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October 19, 2006

**Zoning Commission for the District of Columbia
Z.C. Case No. 04-33A
Map and Text Amendments
Inclusionary Zoning (IZ) Overlay District**

**Statement of Tersh Boasberg
Chair, Historic Preservation Review Board (HPRB)
For the District of Columbia**

My name is Tersh Boasberg and I have been Chair of the HPRB since 2000. I'm sorry I cannot be with you in person, but I am out of the country on Oct. 19th.

Many of our historic districts are home to citizens of all economic backgrounds. There is a wide range of housing styles and sizes in our City's 26 residential and commercial historic districts. Indeed, we feel that many of our historic districts, because of their small scale, already provide much of the affordable housing in the city.

I. Final OP Report

My understanding of the IZ proposal, quoting the Final OP Report, is that nothing contained therein would "diminish the HPRB's review and decision-making powers" (p 55). This is because, "the HPRB is permitted to restrict any component of the zoning envelope below what is usually permitted as a matter-of-right. Similarly, it will be able to restrict IZ-related bonus density" (p 55). In general, then, while the HPRB always "considers" the applicable zoning envelope for a particular property, it will continue to apply the standard of "compatibility" to additions/alterations and new construction as discussed, below.

II. Historic Preservation Act

Obviously, the HPRB must follow the mandate of the City's basic Historic Preservation Law (Act 2-144 (1978)) (DC Official Code Secs 6-1101 et seq). That Act provides that all *additions/alterations* must be "compatible with the character of the historic district" (Secs 6-1105, referring to Sec 6-1101); and that *new construction* shall apply to

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“incompatible” “with the character of the historic district” “after due consideration of the zoning laws (Sec 6-1107)

Thus, the HPRB will certainly give due consideration to the zoning laws, including IZ provisions, but will be guided in its decision-making by those legal and design principles of *compatibility* that the Board, the Mayor’s Agent, and the courts have shaped under the Historic Preservation Act over the last 28 years

III. Comprehensive Plan

Also, both the current and the newly proposed Comprehensive Plan re-enforce the compatibility mandates of the Historic Preservation Act in those historic districts which may have zoning envelopes greater than the height, mass or density of the buildings which contribute to the character of the historic district (See current Plan, Chapter 8, sec 805 18, and proposed Plan, Chapter 10, sec 1011 12 (to be retitled as Policy HP-2 4.6) as quoted below

“Policy HP-2 4 6. Ensure consistency between zoning regulations and design standards for historic properties Zoning for each historic district shall be consistent with the predominant height and density of contributing buildings in the district Where needed, develop specialized standards or regulations to help preserve the characteristic building patterns of historic districts and minimize design conflicts between preservation and zoning controls ” (See Sept 20, 2006 Addendum to Mayor’s Draft Comprehensive Plan p 17)

IV. Conclusion

One final note, I do not have the zoning data to know if there may be particular blocks, tracts or areas of certain historic districts where IZ additional bonus would work a particular hardship on the small scale fabric of that district Consequently, I can not now name any additional areas which should be excluded like W-2 in the Georgetown H D or R-3 and R-4 in the Anacostia H D Perhaps others can identify such areas

Thank you for giving me this opportunity to submit this statement, and I would be happy to answer any questions you might have