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COMMISSION FOR
HISTORICAL & ARCHITECTURAL
PRESERVATION

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STAFF REPORT



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REQUEST: Working Session: Conservation Districts

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PROPOSAL

The Commission for Historical and Architectural Preservation (CHAP) is pursuing the creation of a Historic Conservation District program for the City of Baltimore. Over the past several years, the Commission has heard from many community associations that are interested in historic designation that is less stringent in design review requirements than the current local historic district designation, and this is the Commission's proposed solution.

Historic Conservation Districts have a concentration of historically significant structures that together create a unique historic character for neighborhoods that is worthy of preservation for future generations. As proposed, a historic conservation district would protect its historic character through a CHAP-administered design review process for new construction, demolition, and limited types of alterations. This would be *different* from the level of review for local historic districts and Baltimore City Landmarks, where all exterior changes are reviewed and approved by the CHAP Commission or its staff. The proposed design review for conservation districts is *less restrictive* than design review for local historic districts and Baltimore City Landmarks.

The proposed benefits of a Historic Conservation District would be the following:

- Preserve and protect the overall historic character of a district.
- Provide a public forum for community input for new construction, demolition and major alterations.
- Eligibility of properties in conservation districts to apply for historic preservation tax credits.
- Affordable maintenance and rehabilitation costs while preserving historic character.
- Preserve and celebrate the history of ALL Baltimoreans.

Historic Conservation Districts would be created following a similar process for local historic districts. The designation process could follow a process such as the following:

- The establishment of Historic Conservation Districts would be initiated by the community.

- CHAP staff would work with the community on extensive and iterative community outreach effort to gain support from property owners in that area. Once a neighborhood association decided to pursue a conservation district designation, it would write a letter requesting designation to the Mayor and City Council, CHAP Executive Director, and the Director of Planning.
- CHAP staff would work with a community to establish boundaries for each Historic Conservation District and identify the character-defining features of the district that would help guide the creation of conservation district guidelines. Staff would then create a report establishing the historic significance of the area and what specific types of alterations would require review and approval by CHAP.
- The designation process would require two public hearings of the CHAP Commission, which would include at least two mailings to property owners in the conservation district. The first mailing would request that property owners take a survey to voice their support or opposition to a conservation district. Upon approval of the Commission at a public hearing, CHAP staff would work with Mayor and City Council to introduce an ordinance to establish the Historic Conservation District. A Historic Conservation District would only be established if the legislation is approved by the Mayor and City Council.

BACKGROUND

Since 2018, CHAP staff has been researching conservation districts in other cities across the country. Staff created a report that summarized conservation districts in nine cities. This report has been shared with you and has been placed on our website. Some of the “takeaways” from this report are the following:

- In most conservation districts, design guidelines are tailored to each conservation district. The guidelines focus mainly on changes to primary facades. Demolition is also reviewed. Some district’s architectural standards may have very detailed, specific standards that address architectural styles, front porches, cladding materials, roof form, and window styles, materials, etc. Other districts may have only a few broad standards. Residents of some conservation districts wanted to add more guidelines and it looked like the line between a conservation and a preservation district was blurring. In some cities, there are districts that only review demolition.
- All conservation districts are created by ordinance.
- Some conservation districts have a neighborhood conservation plan with design guidelines adopted by the commission and made a part of the comprehensive plan.

Why Conservation Districts

Traditionally, conservation districts throughout the U.S. were created to help preserve neighborhood character for areas that *would not* meet the designation criteria for local historic district designation. CHAP staff believes, however, that this original intent is not applicable

anymore for two reasons. First, since the passage of the 1966 National Historic Preservation Act, significance has been greatly expanded to try and capture the history of all Americans, especially the history of marginalized groups. This effort is illustrated in the work of the Vernacular Architecture Forum, which formed in 1980. It is also captured in the work of Stephanie Meeks, Randall Mason, Max Page, and Erica Avrami to name a few. In short, what was considered to be “not historic” in the 1970s through the 2000s is now considered historic and eligible for listing on the National Register or as local historic districts.

Secondly, in order to capture and celebrate through historic designation, the histories of marginalized people and common or “vernacular” architecture, historic preservationists' view of “historic integrity” has changed. Today, most preservationists see that many structures with incompatible alterations or in states of deterioration still retain their historic character, and that alterations could in fact contribute to the character or significance of a property. This change in historic preservation practice has made historic preservation more relevant and meaningful. Sharp Leadenhall and Sarah Ann Street historic districts are two examples in Baltimore.

Baltimore’s current conservation district proposal is for neighborhoods with historic character that do not have *any* protections. For example, there are 92 historic districts in Baltimore and only 38 of them are local historic districts. That means 54 National Register Historic Districts are not protected by local designation. Moreover, of the many National Register districts with accompanying local designation, the footprints of the National Register designation are larger than those of the accompanying local designation, meaning that these too are not fully protected. More than 90% of the approximately 252 neighborhoods in Baltimore are at least 50 years old or older, meaning that the vast majority of Baltimore City could be eligible for historic designation. Lastly, the City has designated 38 local historic districts since the creation of CHAP in 1964. That equals the designation of one district every one-and-a-half years. At this rate, it would take CHAP over 300 years to designate all the neighborhoods in Baltimore worthy of designation, based on today’s boundaries. Conservation Districts can become another tool to preserve our history and, more importantly, use that history to revitalize our communities.

Equity Analysis of Historic District Conservation Proposal

In Baltimore, local historic district designation is a grassroots process and centrally controlled by stakeholders (i.e. mostly property owners) in neighborhoods. CHAP does not impose historic district designation on neighborhoods but responds to neighborhood requests. Although it is equitable to *not* impose designation on a neighborhood, it is also inequitable that many neighborhoods lack historic preservation tools.

Many neighborhoods do not pursue local historic district designation because of the design review controls that go along with designation. All exterior changes in local historic districts must be reviewed and approved by the CHAP Commission or its staff. These alterations must meet the guidelines in most cases. The main reason neighborhoods do not want the design review controls on their properties is financial. It costs more money and that puts an undue burden on property owners. For example, costs more to replace windows in local historic districts, at least

in the initial expenditure. This financial burden is inequitable, especially to property owners with limited means.

Therefore, CHAP staff believes that a Historic Conservation District program is a tool that will make CHAP's overall program more equitable for the following reasons:

- Allows for more affordable alterations while preserving the character of neighborhoods,
- Allows a process for public input for major alterations, new construction and demolition, and
- Historic Properties in conservation districts would be eligible to apply for the local historic preservation tax credit and potentially the state historic preservation tax credit.

The Department of Planning has an Equity Action Plan to help guide our work. This document identifies four overarching areas of equity which decision-makers should consider when creating policy. These areas are the following:

1. **Structural Equity:** *What historic advantages or disadvantages have affected residents in the given community?*
2. **Procedural Equity:** *How are residents who have been historically excluded from planning processes being authentically included in the planning, implementation, and evaluation of the proposed policy or project?*
3. **Distributional Equity:** *Does the distribution of civic resources and investment explicitly account for potential racially disparate outcomes?*
4. **Transgenerational Equity:** *Does the policy or project result in unfair burdens on future generations?*

The creation of a Conservation District Program seems to address several Equity concerns in the following ways:

Structural Equity: Local historic district seems to not be the appropriate tool to preserve historic character in neighborhoods with many residents on limited means. Conservation districts would allow for protection of the most important aspects of historic character while not imposing a financial burden on property owners.

Procedural Equity: Conservation district designation would allow more neighborhoods to participate in design review for their neighborhoods. It would provide a public forum for neighborhood associations to participate in the redevelopment of their communities.

Distributional Equity: Conservation district designation would allow for more property owners to participate in the tax credit programs as well as design review.

Transgenerational Equity: Conservation districts would help preserve historic buildings for generations to come.

In short, historic preservation tools should be available to all historic neighborhoods in Baltimore City; Conservation districts will expand CHAP preservation efforts greatly.

Initial Response:

CHAP staff has had conversations with many neighborhoods about conservation districts during the last several years. These conversations, though not official, have been overwhelmingly positive. In fact, many neighborhoods have offered to be the first conservation districts. Some of these neighborhoods that we talked to are Oliver, Charles Village, Wyman Park, Coppin Heights CDC, Harlem Park (especially around Lafayette Square), Johnston Square, Old Goucher College, and several more.

Staff has also heard from community organizations and city council members that the creation of conservation districts provides the opportunity for city agencies to collaborate more with each other. Within the conservation district ordinance, we could require that city agencies create strategies that support conservation district designation. Here are some ideas:

- Department of Planning create a strategic plan that accompanies the designation,
- DHCD to provide a strategy to prioritize revitalization in conservation areas, and
- Prioritize DOT improvements in conservation districts

Potential Issues:

- There may be efforts of current local historic districts wanting to become conservation districts. What would be our policy?
- Would having individualized guidelines for each conservation district be unmanageable?
- Staffing and ensuring high-quality service to many more neighborhoods and communities



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