has worked hard to position the HPRB as a fair and efficient arbiter of historic preservation matters. His job is difficult and we ask that the Council and the administration continue to give him their support.

Rebecca A. Miller  
*Executive Director*

While we are on the subject of the HPRB, we remain concerned about the Mayor's pending nominees. We are enormously appreciative of your decision, Mr. Gray, to insist that community input be a part of the confirmation process. As you know, we and other groups were seeking to meet with the nominees to learn more about them. While we did meet with Joseph Taylor, we have just learned that the other three new

Erik M. Hein  
*Program Coordinator*

nominees – Ms. Bacon, Ms. Casarella-Cunningham, and Ms. Beuhl – have abandoned their previous promise to you to meet with us – apparently at the urging of the Mayor’s Acting General Counsel. The HPRB situation remains unresolved and any assistance you and your staff can provide would be much appreciated.

Based on the limited information we do have about the nominees, though, I can tell you that we are concerned about the loss of architect experience on the Board. The fate of numerous economic development initiatives as well as our historic cityscape rests with the HPRB. The presence on the HPRB of working architects with strong preservation experience is crucial to the Board’s success.

Still on the topic of leadership, we applaud DC Planning Director Harriet Tregoning for naming David Maloney as the District’s new State Historic Preservation Officer. Mr. Maloney is much respected throughout the city. In particular, we want to make sure you are aware of Mr. Maloney’s extraordinary efforts to conduct the HPO’s business in an open and collaborative fashion. This style has diffused more than one preservation controversy. Director Tregoning herself continues to impress us as well.

One final person I would like to single out is Judge Rohulamin Quander. Since 1998, he has served as the Mayor’s Agent for Historic Preservation, presiding over administrative hearings relative to the HPRB. While we do not always agree with Judge Quander’s rulings, no one can dispute his professionalism and the much needed legal skill he has brought to this task. We look forward to Judge Quander’s continued service as the Mayor’s Agent.

On a different note, DCPL would like to thank the Council for the new HPO staff slots it funded in the 2008 OP budget. Mr. Chairman, several important challenges loom on the horizon for the HPO. While it is not clear that HPO has sufficient personnel to meet these challenges *even with these new staff*, it certainly could not meet these challenges without them.

One such challenge relates to the pending re-write of the Zoning Code. As we testified last year, we are concerned about the ability of the HPO to play the role it must in this process. Careful attention by OP and the HPO to the historic preservation elements of this undertaking is a must in the coming months. We also see a need for more coordination between HPO and OP and DDOT neighborhood planners, particularly as it relates to Main Street program areas.

DC government-owned properties present another major challenge. For several years, we have testified that there are significant deficiencies in the management of DC and DCPS-owned historic buildings. This situation has now reached a crisis level, as exemplified by the decision of our organization to list DC-owned properties on our Most Endangered List for 2007. So, how does this relate to OP? In 2006, the Council amended the Historic Landmarks Act to expand the obligation of DC government to consult with HPO before taking actions that affect DC-owned properties listed or eligible for listing on the DC Inventory. Implementation of this law would bolster the currently inadequate efforts of OPM and DCPS.

Unfortunately, implementation of this amendment is seriously lagging. If left uncorrected, this problem will certainly become worse when the full blown school modernization initiative gets

underway. While none of us wants historic preservation to delay school modernization, insufficient attention to these issues needlessly threatens that result. Coordinating historic preservation requirements with the soon-to-be-effective DC green building law will add yet another layer of complexity to HPO's task. We urge the Mayor, OPM, OP, the Office of Public Education Facilities Modernization and other relevant agencies to accelerate their coordination and implementation of the 2006 law and their attention to publicly-owned historic properties.

Inadequate legal support being afforded to the HPRB and the HPO by the OAG is another area of concern. The role-out of the 2006 amendments to the Landmarks Act, as well as other functions, continues to be hampered because these issues are not receiving sufficient attention from the OAG. We have testified about the lack of legal support to the HPRB and the HPO in the past, yet – other than in the context of DCRA enforcement proceedings – have seen little progress. The adequacy of legal support to the HPRB and HPO is an important issue and one which we will be elevating to the top of our agenda in 2008. Greater oversight by the Council on this would be welcomed.

Incentives for preservation is a final area of concern. Both Maryland and Virginia have significantly better incentives programs than the District. DC made some progress in 2006 when it enacted the Historic Homeowners Grant Program in order to help low- and moderate-income homeowners in 12 historic districts pay for rehab work. After a slow roll-out, a significant portion of the dollars you appropriated will finally be flowing into Anacostia – the only district in which the program has so far been implemented. Early results from Anacostia are promising. We urge HPO to enhance its administration of this program and to make funds available in *ALL* eligible historic districts.

**Thank you for the opportunity to comment and for considering seriously DCPL's request for sufficient architect representation on the HPRB, more attention to DC owned historic properties, dedicated legal support to the HPRB and HPO, and accountability for the implementation of the grant program for low-income historic property owners in DC's neighborhood historic districts.**

Edwin L. Fountain  
Past-President, DC Preservation League