



MEMORANDUM

Subject: Testimony on Council Bill No. ____-2009, Amendments to Title 16, Subtitle 6

To: Lonnie Robbins, Chief Administrative Officer, Department of Administration

Through: Marsha S. McLaughlin, Director, Department of Planning and Zoning

From: Elmina J. Hilsenrath, Executive Secretary, HDC

Date: June 23, 2009

The Department of Planning and Zoning supports Council Bill No. ____-2009, which adds Section 16.603A, Review of Development Plans; amends 16.605 Procedures of the Historic District Commission; and amends Section 16.606, Powers of the Historic District Commission.

Section 16.603A is added to clarify the advisory role of the Commission in the review of development plans. Previously, this role had been described ambiguously under Section 16.605(b)(1), Applications. The proposed language is consistent with current Section 16.606(d)(2), which defines the powers of the Commission.

Section 16.605(b) is amended as follows:

- Former paragraph (1) is removed because it is substantive, stipulating the authority of the Commission, rather than merely describing the required application. Subsequent paragraphs are renumbered.
- Paragraph (1) is amended to clarify that an application is needed for both projects that require a certificate of approval and for projects that are subject to advisory review of development plans.
- Paragraph (3) is amended to change the application deadline from 15 days to 22 days prior to a Commission meeting. Given that meeting agendas must be published a week before the meeting, staff has found one week does not allow sufficient time to review applications and ensure they are complete, prepare the legal notice, make site visits, communicate with applicants about issues, obtain needed supplemental information and prepare staff reports in time to post them on the web site and mail them to Commission members. Often applications are incomplete or site visits reveal issues that pose concerns. Such issues should be discussed with applicants prior to completing staff reports. Absent sufficient time to confer with applicants, staff may need to recommend denial of applications as submitted. As a result, applicants often bring new information to the HDC that staff has never reviewed, which can complicate discussions and choices. Having an extra week for research and coordination with applicants will result in better staff reports, more solid recommendations and greater concurrence between staff and applicants about solutions that meet the guidelines.

Section 16.606(d)(2) and (3) are amended to clarify that advisory review comments apply to development plans for properties in an historic district (local districts only) or sites that contain an

historic structure. The terminology is clarified so that it is consistent among sections of the code. Paragraph (3) is also amended to add a requirement that that revised or resubmitted plans be reviewed by the Commission under certain limited circumstances. The Code currently requires that initial plan submittals be reviewed by the Commission, but is silent on the issue of re-review. In several instances staff and applicants have posed the question of when subsequent review is appropriate. The proposed changes stipulate that subsequent plans be returned to the Commission for review if the applicant submits a revised plan that is inconsistent with the Commission's comments on the previous plan or if the subdivision plan or site development plan expires and an applicant submits a new plan.

The Historic District Commission, at its June 4, 2009 meeting, unanimously approved a motion to endorse the proposed changes to the Code. The Commission deliberated on the proposed changes at public meetings in December 2008, and in January and May 2009.

The amendments are expected to have minimal to no impact on staff workloads or the Department's operating budget.

cc: Jessica Feldmark, Chief of Staff
Jennifer Sager, Legislative Coordinator, Department of Administration
James Vannoy, Assistant County Solicitor
Samantha Stoney, Historic Preservation Planner

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