



Brandon M. Scott
Mayor

COMMISSION FOR
HISTORICAL & ARCHITECTURAL
PRESERVATION

Harry Spikes, Chairman

STAFF REPORT



Chris Ryer
Planning Director

September 10, 2024

REQUEST: Review and Respond to CC Bill 24-0576 Historic Preservation - Conservation Districts - Establishment

RECOMMENDATION: Support

STAFF: Eric Holcomb

PETITIONER: City Council

PROPOSAL

This bill establishes “Conservation districts; providing a study, proposal, and review process; defining certain terms; and providing for a special effective date.” In addition, the Bill makes historic properties in conservation districts eligible for the local historic preservation tax credit.

Introduction

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. 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 CHAP. The proposed design review for conservation districts is *less restrictive* than design review for local historic districts and Baltimore City Landmarks.

CHAP has held several hearings and conducted several studies of conservation districts. The following is a chronological list of studies and hearings:

7/10/2018 – Presentation of Historic Conservation District Regulations: Analysis and Recommendations study

5/11/2018 – Planning Staff Meeting

11/13/2020 – Creation of Historic District and Conservation Table that compares conservation districts and local historic districts

10/23/2023 – CHAP hearing – Working Session. At his working session we heard from many neighborhood associations, several City Council members, and other stakeholders who were all in support of the enabling legislation.

2/13/2024 – CHAP hearing – Briefing Session. At this hearing we had several stakeholders who were all in support of this legislation.

In addition, 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, and several neighborhoods are beginning to organize to pursue becoming a conservation district if this legislation passes. 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, Upper Fells Point, Forest Park and several more.

Proposed Designation Process

This Bill sets up a conservation district designation process that mirrors historic district designation process.

All conservation districts are created by ordinance. An ordinance to create a conservation district must be supported by findings of fact:

- Evidence that the conservation district complies with the requirements for Local Government Certification under the National Historic Preservation Act,
- The Secretary of the Interior’s Standards for Identification and Registration, and
- CHAP’s own Historic Preservation Procedures and Guidelines.

In order to meet the above requirements, CHAP must provide a full and proper study to City Council that includes the following:

- A description of the historic character of a conservation district,
- Historic significance statement of the conservation district (why this district is historically important),
- Application of Criteria for Evaluation. All conservation districts must meet one of the four criteria for evaluation:

The quality of significance in Baltimore history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, public interiors, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of Baltimore history; or
2. That are associated with the lives of persons significant in Baltimore's past; or
3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That have yielded or may be likely to yield information important in Baltimore history or prehistory.

- Chronology of Outreach for Designation Process,
- Analysis of property owner survey asking for support or opposition to the conservation district designation.
- Boundary Analysis and Justification, and
- List of alterations that CHAP will review and approved through the issuance of an Authorization-to-Proceed and sign-off in the permit system.

Benefits of Becoming a Conservation District

- Preserve and protect the overall historic character of a district.
- Provide a public forum for community input for new construction, demolition and significant alterations.
- Historic properties in conservation districts will be eligible to apply for historic preservation tax credits.
- Maintenance and rehabilitation costs will be more affordable.
- Preserve and celebrate the history of ALL Baltimoreans.

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 believes, however, that this original intent is not applicable anymore for two reasons. First, since the passage of the 1966 National Historic Preservation Act, historical 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. Historic integrity is the “ability of a property to convey its historic significance,” or in other words how a property’s physical features relate to a district’s historic significance. 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 designation rate is approximately 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.

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 CHAP 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, it 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 addresses 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, especially the review of demolition, new construction, and large additions.

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, and by doing so help retain value of these properties. All economic analyses of historic preservation show that historic districts retain and increase in value at a rate more than non-designated historic areas.

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

RECOMMENDATION: APPROVE CC Bill 2024-0576

A handwritten signature in black ink, appearing to read "E. S. MLG". The letters are cursive and somewhat stylized.

Eric Holcomb
Executive Director