

Testimony of Joyce A. Cowan  
District Resident and Homeowner

Council of the District of Columbia  
Committee on Libraries, Parks, Recreation and Planning  
Performance Oversight Hearing  
February 9, 2012

Chairman Wells and Members of the Committee, I am Joyce Cowan appearing before you as a District resident and homeowner. I have lived and worked in the District for almost 30 years. I have lived in the Logan, Dupont/Adams-Morgan, Cleveland Park neighborhoods. I very much appreciate the opportunity to appear before this Committee. I own a house in the Cleveland Park area in Council Member Cheh's ward, and I have recently purchased a house in the Logan Circle neighborhood in Council Member Evans' ward.

I would like to bring to your attention and to your staff's attention concerns with the procedures for review of construction in historic neighborhoods at the District's Historic Preservation Office and how it relates to the mission and work of the Historic Preservation Review Board (HPRB). As you know, the HPRB falls under the District's Office of Planning.

I am speaking on behalf of myself this morning, but I many of my neighbors -- long-term residents and active members of the Logan Circle community -- share these concerns. We support the important mission of the HPRB to protect, preserve, enhance and perpetuate the historic, architectural, cultural and aesthetic heritage of the District. We realize that this mission often requires a balancing act between achieving these goals and the needs and wants of property owners in the historic neighborhoods. The need to strike the right balance is why we believe that the HPRB's mission is not well served by a notice and review process that often does not

provide effective notice to the general community nor to the immediately impacted neighbors. Without effective notice, opportunity for meaningful input is seriously compromised. I believe this is at odds with not only with the mission of the HPRB, but also at odds with the relevant law and regulations. My neighbors and I appreciate that this Committee, the Mayor's Office, the Office of Planning, the HPRB, the staff at the Historic Preservation Office, the members of the Advisory Neighborhood Commission and many others involved in the community support meaningful input. However, I am concerned that, in practice, the current procedures and operations of the Office of Planning and the Historic Preservation Office are thwarting this goal. This is a setback to achieving neighborhood support of the goals of historic preservation.

Of even greater concern to me is that these problems persist even though the challenges of the current notice system and the need for more meaningful input have been recognized for years by the HPRB and the Office of Planning. In many areas, obtaining public input on tough policy issues is quite difficult. I think achieving effective notice of the types of decisions being made by the HPRB or its staff is not difficult. There just has to be a commitment to obtain the input.

I am presenting this testimony to achieve greater oversight of the general process. I would also like to familiarize you with the particular issue that led to my education on this process. I appreciate the time constraints of this forum. Accordingly, I have brought with me printouts of screen shots of the addition that is being built in my neighborhood – the 1400 block of S St. NW. As I think you will see, this is a significant rear addition which will be visible from the public alley. (The relevant HPRB regulations provide that “work” is considered an “alteration” under the law regardless of whether or not the work is visible from public space.)

This addition was approved by the staff of the HPO. The project was not considered by the full HPRB. My neighbors and I believe this was improper. Of course, the important work of the HPRB could not possibly be implemented without review taking place by the dedicated HPO staff, and the regulations contemplate expedited review. However, the regulations limit the categories of work that are appropriate for this staff review (often referred to as “desk” review or approval). In short, the regulations provide that the staff has authority to review certain applications for “minor” work. Members of the HPO and Office of Planning staff have indicated that the staff found this proposal to be within a specific clause of the regulations that permits delegated authority for “[C]onstruction of insignificant or clearly compatible minor additions or alterations.” I believe a common sense interpretation of this language and even a cursory review of the size and nature of the addition makes the point that this was an inappropriate project for staff review and approval. The staff also emphasizes that much staff and HPRB discretion is appropriate in reviewing and approving rear additions that are not visible from the front (the street). I would simply note the current regulations do not make this distinction across the board. HPO guidelines note that the perspective from public alleys is also relevant.

I understand that the HPO, the HPRB and the Office of Planning are in the process of considering revisions to their regulations. I assume this will be a public process pursuant to the appropriate District law and regulations. Until the law or the regulations are revised, I believe that the HPO staff should not substitute its judgment for the work of the HPRB for projects of this size.

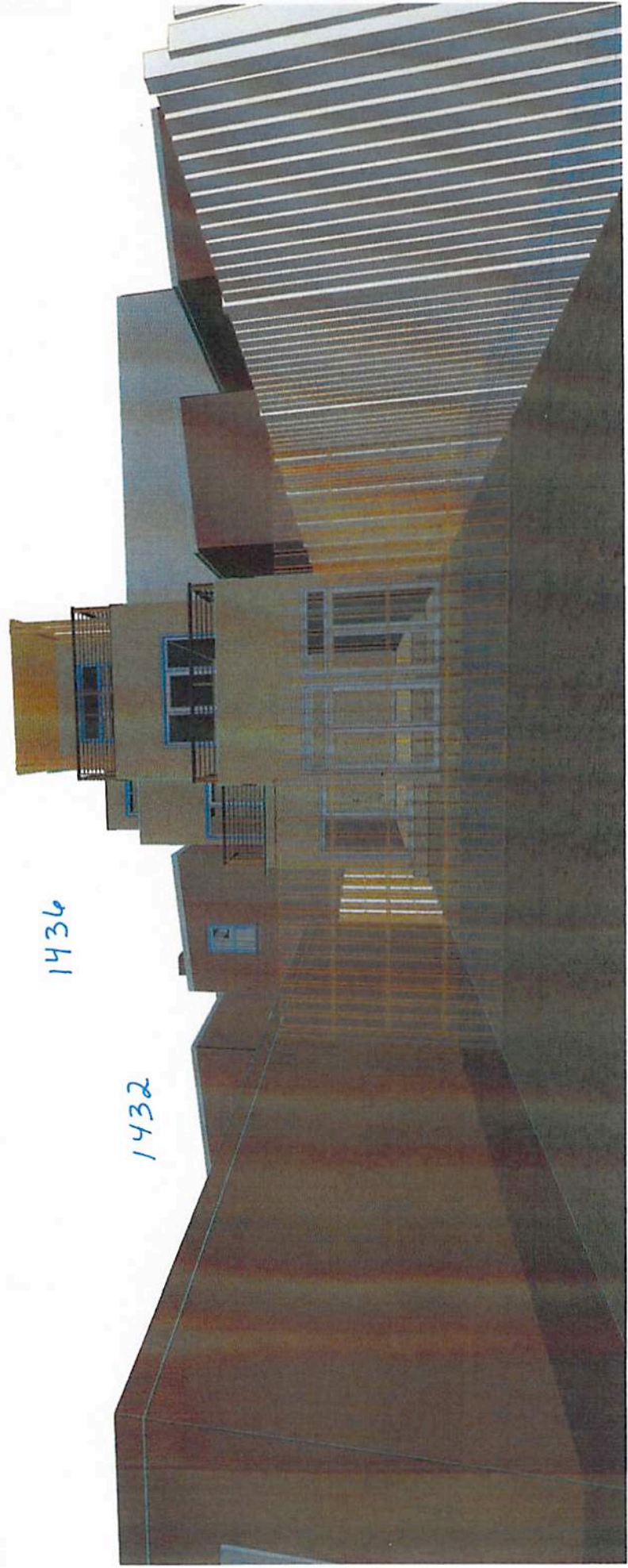
I thank you for your time and consideration, and I am happy to take any questions or to make myself available in the future. My contact information is attached to my handouts.

Joyce A. Cowan

1434 S St NW

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1434 S St NW



1436 S St NW

1438 S St NW

