



March 14, 2019

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Chairman Mendelson:

We are writing today on behalf of the DC Preservation League (DCPL) and The Committee of 100 on the Federal City (C10) regarding the future appointments to the Historic Preservation Review Board (HPRB).

As you know, the HPRB was organized in 1983 under the authority established in the Historic Landmark and Historic Districts Protection Act of 1978, and is the official body of advisors appointed by the Mayor to guide the government and public on preservation matters in the District. In order for HPRB to adequately serve the District and support the mission of the historic preservation office, members of the board are expected to have a working knowledge of the Preservation Act, its regulations, and an understanding of the Secretary of Interior Standards for Evaluation of Historic Properties. Although DCPL and C100 are pleased that in recent years the board members have been receiving training on these standards and other aspects of their responsibilities on HPRB, some board members still reflect no working knowledge and indeed little interest in the regulations enacted along with the 40-year-old Preservation Act.

DCPL and C100 are concerned that statements by certain HPRB members suggest that they are substituting personal criteria for those specified in the law and regulations when making designation decisions and reviewing projects, which could invite legal challenges. In addition, members have made comments that the act of landmark designation is a government "taking." Precedent set in the Penn Central case asserts that preservation laws do not interfere with an owners' present use or prevent it from realizing a reasonable rate of return on its investment.

Two members of the HPRB that have shown little regard for the preservation regulations are Mr. Chris Landis and Ms. Linda Greene. Both members' appointed terms end July 21, 2019. We ask that you discuss these appointments with Mayor Bowser and encourage nomination of new members who have a demonstrated interest in Historic Preservation, as set forth in the HPRB regulations. We have included an attachment that includes statements made by these two board members that are contrary to the regulations set forth under the Preservation Act.

In the past, both DCPL and C100 have made recommendations to the Mayor's Office on Talent and Appointments. These recommendations have not borne much fruit however. Please let us know if you would like us to send you a list of qualified and supportable candidates.

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 Act.

Sincerely,



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Enclosure

Statements of Historic Preservation Review Board Members Landis and Greene

Capitol Historic District Concept for Non-Contributing Building – January 24, 2019

Landis (6:21:25) – “For a façade built in the 1960s and a non-contributing building. I would say that it’s open season as far as I’m concerned.”	While non-contributing buildings in historic districts are able to be demolished, and have more flexible design options, alterations or new construction must be compatible with the character of the historic district.
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Washington Animal Rescue League Designation Hearing – December 20, 2018

Landis (2:12:12) – “I wonder about organization’s buying buildings, and not knowing that they could be designated historic down the road because somebody owned them before. It’s a great taking in a way. Maybe at the end of the day we’re only preserving the façade if we designate this historic because it sounds like everything else could be removed.” Greene agreed with Mr. Landis’ assertions and voted in opposition to the nomination.	Precedent set in the Penn Central case asserts that preservation laws do not interfere with an owners’ present use or prevent it from realizing a reasonable rate of return on its investment.
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St. Paul’s Methodist Episcopal Church South Designation Hearing– May 24, 2018

Landis (7:58:10) – “I concur with Linda and the comment about sort of being forced. I realize this is a great taking from the owner, and I wish that we could get out in front of raze permits and construction. It’s somewhat disingenuous to allow home owners to buy properties, and then change the rules on them. We all deal with rules in this city and they are complex enough as they are.”	The law allows for applications for landmark designation to be filed on a building or site. This was done prior to the issuance of a raze permit that could not have been issued due to the property still being occupied.
Greene (7:51) – “I don’t see any real social impact it had on anything that changed America or this city.” “I don’t see the compelling story here to designate this and I also find it very, very interesting that the African American community that is here...they’re not for it. It’s the Caucasian and other community trying to save it. If it was that important, I just can’t imagine that the Africans Americans aren’t fighting to save the church if it meant that much.”	There is no criteria in the preservation act that requires individuals of any respective race, gender, creed etc. be present to designate a property.

Ebenezer Methodist Church Concept Hearing – Feb 2018

Greene - expressed concern for the challenges facing African-American churches and stated from the dais that she was "incensed and appalled" at neighbors' opposition to the proposal, urged neighbors to join Ebenezer Church and support the church.	This statement from a District government official violates the Anti-Establishment Clause of the First Amendment, as applied to the District by the Fourteenth Amendment.
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