

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: July 10, 2018

SUBJECT: Report on PR 22-834, “Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2018”

The Committee of the Whole, to which PR 22-834, the “Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2018,” was referred, reports favorably thereon with technical amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On April 17, 2018, PR 22-834, the “Historic Preservation Review Board Marnique Heath Confirmation Approval Resolution of 2018” was introduced by Chairman Mendelson at the request of the Mayor. The purpose of PR 22-834 is to confirm the reappointment of Marnique Heath as a public member of the Historic Preservation Review Board (the “Board”) for a term to expire July 21, 2021. Ms. Heath is a Ward 6 resident.

Ms. Heath received her Bachelor of Science in Architecture from the University of Virginia in 1996, and a Master of Architecture in 1998, also from the University of Virginia. She has been a licensed architect in the District since 2005, and has practiced architecture for 20 years. Ms. Heath has also been a District resident nearly 18 years.

As principal at international design firm STUDIOS Architecture in Washington, DC, Ms. Heath’s work has involved civic and institutional buildings, office space for corporate clients, retail and hospitality, and multifamily residential. Her projects have included the re-positioning of a

landmark office tower at 1717 Arch Street in Philadelphia, PA; a 250,000 square foot advertising headquarters for Bates USA in New York, NY; and the Venable law offices in Washington, DC.

Ms. Heath has set herself apart with regard to sustainable design practices that maintain the historic integrity of buildings. Ms. Heath demonstrated leadership on the renovation of the Headquarters for the American Institute of Architects, a mid-century modern building located directly behind the historic Octagon House. Ms. Heath developed a renovation strategy that did not preclude the building from designation in the future and that was respectful of the Octagon House, which involved presentations to community groups and before the Office of Planning, Zoning Commission, Office of Historic Preservation, and the Commission on Fine Arts. Additionally, the redesign included a strategy for LEED platinum designation and carbon neutrality by the year 2030. Ms. Heath has also led the development of the Association of American Medical Colleges (AAMC), which incorporated four historic buildings that represent the Mount Vernon Triangle neighborhood's original character. Ms. Heath's practical experiences will allow her to continue to make immediate and thoughtful contributions as a Board member.

From 2008 to 2010, Ms. Heath was also a member of the Green Collar Jobs Advisory Council, where she worked on recommendations to the Mayor surrounding development of green collar jobs. From 2014 to 2016, Ms. Heath served on the District's Board of Zoning Adjustment (BZA), and as Chair of the BZA from October 2015 to September 2016. Ms. Heath was appointed to the Historic Preservation Review Board in December 2016, and as Chair of the Board in 2017. At the Committee's June 21, 2018 hearing on PR22-834, Ms. Heath described that "as a member of the Board, my view on historic preservation has been focused on thoughtful interpretation of the historic preservation guidelines while carefully considering the practical and functional aspects of a project." At the hearing, Ms. Heath emphasized her goals as Chair, including educating the community on historic preservation processes and public participation, and continuing to provide the Board with training.

The Historic Preservation Review Board was created by the "Historic Landmark and Historic District Protection Act of 1978" (District Act).¹ This law includes a section declaring the purposes behind the legislation, which include: to protect and enhance landmarks and districts "which represent distinctive elements of the city's cultural, social, economic, political, and architectural history," to in turn "[s]afeguard the city's historic, aesthetic and cultural heritage," in order to foster civic pride in the history of the city, to enhance and perpetuate tourism, to bolster the economy, and to generally promote the use of the District's landmarks and historic districts "for the education, pleasure, and welfare of the people" of the city.²

The Historic Preservation Review Board was created by the "Historic Landmark and Historic District Protection Act of 1978" (District Act).³ This law includes a section declaring the purposes behind the legislation, which include: to protect and enhance landmarks and districts "which represent distinctive elements of the city's cultural, social, economic, political, and architectural history," to in turn "[s]afeguard the city's historic, aesthetic and cultural heritage," in

¹ See Bill 2-367; D.C. Law 2-144 (codified at D.C. Official Code § 6-1101 *et seq.* (2014)).

² D.C. OFFICIAL CODE § 6-1101(a) (2016).

³ See Bill 2-367; D.C. Law 2-144 (codified at D.C. Official Code § 6-1101 *et seq.* (2014)).

order to foster civic pride in the history of the city, to enhance and perpetuate tourism, to bolster the economy, and to generally promote the use of the District’s landmarks and historic districts “for the education, pleasure, and welfare of the people” of the city.⁴

The Board is composed of nine members appointed by the Mayor after confirmation by the Council.⁵ The District Act requires that the Board shall be constituted and its members qualified in order to comply with the requirements for a State Review Board pursuant to the National Historic Preservation Act of 1966 (federal Act) and federal regulations.⁶ The federal Act was enacted in 1966 as a response to the destruction of older buildings and neighborhoods following World War II and to preserve the history and heritage of the nation.⁷ With the federal law, a national framework was established that linked national with local historic preservation efforts, creating historic preservation offices in the states and the District, expanding the National Register of Historic Places to include state and local properties, and making preservation grants available to the states.⁸

Table 1: Membership of the Historic Preservation Review Board

Resolution #	Position	Appointee	Term Expiring:	Residency
PR 22-834	Public Member	Marnique Heath	July 21, 2021	Ward 6
R. 22-397	Architect Member	Thomas G. Brokaw	July 21, 2020	Ward 4
R. 22-416	Historian Member	Sandra Jowers-Barber	July 21, 2020	Ward 4
R. 21-704	Public Member	Outerbridge Horsey	July 21, 2019	Ward 2
R. 21-584	Public Member	Linda Greene	July 21, 2019	Ward 8
R. 20-583	Architect Member	Chris Landis	July 21, 2019	Ward 4
R. 21-445	Archeologist Member	Brian D. Crane	July 21, 2017	Ward 2
R. 21-555	Historian Member	Andrew P. Aurbach	July 21, 2018	Ward 3
R. 21-556	Architectural Historian Member	Gretchen K. Pfaehler	July 21, 2018	Ward 6

The federal regulations for State Review Boards require that all Board members have “demonstrated competence, interest, or knowledge in historic preservation.”⁹ Additionally, a majority of the members must meet the “Secretary of the Interior’s (Historic Preservation) Professional Qualification Standards.”¹⁰ The Secretary’s Standards specify professional qualifications for the disciplines of history, archeology, architectural history, architecture, and historic architecture. The members of the Board subject to the Standards must include, at a minimum, one individual meeting the Standards for history, one meeting the Standards for prehistoric archeology or historic archeology, and one meeting the Standards for architectural

⁴ D.C. OFFICIAL CODE § 6-1101(a) (2016).

⁵ *Id.* § 6-1103(a).

⁶ *Id.*

⁷ *Preserving America’s Historic Places*, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, <http://www.nps.gov/history/40th/> (last visited Mar. 28, 2016).

⁸ See TANYA EDWARDS BEAUCHAMP, FROM GERMANY TO AMERICA: HISTORIC PRESERVATION SOLUTIONS FOR ADOLF CLUSS BUILDINGS 1962-2005 2 (undated), available at: <http://goo.gl/VqxS3s>.

⁹ 36 C.F.R. § 61.4(f)(1) (2016).

¹⁰ *Id.*

history.¹¹ The remaining members of the Board subject to the Standards may represent any of the described disciplines.¹²

Ms. Heath is nominated for appointment as the public member of the Board. As discussed in Table 2 below, there are a number of qualifications required for a Board member specializing in a certain area, but not for public members. The regulations discussed above do require demonstrated competence, interest or knowledge in historic preservation. Ms. Heath meets that requirement given her testified-to experience with historic preservation in development design, as well as her demonstrated interest and dedication to historic preservation.

D.C. Law 21-144 specifies that all appointments to the Board: "...shall be made with a view toward having its membership represent to the greatest practicable extent the composition of the adult population of the District of Columbia with regard to race, sex, geographic distribution and other demographic characteristics."¹³ Each member serves a term of three years, and terms are staggered so that one-third of the appointments expire each year.¹⁴ Ms. Marnique Heath's nomination by the Mayor for appointment is for a term to end July 21, 2021.

The duties of the Board include:

- Advising the Mayor on whether proposed demolitions, alterations, subdivisions, and new construction affecting historic properties in the District are compatible with the Historic Landmark and Historic District Protection Act of 1978 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*);
- Designating and maintaining a current inventory of historic landmarks and historic districts;
- Performing the functions and duties of a State Review Board pursuant to D.C. Law 2-144 and the National Historic Preservation Act (16 U.S.C. 470 *et seq.*);
- Acting on referrals from the Foreign Missions Board of Zoning Adjustment relating to the demolition, alteration, or new construction of foreign missions, chanceries, and international organizations located in historic districts or that are historic landmarks, pursuant to the Foreign Missions Act (22 U.S.C. § 4306); and
- Other functions and duties relating to the "protection, preservation, enhancement and perpetuation of the historic, architectural, cultural and aesthetic heritage" of the District as assigned by the Mayor.¹⁵

¹¹ *Id.* (The regulations state that one person may meet the standards for more than one required discipline. *Id.*).

¹² *Id.*

¹³ D.C. OFFICIAL CODE § 6-1103(b) (2014).

¹⁴ *Id.*

¹⁵ *Id.* § 6-1103(c); D.C. MUN. REGS. title 10C, § 106 (2004).

Table 2: Secretary of the Interior’s Professional Standards for Historic Preservation¹⁶

Discipline	Professional Qualifications
History	<ul style="list-style-type: none"> ▪ Graduate degree in history or closely-related field; or ▪ Bachelor’s degree in history or closely-related field, plus one of the following: <ol style="list-style-type: none"> 1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or 2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.
Archeology	<ul style="list-style-type: none"> ▪ Graduate degree in archeology, anthropology, or closely-related field, plus: <ol style="list-style-type: none"> 1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management; 2. At least four months of supervised field and analytic experience in general North American archeology, and 3. Demonstrated ability to carry research to completion. ▪ For prehistoric archeology, must also have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. ▪ For historic archeology, must also have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.
Architectural History	<ul style="list-style-type: none"> ▪ Graduate degree in architectural history, art history, historic preservation, or closely-related field, with coursework in American architectural history, or ▪ Bachelor’s degree in architectural history, art history, historic preservation or closely-related field, plus one of the following: <ol style="list-style-type: none"> 1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or 2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
Architecture	<ul style="list-style-type: none"> ▪ Professional degree in architecture plus: <ol style="list-style-type: none"> 1. At least two years of full-time experience in architecture; or 2. A state license to practice architecture.
Historic Architecture	<ul style="list-style-type: none"> ▪ Professional degree in architecture, or state license to practice architecture, plus one of the following: <ol style="list-style-type: none"> 1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely- related field; or 2. At least one year of full-time professional experience on historic preservation projects. ▪ Graduate study or experience must include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

Ms. Heath brings to the Board a breadth of experience in architectural design and historic preservation, as well as familiarity with the historic preservation rules and regulations, as demonstrated by her service on the Board. Ms. Heath’s background and dedication to historic preservation will allow her to continue to contribute significantly to the HPRB’s ongoing efforts to preserve the District’s rich history. The Committee recommends the confirmation of Ms.

¹⁶ *Archeology and Historic Preservation: Secretary of the Interior’s Standards and Guidelines [As Amended and Annotated]*, NATIONAL PARK SERVICE, <http://goo.gl/qDMbmn> (last visited Mar. 28, 2016).

Marnique Heath's nomination for reappointment as a public member of the Historic Preservation Review Board.

II. LEGISLATIVE CHRONOLOGY

- April 17, 2018 PR 22-834, "Historic Preservation Review Board Thomas Brokaw Confirmation Resolution of 2018" is introduced by Chairman Mendelson at the request of the Mayor.
- April 27, 2018 Notice of Intent to Act on PR 22-834 is published in the *District of Columbia Register*.
- May 1, 2018 PR 22-834 is officially "read" at the legislative meeting; on this date the referral of the proposed resolution to the Committee of the Whole is official and the 90-day period for Council review begins. If the measure is not acted upon by the Council before October 1, 2018, PR 22-834 will be deemed disapproved.
- June 8, 2017 Notice of a public hearing on PR 22-834 is published in the *Register*.
- June 21, 2018 The Committee of the Whole holds a public hearing on PR 22-834.
- July 10, 2018 The Committee of the Whole marks-up PR 22-834.

III. POSITION OF THE EXECUTIVE

Marnique Heath is the Mayor's nominee for one of nine positions appointed by the Mayor to the Historic Preservation Review Board.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission on PR 22-834.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public roundtable on PR 22-834 on Thursday, June 21, 2018. The testimony summarized below is from that roundtable as it pertains to Ms. Heath's reappointment. Copies of the written testimony are attached to this report.

John Sandor, President, DC Preservation League ("DCPL"), testified in general about Board nominees and expressed concern with filling other available Board positions based on professional qualifications at the expense of meeting the demographic and geological

representation required by the regulations. He stated that currently there are no Board members from Wards 1, 5, and 8. Mr. Sandor also testified on the functions of the Board and shared DCPL's concern that HPRB members are substituting personal criteria for those specified in the law when making designation decisions. He suggested that a possible remedy would be continued Board member training and assigning an attorney to aid the Board when and if legal advice is needed during a hearing.

Sally Berk, Committee of 100 on the Federal City, testified in support of Ms. Heath's nomination. Ms. Berk stated that Ms. Heath is doing a credible job chairing the HPRB. Ms. Berk also expressed concerns with the Board's consideration of owner objection at the expense consistently applying historic preservation criteria.

Nick Sementelli, Public Witness, testified about general concerns relating to the historic preservation review process by the Board. Mr. Sementelli shared his concerns with the Kingman Park historic district designation process, citing to a lack of community engagement and political consensus. He expressed that he worries the same will happen to his Bloomingdale Neighborhood.

Bob Coomber, Commissioner, ANC 7D01, testified about general concerns relating to the historic preservation review process by the Board. Commissioner Coomber spoke about the recent historic district designation of Kingman Park, located within the ANC he represents. He emphasized the lack of public input and transparency throughout the process. Commissioner Coomber concluded by offering suggestions to allow for more resident participation.

Marnique Heath, Nominee, testified and answered questions regarding her background and experience as it pertains to the HPRB, and her interest in continuing to serve on the Board. Ms. Heath summarized her background as an architect and project manager, especially as it pertains to historic preservation and sustainability. Ms. Heath shared that one of the biggest challenges she has experienced since joining the Board "is finding a balance between the interest of applicants, property owners and community members with Historic Preservation regulations." She stated that she plans on continuing to work with the community on what designation means and how they can participate in the process to help alleviate some of the concerns heard from community members residing within recently designated areas. Ms. Heath also emphasized her plans to continue several initiatives to provide the Board with training to make it a more effective body.

The Committee received no testimony or comments in opposition to PR 22-834.

VI. IMPACT ON EXISTING LAW

Nine positions exist on the Historic Preservation Review Board that require Council confirmation. Pursuant to D.C. Official Code § 6-1103(a), the Board shall be constituted and its members qualified in order to meet the requirements for a State Review Board under regulations issued pursuant to the National Historic Preservation Act of 1966. These regulations require all Review Board members to have "demonstrated competence, interest, or knowledge in historic

preservation,” and that a majority of Board members meet the Secretary of the Interior’s Professional Qualification Standards for Historic Preservation.¹⁷ That majority must specifically include at a minimum, one individual meeting the Secretary’s Standards for history, one meeting the Standards for archeology, and one meeting the Standards for architectural history.¹⁸ One member may meet the Standards for more than one of the required disciplines, and the other members required to meet the Standards may represent any of the described disciplines.¹⁹ Thus, five members of the Board must meet the Standards as described above, while the other four members are not so required. As public member, Ms. Heath is required to meet the Secretary’s standards for professional qualifications, which she does (as discussed earlier in this report).

VII. FISCAL IMPACT

PR 22-834 will have no fiscal impact on the District of Columbia budget or financial plan. Pursuant to D.C. Official Code § 1-611.08(c)(2)(h), Historic Preservation Review Board members are compensated for their services at a rate of \$25 per hour, with a cap of \$3,000 per board member per year.²⁰ The compensation for members of the Board is included as part of the annual budget for the Office of Planning.

VIII. SECTION-BY-SECTION ANALYSIS

- | | |
|------------------|---|
| <u>Section 1</u> | States the short title of PR 22-834. |
| <u>Section 2</u> | Confirms the appointment of Marnique Heath as a public member of the Historic Preservation Review Board for a term to expire July 21, 2021. |
| <u>Section 3</u> | Requires that a copy of the resolution, upon adoption, be transmitted to the nominee and to the Office of the Mayor. |
| <u>Section 4</u> | Provides that PR 22-834 shall take effect immediately. |

IX. COMMITTEE ACTION

X. ATTACHMENTS

1. PR 22-834 as introduced

¹⁷ 36 C.F.R. 61.4(f)(1) (2016).

¹⁸ *Id.*

¹⁹ *Id.*

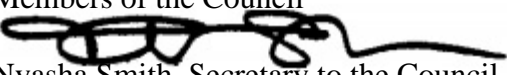
²⁰ In the case when the Chairperson of the Board a public member, that member receives an addition compensation of 20% above the annual \$3,000 cap. *See* D.C. OFFICIAL CODE § 1-611.08.

2. Nominee's response to Committee questions
3. Written testimony and letters in support of nominee
4. Legal sufficiency determination
5. Committee Print for PR 22-834

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : April 18, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, April 17, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2018", PR22-0834

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole. This resolution will be deemed disapproved on Monday, October 1, 2018 without Council action.

Attachment

cc: General Counsel
Budget Director
Legislative Services



2018 APR 17 PM 1:29
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR APR 17 2018

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

In accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01) and pursuant to Mayor's Order 83-119, dated May 6, 1983, and section 4 of the Historic Landmark and Historic Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), I am pleased to nominate the following person for reappointment:

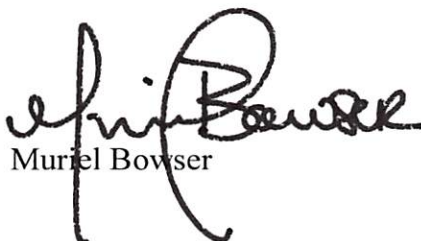
Ms. Marnique Heath
811 4th Street NW Unit #810
Washington, D.C. 20001
(Ward 6)

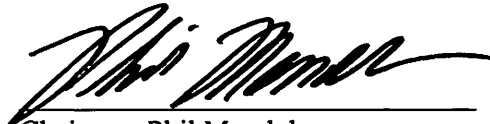
as a member of the Historic Preservation Review Board, for a term to end July 21, 2021.

Enclosed you will find biographical information detailing Ms. Heath's experience, together with a proposed resolution to assist the Council during the confirmation process.

I would appreciate the Council's earliest consideration of this nomination for confirmation. Please do not hesitate to contact me, or Steven Walker, Director, Mayor's Office of Talent and Appointments, should the Council require additional information.

Sincerely,


Muriel Bowser



Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution
which was referred to the Committee on _____.

To confirm the reappointment of Ms. Marnique Heath to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Marnique Heath
811 4th Street NW Unit #810
Washington, D.C. 20001
(Ward 6)

as a public member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.



MARNIQUE HEATH, AIA

PRINCIPAL

Education:
University of Virginia
Master of Architecture, 1998

University of Virginia
Bachelor of Science in Architecture,
1996

Registration:
Architect, Washington, DC
LEED Accredited Professional

Chair, DC Board of Zoning Adjustment

References:
Association of American Medical
Colleges
Mark Wood
202.828.0450

United Nations Foundation
Rick Parnell, COO
202.887.9040

NeighborWorks America:
Tayna Frett
tfrett@nw.org
202.760.4012

With over 15 years of experience at STUDIOS Architecture, Marnique is highly valued for her leadership on complex projects and for her efforts to promote the firm's involvement in sustainable design. Marnique has worked on a variety of project types including civic & institutional, corporate workplace environments, multifamily residential, retail & hospitality, and sustainability research. Recent projects include headquarters for the Association of American Medical Colleges and the United Nations Foundation in Washington, DC, and Janney Montgomery Scott in Philadelphia, PA.

RELEVANT EXPERIENCE

1717 Arch Street, Philadelphia, PA, re-positioning of landmark office tower, including public plaza and main lobby

Airport Plaza I & II, Arlington, VA, masterplan for ADA and condominium upgrades

American Institute of Architects Headquarters, Washington, DC, 180,000 sf carbon neutral association headquarters renovation

Akin Gump, Washington, DC, 300,000 sf in-place law office renovation

Association of American Medical Colleges Headquarters, Washington, DC, 220,000 sf non-profit headquarters

Anacostia Waterfront Corporation Cost Benefit Technical Analysis, Washington, DC, sustainability research and report

Baker Donelson, Jackson, MS, 65,000 sf office relocation, programming, and design

Bates USA, New York, NY, 250,000 sf advertising headquarters

Bond Market Association, Washington, DC, 12,000 sf financial lobby association

Bradley Arant, Birmingham, AL, programming, planning, and design of 90,000 sf law offices

Cafe Asia, Arlington, VA, 2,000 sf restaurant

Carlton Fields, Washington, DC, 30,000 sf law offices

Carlyle Group, Washington, DC, 129,000 sf headquarters renovation

CPA Global, Alexandria, VA, 24,500 sf corporate interiors

The Common App, Arlington, VA, 26,000 sf corporate interiors

Confidential Hotel Renovation Master Plan, Washington, DC, Study for complete renovation of prominent hotel in urban DC

Confidential Tech Client, Washington, DC, 53,000 sf office that merged a Silicon Valley aesthetic with the historic, industrial character of Georgetown

Dewey Ballantine, LLP, Washington, DC, 90,000 sf law offices

Discovery Channel Latin America, Miami, FL, 72,000 sf broadcast facility and headquarters

Drinker Biddle, Multiple Locations, national law firm standards development and implementation including Philadelphia, PA, Florham Park, NJ, Chicago, IL, Los Angeles, CA, Wilmington, DE and Washington, DC

MARNIQUE HEATH, AIA

East of River Community Development Corporation/ Congress Heights School, Washington, DC, masterplan of 34,000 sf mixed-use office building and community cultural center

Forest City Washington Waterfront Station, Washington, DC, public spaces & amenities of new residential development

Goldman Sachs Company, Washington, DC, 18,000 sf government affairs office

Haiti Renewal Alliance, Pro-bono design of orphanage and school

Hampden Lane, Bethesda, MD, 80,000 sf 57 unit residential building

Hunton & Williams, Washington, DC, 150,000 sf law offices

International Brotherhood of Electrical Workers, Washington, DC, 125,000 sf interior office

International Finance Corporation, Washington, DC, 150,000 sf addition to headquarters building

IUE, Washington, DC, strategic programming

LightSquared, Herndon, VA, 110,000 sf satellite technology headquarters office renovation/ expansion

Living Classrooms, Washington, DC, 22,000 sf headquarters and classroom facility

James Gamble Nippert Memorial Lodge, Cincinnati, OH, 12,000 sf historic fraternity house

Janney Montgomery Scott Headquarters, Philadelphia, PA, and New York, NY, 180,000 sf financial services headquarters offices and regional support

JBG Cos. North Bethesda Market II, Rockville, MD 740,000 sf Mixed Use Development and Masterplanning

JM Zell Headquarters, Washington, DC, 10,000 sf real estate offices

Kingman Island, Washington, DC, 18,000 sf net-zero energy environmental education center and island masterplan

MOI, Washington, DC, 10,000 sf furniture showroom and offices

Momentum Marketing, Alexandria, VA, 10,000 sf marketing offices

Morgan Lewis, Washington, DC, 330,000 sf law offices

National Building Museum Visitor Center, Washington, DC, 100,000 sf concepts and master plan

National Geographic Media, Washington, DC, 46,000 sf media offices

National Association of Counties & National League of Cities, Washington, DC, 80,000 sf association headquarters relocation

Neighborworks America, Washington, DC, programming and design for 45,000 sf grassroots financial/housing non-profit organization

Nysmith School for the Gifted, Herndon, VA, 25,000 sf school addition

Plaza West, Chantilly, VA, 1.2 million sf masterplan and schematic design for 51-acre site with 6 buildings

Politico, Arlington, VA, 54,000 sf political journalism organization headquarters

Shearman & Sterling, Washington, DC, 30,000 sf law offices

Steptoe & Johnson, Washington, DC, 240,000 sf in-place law office renovation

Venable, Washington, DC, 250,000 sf law offices

Venture in Faith, Washington, DC, offices

Vox Media, Washington, DC, 12,000 sf programming and strategy for media company

United Nations Foundation, Washington, DC and New York, NY, philanthropic headquarters and offices

Urban Land Institute, Washington, DC, programming and design for 55,000 sf nonprofit education and research institute headquarters

Washington Canal Park, Washington, DC, 3 acre net-zero energy park and cafe pavilion

WHS BRAC 133, Alexandria, VA, 1,100,000 sf, government headquarters consolidation, strategic planning, master planning and space planning



Executive Office of the Mayor - Office of Talent and Appointments
John A. Wilson Building | 1350 Pennsylvania Avenue, Suite 600 | Washington, DC 20004

Marnique Heath



Marnique Heath, member of the American Institute of Architects (A.I.A.), the current Chair of the Historic Preservation Review Board, is a Principal with STUDIO Architecture's Washington, D.C. office.

Ms. Heath oversees an innovative design practice with a diverse client base, including District and Federal government, law practices and financial firms, foreign entities, educational and non-profit institutions, and a myriad of corporations. Ms. Heath is highly valued for her efforts to promote the firm's involvement in sustainable design and for her leadership on complex projects that integrate sustainability across a wide range of design platforms including planning and studies, new buildings, and workplace interiors. She has led the design of living buildings, carbon-neutral retrofits, and LEED certified projects of all levels.

Significantly, Ms. Heath helped develop the Anacostia Waterfront Corporation's sustainable design guidelines and managed the design of several of STUDIOS award-winning projects, including the net-zero energy Kingman Island Environmental Education Center and the Washington Canal Park, which achieved LEED platinum certification. Her passion for sustainable design is apparent in her efforts to create active and healthy corporate workplace environments.

A Ward 6 resident, Ms. Heath received a Bachelor of Science and a Master of Architecture from the University of Virginia.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser



Office of the General Counsel to the Mayor

To: Alana Intrieri, Steve Walker
From: Betsy Cavendish
Date: April 6, 2018
Subject: Legal sufficiency review of Resolution nominating Andrew Aurbach, Brian Crane, Marnique Heath, and Gretchen Pfaehler to the District of Columbia Historic Preservation Review Board.

This is to Certify that this office has reviewed the above-referenced Resolution and found it to be legally unobjectionable. If you have any questions in this regard, please do not hesitate to call me at 202-724-7681.

A handwritten signature in cursive script that reads 'Elizabeth A. Cavendish'.

Elizabeth Cavendish



COUNCIL OF THE DISTRICT OF COLUMBIA
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

Phil Mendelson
Chairman

Office: (202) 724-8032
Fax: (202) 724-8085

June 11, 2018

Ms. Marnique Heath
811 4th Street NW Unit #810
Washington, DC 20001

Dear Ms. Heath:

Congratulations on being nominated for reappointment as a public member to the District of Columbia Historic preservation Review Board (“HPRB”). As you know, the appointment is subject to confirmation by the Council. The Committee of the Whole has scheduled a public hearing on your nomination for **Thursday, June 21, 2018 at 11:00 a.m. (or immediately following the preceding hearing) in Hearing Room 412**. Enclosed is a copy of the hearing notice. It is standard for the Council to submit questions to nominees. I request your response to the following questions no later than close of business Tuesday, June 19, 2018.

1. Please provide a copy of the Financial Disclosure Statement you filed with the Office of Campaign Finance or the Board of Ethics and Government Accountability. If you have not filed a Financial Disclosure Statement, please provide answers to questions 2-8 in lieu of that statement.
2. Please provide the name of each business entity transacting any business with the District Government in which you have a beneficial interest valued in excess of \$5,000, including publicly traded stock.
3. Please provide the name of each business entity transacting any business (including consulting) with the District Government from which you or your immediate family have received (or are receiving) income for services rendered in excess of \$1,000 during the past two years.
4. Please provide the name of each business entity transacting business with the District Government in which you or any member of your immediate family serves as an officer, director, partner, or agent. Also list the position(s) held, a brief description of the entity, and any other pertinent details.
5. Please provide the name of any lender and the amount of liability for each outstanding liability borrowed by you or any member of your immediate family in excess of \$5,000. Do not include loans from a federal or state insured or regulated financial institution, or from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts.
6. Please list the location of all real property located in the District of Columbia in which you have an interest with a fair market value in excess of \$5,000.
7. Please list all professional and occupational licenses held by you.
8. Please list any professional organizations of which you are currently a member.

9. Please list all boards and commissions connected with the District government on which you are or have been a member, and include the term of service for each.
10. Please list any other boards (e.g. Boards of Directors of a non-profit) on which you are a member.
11. Do you have any outstanding liability for taxes, fees, or other payments to the District, federal, or other state or local governments, either contested or uncontested? If so, please provide documentation of attempts to pay the amount owed or to resolve the disputed claim.
12. Do you or any member of your immediate family have any interest, financial or otherwise, that may directly or indirectly pose a conflict of interest for you in performance of your duties as a member of the HPRB?
13. Please describe any local political activity (i.e. the District of Columbia local elections or campaigns) that you have engaged in over the past five years, including campaign contributions to a local candidate or political action committee.
14. Are you registered with any local, state, or federal government to lobby? If so, list the jurisdiction(s) in which you are registered.
15. Why have you agreed to serve for a three-year term? How do you plan to help the HPRB fulfill its role and mission during your time on the HPRB over the next three years?
16. Please discuss any past and present experiences not already mentioned that you believe are relevant to support your appointment as a member of the Board.

At the June 21st hearing, you will be asked to make an opening statement indicating your interest in serving as an archeologist member of the HPRB. The testimony of persons interested in supporting your nomination is helpful but not necessary. Interested parties may call the Committee office to register to testify (202-724-8196) or, alternatively, may submit written comments to the Committee regarding your nomination via letter mail or e-mail (COW@dccouncil.us).

If you have any questions please do not hesitate to call me or Sydney Hawthorne on my staff at (202) 724-7130.

Sincerely,



Phil Mendelson
Chairman

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PM/sh

Response to Council Questions for HPRB Nomination for Marnique Heath

1. In the past year, I filed a financial disclosure statement electronically with BEGA. This satisfies my responses to questions 2-8.
9. I was on the Board of Zoning Adjustment from February 2014 through September 30, 2016. I began my term on the Historic Preservation Review Board in January 2017.
10. I do not serve on any other boards.
11. I do not have any outstanding liability for taxes, fees, or other payments to the District, federal, or other state or local governments.
12. Neither I nor any member of my family has any interest, financial or otherwise, that may directly or indirectly pose a conflict of interest for me in performance of my duties as a member of the HPRB.
13. During the 2014 mayoral election, I participated in a fundraiser for Mayor Bowser and contributed \$2000 to her campaign.
14. I am not registered with any local, state, or federal government to lobby.
15. After serving on the HPRB for about a year and a half, I have just reached the point where I'm feeling more comfortable with the regulations and board procedures. My vision and top priority for the office includes working collaboratively with District agencies and organizations, ANC's and community members, and property owners/applicants to find progressive solutions that prioritize putting historic structures into practical use. I enjoyed my time in service to the District while on the Board of Zoning Adjustment. As an architect who is passionate about historic preservation, I look forward to continuing to dedicate my time in service to the HPRB – a board that deals with architectural and qualitative issues.

FDS Filing Details for 2017

Name: Marnique Heath

Date of Appointment or Employment: 1/2/2017

Final Date of Service:

Position: Board Member, Chair

Agency: Historic Preservation Review Board

Position Held with the District Government During the Prior calendar year (If Not The Same As Above)

Position:

Final Date in Position:

Agency:

Non District Employment/Business

1) Did you have any non-District employment or engage in any outside business during the previous calendar year for which you received compensation of \$200 or more?

Position / Title	Name of Employer	Description of Work	Start Date	End Date	Income Received from Outside Business	Client Name
Principal	STUDIOS Architecture	Principal with architecture and design firm	06/08/1998		\$100,001 - \$250,000	

2) Was your spouse, registered domestic partner, or dependent child(ren) employed by a private entity or did they engage in any business endeavors during the previous calendar year for which they received compensation of \$200 or more?

No

3) Did you serve in any unpaid position (without compensation) as an officer, director, partner, consultant, contractor, volunteer, member or any other fiduciary capacity of a non-government board or other outside entity during the previous calendar year?

No

4) Did your spouse, registered domestic partner, or dependent child(ren) serve in any unpaid position (without compensation) as an officer, director, partner, consultant, contractor, volunteer, member or any other fiduciary capacity of a non-government board or other outside entity during the previous calendar year?

No

5) During the previous calendar year, did you have any agreements with a former or current employer, other than with the District of Columbia, for future payments or benefits (such as separation pay, partnership buyouts, or pension or retirement pay) or for future employment or for a leave of absence?

No

6) During the previous calendar year, did your spouse, registered domestic partner, or dependent child(ren) have any agreements with a former or current employer, other than with the District of Columbia, for future payments or benefits (such as separation pay, partnership buyouts, or pension or retirement pay) or for future employment or for a leave of absence?

No

Securities, Holdings and Investments

7) Did you have a beneficial interest in or hold any security ("security" means stocks (any class), bonds (including savings bonds and tax exempt bonds), stock options, warrants, debentures, obligations, notes (not mortgage notes), mortgages (not on one's home), investment interests in limited partnerships, REITs, and such other evidences of indebtedness and certificates of interest or participation in any profit-sharing agreement as are usually referred to as securities) at the close of the previous calendar year that exceeded in the aggregate \$1,000 or that produced income of \$200 or more?

List each security and/or beneficial interest you held below	Total Value of Beneficial Interests or Securities at the close of 2017
I own stock in my company, STUDIOS Architecture	\$100,001 - \$250,000

8) Did your spouse, registered domestic partner, or dependent child(ren) have a beneficial interest or hold any security ("security" means stocks (any class), bonds (including savings bonds and tax exempt bonds), stock options, warrants, debentures, obligations, notes (not mortgage notes), mortgages (not on one's home), investment interests in limited partnerships, REITs, and such other evidences of indebtedness and certificates of interest or participation in any profit-sharing agreement as are usually referred to as securities) at the close of the previous calendar year that exceeded in the aggregate \$1,000 or that produced income of \$200 or more?

No

9) Did you owe any entity or person (other than a member of your immediate family) \$1,000 or more, (excluding: mortgages on your personal residence, student loans, automobile loans, credit card accounts or other revolving credit, and other loans from a federal or state insured or regulated financial institution), during the previous calendar year?

No

10) Did your spouse, domestic partner or dependent child(ren) owe any entity or person (other than a member of their immediate family) \$1,000 or more, (excluding: mortgages on personal residences, student loans, automobile loans, credit card accounts or other revolving credit, and other loans from a federal or state insured or regulated financial institution), during the previous calendar year?

No

11) Did you have an interest in any real property located in the District during the previous calendar year aside from your primary personal residence, where your interest had a fair market value of more than \$1,000, or where the property produced income of \$200 or more?

Location of Real Property	Purchase or Acquisition Date	Date Sold or Conveyed	Value of Ownership Interest in Real Estate
54 Hawthorne Ct NE	12/03/2001		\$250,001 - \$500,000

12) Did your spouse, domestic partner, or dependent child(ren) have an interest in any real property located in the District during the previous calendar year, aside from their primary personal residence, where their interest had a fair market value of more than \$1,000, or where the property produced income of \$200 or more?

Location of Real Property	Purchase or Acquisition Date	Date Sold or Conveyed	Value of Ownership Interest in Real Estate
811 4th St NW #607	05/05/2008		\$250,001 - \$500,000

Regulated Professions

13) Do you hold any professional or occupational licenses issued by the District of Columbia government (i.e., are you licensed to practice law in the District of Columbia, or are you licensed by the District's Department of Health, the District's Department of Consumer and Regulatory Affairs, the District's Department of Mental Health, the District's Department of Insurance Securities and Banking, the Metropolitan Police Department, the District's Occupational and Professional Licensing Administration, etc.)?

Type of License Issued	Issuing Entity
Architecture	Government of the District of Columbia

14) Does your spouse, domestic partner, or dependent child(ren) hold any professional or occupational licenses issued by the District of Columbia government (i.e., are they licensed to practice law in the District of Columbia, or are they licensed by the District's Department of Health, the District's Department of Consumer and Regulatory Affairs, the District's Department of Mental Health, the District's Department of Insurance Securities and Banking, the Metropolitan Police Department, or the District's Occupational and Professional Licensing Administration, etc.)?

No

Gifts

15) Did you receive any gift(s) (Gift is defined as a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is received) from any person that has or is seeking to do business with the District, conducts operations or activities that are regulated by the District, or has an interest that may be favorably affected by the performance or nonperformance of your duties in the total amount or with a total value of \$100 or more during the previous calendar year?

No

Additional Comments

Supporting Documents

I certify that I have:

- Not caused title to property to be placed in another person or entity for the purpose of avoiding the disclosure requirements on the preceding form;
- Filed and paid my income and property taxes;
- Diligently safeguarded the assets of the taxpayers and the District;
- Reported known illegal activity, including attempted bribes, to the appropriate authorities;
- Not been offered or accepted any bribes;
- Not directly or indirectly received government funds through illegal or improper means;
- Not raised or received funds in violation of federal or District law; and
- Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that my official actions or judgment or vote would be influenced.

Additional Comments



June 21, 2018

The Honorable Phil Mendelson
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington, DC 20004

Chairman Mendelson and Council Members:

The DC Preservation League (DCPL), Washington's citywide nonprofit advocate dedicated to the preservation and protection of the city's historic built environment would like to offer the following comments regarding the Historic Preservation Review Board (HPRB) today. The focus of our comments today are on the general makeup and performance of the HPRB and its functioning under the Historic Landmark and Historic District Protection Act of 1978 (DC Law 2-144) and its associated regulations.

Nominees:

Two sets of regulations govern the make-up of the HPRB: one at the federal level mandating certain professional qualifications be represented to allow participation in the National Register programs and qualify for federal grant money, and the other at the city level requiring representation of the composition of the adult population of the District of Columbia with regard to race, sex, geographic distribution and other demographic characteristics, to be met with members who only need have a "demonstrated interest in historic preservation."

While it would be acceptable to have multiple board member representing each of the professional positions of Architectural Historian, Architect, Historian and both historic and prehistoric Archaeologist that would be impracticable to achieve while meeting the city requirements for demographic representation and geographic distribution. As we have advocated in the past, having more than one position filled by an architect can facilitate the HPRB's design review function that is so large a part of what they do, but we question filling other available positions based on professional qualifications at the expense meeting the demographic and geographical representation required by our city regulation. At present there are no members of the Board from Wards 1, 5 and 7. We ask you to encourage the mayor to put forth nominees who could broaden the representation of the Board.

Function of the Board:

The implementing regulations for the D.C. historic preservation law (Title 10-C of the D.C. Municipal Regulations) describe, among other things, the procedures for "Designation of Historic

Landmarks and Districts.” The regulations discuss eligible applicants, noticing, public comments and the process for the designation hearing. They also lay out the legal criteria for designation in both the DC Inventory and the National Register.

DCPL is concerned that statements by HPRB members suggest that some are substituting personal criteria for those specified in the law when making designation decisions, which could invite legal challenges to those designations. Moreover, DCPL's Executive Director recently participated in a panel discussion at the American Institute of Architects where an informed discussion about the HPRB revealed considerable concern about inconsistency in its rulings more generally.

Having fair and consistent hearings is a necessary tool to encourage investment in our historic neighborhoods and downtown core that not only results in the preservation and adaptive reuse of these irreplaceable resources, but ultimately produces tremendous financial benefits to the city.

Whether professional or citizen, all members of the Historic Preservation Review Board are required to have demonstrated competence, interest or knowledge in historic preservation. They should also be expected to be knowledgeable about the purposes of the DC preservation act and the content of its associated regulations. Training in the applicable legal standards should be offered as needed, particularly when new members join the HPRB. In addition, if legal advice is needed during the hearings, the Office of Planning now has an attorney on staff who could provide such assistance.

We encourage you to take advantage of the opportunity afforded when existing members of the HPRB are being re-nominated to confirm their understanding of the criteria established in law as the basis for their decisions and their willingness to follow the law in their actions.

Historic preservation has a tremendous positive economic and social impact on our city. Residents and others who invest in the city deserve to have a well-functioning, fair board that is well versed in its responsibilities under the historic preservation law.

Thank you for your time and consideration of our concerns.

John Sandor, President
Board of Trustees
DC Preservation League

Nick Sementelli
1644 North Capitol St NW
Washington, DC 20002

Testimony before the Council of the District of Columbia Committee of the Whole
on
PR 22-834, Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2018
PR 22-835, Historic Preservation Review Board Brian Crane Confirmation Resolution of 2018
PR 22-836, Historic Preservation Review Board Andrew Aurbach Confirmation Resolution of 2018
&
PR 22-837, Historic Preservation Review Board Gretchen Pfaehler Confirmation Resolution of 2018
on
Thursday, June 21, 2018
11:00 a.m.
Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Members of the Council,

Good morning. My name is Nick Sementelli. I'm a Bloomingdale resident and I chose to testify today because I have been actively involved in my neighborhood's conversation about whether to become a historic district.

As part of that involvement, I have paid close attention to the designation of Kingman Park, and after watching what happened in those hearings, I have serious concerns about the ability of most of the current board to properly fill these roles, including Commissioners Heath, Crane and Pfaehler,

I specifically am leaving Commissioner Aurbach off that list because he was the lone member of the board who, in my opinion, properly identified what happened in the Kingman Park proceedings – namely that the process this board used to weigh community opinion was broken. Specifically, Commissioner Aurbach identified two precedents that have been lost:

1. That it's the role of the applicants is to engage the community and build political consensus, and that applicants that have not succeeded in this work should be held to a critical standard.

and

2. That "traditionally this board did not approve landmark applications unless the property owner was on board with the landmark. And over the course of my tenure on this board, that's changed. So, I feel like adopting a historic district when a significant percentage of property owners appear...to be opposed to it, to me feels like not the right thing to do." (Aurbach, May 3rd HPRB Hearing)

I'll go a step further. It's not only that the commissioners approved the district over opposition. It's that they failed to even engage with that opposition in a good faith way. It appears to be a cardinal rule of the HPRB that there are no downsides or tradeoffs to historic districts. The entirety of the conversation about opposing views in Kingman Park was misleadingly and condescendingly framed as a simple matter of misinformation. Opponents were hand-waived away as innocently naive at best and maliciously mendacious at worst.

I oppose the proposed historic district in my neighborhood, and I can assure you that neither I nor my 99 neighbors who signed our petition opposing designation are naive about this subject. Our neighborhood has been talking about this for almost 5 years with numerous information sessions, meetings, flyerings and votes.

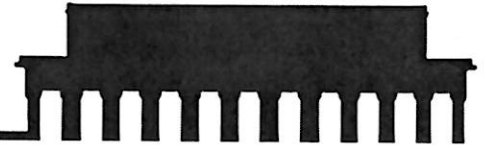
For example, I am aware that designation only impacts the exterior, I know it won't affect what color I can paint my door, I know it doesn't mean a blanket ban on solar panels, I know 95% of permits get approved on the spot, I know about the price-stabilization studies, I'm familiar with the Historic Homeowner Grant program, and I know that the 2008 Washington Post article about the wheelchair ramp was not a representative example of a typical historic review.

But I also know about the other studies showing historic districts raise prices, I know that some houses on corner lots fail the stick test in every case, I know the grant program only serves about 20 residents a year and I know people who have had expensive, nightmare experiences with arbitrary HPO review decisions.

So, my opposition is not based in misinformation. I'm not in need of a remedial ANC meeting or an HPRB task force to point me to the website's FAQ. I have the information, I'm simply coming to a different conclusion about how to apply it to the cost-benefit analysis at the heart of this decision.

Is it really too much to expect the same informed, balanced review from HPRB? Is our only option a systematic gaslighting of anyone who believes there are tradeoffs here?

What's the point of our neighborhood's last 5 years of effort if they're ultimately going to be ignored when they don't fit a pre-determined outcome? Based on the evidence, HPRB should cut the community input charade and save us all the time.



PHIL MENDELSON, CHAIRMAN

COMMITTEE OF THE WHOLE

PUBLIC ROUNDTABLE

2018 June 21

Founded 1923

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Vice-Chair

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Evelyn Wrin

945 G Street, N.W.

Washington, D.C. 20001

202.681.0225

info@committeeof100.net

PR 22-834, Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2018

PR 22-835, Historic Preservation Review Board Brian Crane Confirmation Resolution of 2018

PR 22-836, Historic Preservation Review Board Andrew Aurbach Confirmation Resolution of 2018

PR 22-837, Historic Preservation Review Board Gretchen Pfaehler Confirmation Resolution of 2018

Chairman Mendelson,

My name is Sally Berk. I'm testifying on behalf of the Committee of 100 on the Federal City, a planning and preservation advocacy organization. The Committee is concerned that a few HPRB members are making decisions based on irrelevant personal preferences, rather than decisions based on the criteria mandated by federal and DC laws and regulations; specifically in regard to landmark nominations.

DC's preservation ordinance is a direct result of the National Historic Preservation Act of 1966, which was enacted to acknowledge the importance of protecting our nation's heritage from rampant development. It mandated that local governments are to identify and save significant historic sites. These local designations do not require owner approval because they have been viewed to be within the city's regulatory power -- like a zoning ordinance or other land use program. A property owner can't oppose the zoning in which he is located, for example, or whether his property is in a flood plain.

The criteria is not whether there is owner objection, nor whether a certain cultural group thinks the site is important or not, but whether the property meets the criteria for significance. Once a reviewing body votes subjectively, consistency is lost, as is fair and equitable evaluation of the property.

We've heard it stated that perhaps this lack of consistency is the result of insufficient training for the HPRB members. I'm not sure this is, in fact, the reason that a few HPRB members are considering owner objection when they vote on landmark nominations. It may simply be that they choose to ignore the legal criteria and establish their own, instead.

Regarding the reappointments that are before you today:

Brian Crane has stated that he understands that owner objection is not a criterion by which he can determine if a property should be designated. We anticipate that he will implement this consistently.

Marnique Heath is doing a credible job chairing HPRB. In actuality, she is required to chair two different hearing types. One is to review proposed new construction, as well alterations to existing sites, that entail historic property. The other is to consider landmark nominations. This is not an easy job but she manages it with an even hand.

Regarding Gretchen Pfaehler, I've had years in which to observe her at HPRB hearings and have concluded that she is a great asset to preservation in our city. As you know, she is an architect. When she reviews projects for their compatibility, her comments always improve the project. When she votes on a landmark nomination, she is bound by the criteria. We look forward to her continuance on the board.

Thank you for this opportunity to comment.

COMMITTEE OF THE WHOLE PUBLIC ROUNDTABLE

Thursday, 6/21/2018; 11:00am

Room 412; John A. Wilson Building

Testimony of Bob Coomber, ANC 7D01

Thank you for hearing my testimony today. I very much appreciate the opportunity to discuss the historic preservation review process by the Board and HPO to approve historic districts.

I say “approve” historic districts because that is what the Board does. The Board does not reject historic districts. I asked a 20 year veteran at HPO if the Board had ever rejected an historic district and she told me, “not that I know of.” Under the current historic designation criteria, literally any District property could be determined to be historic. As a result, over 20% of the properties in DC are under historic designation. Which begs the question, “what isn’t historic in DC?”

The total number of historic properties in DC equal the number of historic properties in Boston, Chicago, and Philadelphia combined, and those are three cities with significant histories. And this might be fine, if everyone wanted an historic district. But not all of us do. There are legitimate reasons to oppose historic districts – dozens of studies show¹ that maintaining homes in historic districts is more expensive than those outside, and cities regularly use historic districts to boost their tax base. We might rather not have the extra expenses as a neighborhood.

My neighborhood didn’t. Yet, a defunct neighborhood organization that hasn’t met in years, doesn’t have legitimate bylaws, had banned a half a dozen residents for 99 years from participating in the organization – including myself – applied for designation in Kingman Park. HPO told us the quality of the application was substandard, the application didn’t make sense, and so the application would not be approved. This is what happened in Chevy Chase when those residents opposed an historic District, Barney Circle, Brookland, and Northern Capitol Hill when those communities opposed historic districts. In those cases, HPO would not let those historic district applications through the process.

In Chevy Chase, HPO told the Washington Post, “‘it doesn't take a rocket scientist to know that it has a good chance of meeting the designation criteria. The sense I get is that most people are not contesting that,’ Maloney said. ‘They agree it's a wonderful suburb. What they are contesting is whether it's something they want to deal with in their daily lives. And that is an issue for us.’”

Well, apparently it’s no longer an issue, because that was not the case for Kingman Park. For us, even though over 70% of residents’ comments supplied to the HPRB opposed the historic district, the district went forward and Kingman Park residents’ opinions were ignored. When testifying about a poll we conducted and the broad opposition demonstrated in the comments to HPRB, Board members asked why I hadn’t done a second poll. When I said I was willing to do a second poll, the Board then decided that a second poll was not needed, and ended up approving the district despite our neighborhood’s overwhelming opposition, and even expanded the boundaries of the historic district to blocks that had nothing to do with the initial purpose of the historic district, and went against the suggestion of HPO. One Board member even tried to include a church built in 1999 into the district.

It was clear from our neighborhood's involvement in the historic designation process that there is no clear historic designation process. Anyone claiming to be a civic organization can file an application for historic designation, even if it's just a couple people who don't even have meetings. We were told the applicant had to hold public meetings. They held zero (though they attended ANC meetings). We were told historic designations would not be approved unless there was overwhelming community support, then it was broad support, then HPRB weighed peoples' opinions from other states, as far afield as Texas and Arizona, over the will of Kingman Park residents.

Meanwhile, our legitimate civic organization discussed this issue in several meetings over more than a year, including a panel discussion hosted by WAMU's Martin Austermuhle, HPO, developers, and preservationists. We thought about this long and hard as a community, and we didn't want it. Yet the Board rammed it through anyway, even expanding the district without explanation at the last minute over HPO's objections.

I ask that the Council consider democratic safeguards for historic districts going forward. Let residents vote when these issues arise. Let's be more cautious about historic districts. Not every gas station, strip mall, and power substation need be preserved. There are better ways to preserve social history than freezing residents' homes in amber, especially when that history is not reflected in the architecture of the neighborhood, as was the case in Kingman Park. We have so little say as District residents, don't let unelected Boards with no restraint make such significant decisions about our homes. Let the people decide.

ⁱ Additional information on historic districts and affordability:

- Cities and neighborhoods actively seek historic designations to augment their property tax base:
 - Travel Industry Association of America, Profile of Travelers Who Participate in Historic and Cultural Activities, Results from the TravelScope E Survey, 1997.
 - Listoken, D. and M.L. Lahr, Economic Impacts of Historic Preservation, Research prepared for the New Jersey Historic Trust, 1997.
 - Winson-Geideman, K., D. Jourdan, and S. Gao, Preserving Whose Neighborhood? The Effects of Adaptive Reuse by the Savannah College of Art & Design on Property Value and Community Change in Savannah, Georgia, commissioned by the Lincoln Institute for Land Policy, 2007.
- Finding that historically designated property sale prices to be 16% higher than similar, non-designated properties. Found amount to be greater than the capitalized tax benefit, implying value in the designation.
 - Narwold, A, S. Jonathan, and C. Tu, Historic Designation and Residential Property Values, International Real Estate Review, 2008, 11, 1, 83-95.
- Renovation expenditures contributed significantly to higher property assessments, the impact of the increase was .33 for each dollar spent.
 - Cyrenne, P., R. Fenton, and J. Warbanski, Historic Buildings and Rehabilitation Expenditures: A Panel Data Approach, Journal of Real Estate Research, 2006, 28, 4, 350-379.
- Properties within historic districts typically sell at a premium
 - Coulson, N.B. and R.M. Leichenko, The Internal and External Impact of Historical Designation on Property Values, Journal of Real Estate Finance and Economics, 2001, 23, 113-24.
 - Clark, D.E. and W.E. Herrin, Historical Preservation and Home Sale Prices: Evidence from the Sacramento Housing Market, The Review of Regional Studies, 1997, 27, 29-48.
 - Asabere, P.K., G. Hachey and S. Grubaugh, Architecture, Historic Zoning, and the Value of Homes, Journal of Real Estate Finance and Economics, 1989, 2, 181-195.
 - Ford, D., The Effect of Historic District Designation on Single-Family Home Prices. Journal of the American Real Estate and Urban Economics Association, 1989, 17, 353-362.

**Testimony of Marnique Y. Heath
Regarding Reappointment to Historic Preservation Review Board
Before the District of Columbia Council,
Committee of the Whole
John A. Wilson Building
Pennsylvania Avenue NW – Room 412
Washington, DC 20004
Thursday, June 21, 2018 at 11:00am**

Chairman Mendelson and Members of the Council, I am Marnique Heath and I thank you for holding this hearing today. I wish to thank Mayor Bowser for nominating me for reappointment to the Historic Preservation Review Board and the Council for its timely consideration of my reappointment to this very important position.

I am a resident of Ward-6 in Northwest D.C. and have been a District resident for about 18 years. I have been practicing architecture for 20 years, and I hold an architectural license in the District. I am a Principal in the Washington, DC office of STUDIOS Architecture, an international design firm specializing in workplace, civic and institutional and mixed-use projects. At STUDIOS, I oversee an innovative design practice with a diverse client base, including the District and Federal government, law practices and financial firms, foreign entities, educational and non-profit institutions, and a myriad of corporations.

During my 20 years at STUDIOS, my practice has involved leadership on complex projects that integrate sustainability and historic preservation. I first became interested in historic preservation while working on the

renovation of the Headquarters for the American Institute of Architects (AIA) – a modern era building designed in the 1970's and sited directly behind the historic Octagon House. While the AIA Headquarters is not designated as historic, we were charged with developing a renovation strategy that did not preclude the building from designation in the future and that was respectful of the Octagon House. Due to the level of innovation proposed, the design process involved numerous presentations to community groups and District agencies including the Commission on Fine Arts, Office of Planning, Office of Historic Preservation, and the Zoning Commission. The redesign of the mid-century modern building outlined a strategy for the headquarters to achieve a LEED-platinum designation and carbon neutrality by the year 2030. The project was also positioned to be a national demonstration project to show how a sustainable design approach can be applied to existing “energy hog” office buildings.

In addition to my years of experience and leadership on projects involving historic preservation, I am also uniquely qualified to serve on the HPRB due to my years of service on the Board of Zoning Adjustment (BZA) in DC. I began my service as a member of the BZA in February 2014 and, from October 2015 to September 2016 (the conclusion of my term), I served as Chair of the Board. During my time as Board Chair of the BZA, I experienced first hand the importance of an open dialogue among all stakeholders in order to achieve practical and reasonable solutions that are in the best interest of the community and the District.

I've found that experience to be quite valuable during my tenure as Chair of HPRB.

As a member of the Board, my view on historic preservation has been focused on thoughtful interpretation of the historic preservation design guidelines while carefully considering the practical and functional aspects of a project. My first term was only 18 months which was just enough time to become comfortable with the regulations and procedures of the Board.

One of the biggest challenges that I've experienced since joining the Board is finding a balance between the interest of applicants, property owners and community members with Historic Preservation regulations – particularly with respect to some of our recent landmark and historic district designation cases. During my next term, I intend to work with the Historic Preservation Office to help educate the community on what designation means and how they can participate in the process in order to help alleviate some of the concerns that we've heard from community members who reside within areas recently designated.

I'm also currently working with the Historic Preservation office on several initiatives to provide the Board with training to make us a more effective body. To this end we've added an Executive Session to our agenda each month where HPO staff and Board members can discuss some of the complexities of certain cases to better prepare the Board for

hearings. We are also organizing neighborhood tours and half-day training sessions to take place this fall.

I look forward to continuing to work collaboratively with the Office of Planning, Office of Historic Preservation, DC Preservation League, Historical Society of DC, local ANCs, and other District stakeholders to advance the preservation, sustainability and thoughtful development of our neighborhoods and communities.

Mr. Chairman and Council members, I thank you for your time and request that you confirm my reappointment to the Historic Preservation Review Board.

1 **COMMITTEE PRINT**
2 Committee of the Whole
3 July 10, 2018
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8 **A PROPOSED RESOLUTION**
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11 22-834
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14 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
15
16 _____
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18
19 To confirm the reappointment of Ms. Marnquie Heath to the Historic Preservation Review
20 Board.
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22 **RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
23 resolution may be cited as the “Historic Preservation Review Board Marnique Heath
24 Confirmation Resolution of 2018”.

25 **Sec. 2. The Council of the District of Columbia confirms the reappointment of:**
26

27 Ms. Marnique Heath
28 811 4th Street, N.W., Unit #810
29 Washington, D.C. 20001
30 (Ward 6)
31

32 as a public member of the Historic Preservation Review Board, established by Mayor’s Order
33 83-119, issued May 6, 1983 (30 DCR 3031), in accordance with section 4 of the Historic
34 Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-
35 144; D.C. Official Code § 6-1103), for a term to end July 21, 2021.

36 **Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution,**
37 upon its adoption, to the nominee and to the Office of the Mayor.

38 **Sec. 4. This resolution shall take effect immediately.**