



Baltimore City Council
President Sheila Dixon

Commission on Historical and Architectural Preservation
**CHAP Task Force
Report 2004**



January 24, 2005



Baltimore City Council

100 N. Holliday Street, Room 400 · Baltimore Maryland 21202
410-396-4804 · Fax: 410-539-0647



Dear Citizens of Baltimore:

Earlier this year the Commission on Historical and Architectural Preservation (CHAP) moved from the Baltimore City Department of Housing and Community Development. It was moved to the Planning Department to take advantage of additional staff with different types of skills.

While some feel this move will cause CHAP to lose its identity, it really was a way to enhance their ability to continue their work. The entire Planning staff will have the advantage of CHAP being involved in the front end of any development project that is undertaken by the City of Baltimore. CHAP will be able to contribute to community plans as developed and reviewed by the Department of Planning (Urban Renewal Plans, SNAP Program, and the Comprehensive Plan).

A Task Force was formed to study the role of CHAP and historical preservation in Baltimore City. The Task Force members worked quickly and diligently to complete this project, so the new Council Members would have a clear understanding of the significance of Baltimore City's Historical Districts and the role of CHAP. Citizens volunteered, with different perspectives, to complete the recommendations in this report: Architects, Business Community, Baltimore City Planning Department, Baltimore City Housing Department, Historic Neighborhoods Council, Maryland Historical Trust and the National Trust for Historic Preservation.

Some activities of the Task Force included:

- Reviewed 25 major cities to identify some "best practices" – work with environment, financial incentives, composition, Preservation Plan, new historical districts, code enforcement, access to information and design guidelines
- Reviewed the new web-site for the Baltimore City Department of Housing and Community Development and made recommendations that would make it easier to follow design violations and issuance of permits
- Met with representative from the National Trust who urged more Community Outreach to explain the advantages and disadvantages of being a Historic District
- Review Commission Proceedings and Staff Core Tasks

Two committees made recommendations: Legislation and Regulations Committee and the Education Committee. I wish to publicly thank Tyler Gearhart and Johns Hopkins for taking on the challenge of being Committee Chairs. Teamwork and partnerships are the glue that will help us move Baltimore City forward.

Sincerely,

President
Baltimore City Council



CHAP TASK FORCE REPORT 2004

INDEX

- CHAP Task Force Members..... Page 1
- What is a Historic District?..... Page 2
- Current Historic Districts?..... Page 3
- CHAP Task Force Education and Outreach Committee..... Page 4
- CHAP Task Force Legislation and Regulations Committee..... Page 9

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Report 2004

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CHAIR

Otis Rolley, Director
Planning Department of Baltimore City

Lance Humphries, Representative
Historic Neighborhood Council

Kathleen Kotarba, Chief
Planning Department of Baltimore City

Kelly Little
Historic Neighborhoods Council

Judith Miller, Chairman
CHAP of Baltimore City

Gordon Ingerson, AIA
President, AIA Baltimore

Jay Brodie, President
Baltimore Development Corporation

Douglas B. McCoach, Vice Chairman
Baltimore City Planning Commission

Devon Dodson, Vice-President
Greater Baltimore Committee

Julia Miller
National Trust for Historic Preservation

Arlene Fisher
Historic Neighborhoods Council

Brian Morris, CEO
Legacy Harris Development

Jennifer Goold, Representative
Historic Neighborhoods Council

Romaine Somerville
Baltimore City Historical Society

Paul Graziano, Commissioner
Housing and Community Development

Scott Whipple, Administrator
Maryland Historical Trust

Johns Hopkins- Chair, Education & Outreach Committee
Executive Director, Baltimore Heritage, Inc.
Tyler Gearhart – Chair Legislation & Regulations Committee
Executive Director, Preservation Maryland

Staff:

Wanda Watts
Director of Community Outreach for
Baltimore City Council
President Sheila Dixon

Antonio Hayes
Legislative Director for
Baltimore City Council
President Sheila Dixon

HISTORIC DISTRICTS IN BALTIMORE CITY

WHAT IS A HISTORIC DISTRICT?

In Baltimore there are two types of historic districts – **National** and **Local**. A National Register Historic District is a distinction conferred by the Federal Government. The Mayor and City Council of Baltimore confer Local Historic District designation. Although both types of designation are generally initiated at the request of the residents of a community, there is no direct link or causality between the two types of historic districts. One type of designation does not automatically lead to the other. There are differences in the conditions and benefits of being listed either Nationally or Locally, and some communities have sought both designations.

Local Historic Districts in Baltimore are areas that contain buildings and structures, which have demonstrated special architectural, historical, cultural, economic, social, or community significance. The program is directed by the Commission for Historical and Architectural Preservation, among the first such commissions in Maryland.

FACTS ABOUT BECOMING A LOCAL HISTORIC DISTRICT IN BALTIMORE:

1. Strengthens community stabilization and promotes rehabilitation investment.
2. Supports property values and encourages the building of personal wealth.
3. Places no limits on property use or restriction on sales.
4. Provides eligibility for rehabilitation tax incentives.
5. Provides for protection from incompatible exterior alterations and changes, providing expert technical assistance as part of the building permit review process.
6. Provides a unifying bond among property owners. Designation is not conferred absent the consent of a majority of property owners.
7. Protects the community from demolition and inappropriate development, which dilute community character.
8. Can be accomplished more quickly than National Register designation.



Current Historic Districts April 2004

Baltimore East/South	Franklin Square**	Mt. Washington*	Union Square***
Clifton Park**	Franklinton***	North Central**	Upton's Marble Hill*
Bancroft Park*	Gay Street**	Oakenshawe**	Washington Hill*
Barre Circle**	Guilford**	Old Goucher**	Waverly**
Bolton Hill***	Hochild Kohn Belvedere & Hess Shoes**	Original Northwood**	Windsor Hills**
Brick Hill**	Homeland**	Otterbein*	Woodberry**
Business & Govt. Ctr.	Hunting Ridge*	Patterson Park/ Highlandtown**	Better Waverly*
Butcher's Hill	Jonestown*	Perlman Place*	
Canton**	Lake Evesham**	Radnor-Winston**	NEWLY DESIGNATED
Cathedral Hill**	Lauraville**	Railroad*	Auchentoroly Terrace*
Cedarcroft**	Little Montgomery St.	Ridgely's Delight**	Oldtown*
Charles Village/Abell**	Loft***	Roland Park**	
Dickeyville***	Madison Park*	Saint Paul Street**	
Druid Hill Park**	Market Center**	Seton Hill***	
Dundalk**	Mayfield**	South Central Avenue**	
Eutaw Place/Madison Pk.	Mill Hill – Deck of Cards (Wilkins Ave)*	Stirling Street*	
Federal Hill**	Montebello State Hospital**	Stone Hill**	
Federal Hill South**	Mount Royal Terrace*	Ten Hills*	
Fells Point**	Mount Vernon***	Tuscanny-Canterbury**	

ASTERISKS KEY

- *Local Designation Only
- **National Designation Only
- ***Both Designations or parts of both

CHAP Task Force Education and Outreach Committee

With over 70 national and local historic districts containing over 65,000 buildings, historic preservation plays a central role in Baltimore's economic health and cultural richness. Dedicated individuals and organizations have worked for decades to preserve and enhance these assets, and every neighborhood and commercial district has benefited.

In these recommendations, the CHAP Task Force has identified the next steps to more fully utilize the potential of Baltimore's historic buildings. The first four recommendations point to the need to develop a coordinated citywide approach to preservation and to increase education and outreach efforts in the city's historic neighborhoods.

The recommendations also call for a study to document the economic and cultural benefits of our historic buildings and neighborhoods to help decision-makers understand the important role of historic preservation in Baltimore so that they can better utilize preservation strategies in future planning. Information on additional incentives for building owners who elect to preserve their buildings or choose to become part of a local historic district are one of the areas for consideration. The owners of these buildings are making a contribution to current and future generations who live, work, and visit Baltimore and deserve support.

To achieve these goals will require active participation by the Baltimore City government, the business community, the non-profit sector, and Baltimore's residents and building owners.



Education and Outreach Committee Recommendations

(1) Develop a City-Wide Preservation Plan

CHAP and the Department of Planning should develop a city-wide preservation plan that guides the actions and funding of public and private investment as they relate to historic properties and neighborhoods.

A comprehensive preservation plan will help protect historic resources and guide investment in the city's economic revitalization. The plan should follow the best practices recognized in the preservation planning field, including those of the National Park Service and the National Trust for Historic Preservation. It should be coordinated with the City's other plans, including the comprehensive plan, area plans, and urban renewal ordinances, and should support existing and future community-based preservation efforts.

Timeline: A final preservation plan should be completed within two years.
Immediate task: develop scope of work and funding sources

Possible Funding: Maryland Historical Trust; business community; private foundations; city funds (*Note: Art. 6, Sec. 2.5 of the Baltimore City Code authorizes CHAP to accept grants and other aid from governmental and private sources. This authority should be exercised.*)

(2) Increase Preservation Outreach

CHAP and the Department of Planning with other partners should develop an outreach strategy to engage property owners and others in preservation.

The strategy should address outreach efforts over the three stages of historic designation that neighborhoods transgress: before, during, and after designation. The strategy should include how city agencies will effectively partner with other organizations whose missions include outreach on preservation and neighborhood issues, and should target the following groups: property owners, community associations, churches, and other associations in the neighborhood; real estate professionals; and developers and contractors. The strategy should address the issues and differences associated with local CHAP districts and National Register districts during the "lifecycle" of designation, including:

Before Designation

- Information about the history of the neighborhood
- Information about historic districts and preservation tools (such as CHAP and National Register designation, tax credit incentives, etc.) and how they coordinate with existing zoning, urban renewal ordinance and other planning tools

During the Designation Process

- Dissemination of information on the nuts and bolts of the designation process
- Build capacity and understanding at the neighborhood level through the neighborhood association and other community-based organizations
- Specify the role and contact information for city agencies (CHAP, HCD, Office of Neighborhoods, Planning, etc.)

After Designation

- Conduct workshops with partners on historic rehabilitation tax credits
- Increase the number of inspections and decrease the response time for complaints
- Develop program for CHAP staff to attend neighborhood association and architectural review committee meetings on a regular basis
- Examine best practices for engaging the real estate community in outreach
- Improve HCD's existing website for permits to include CHAP-specific information, such as whether a CHAP permit has been issued for a specific property, and develop the ability to search for information by CHAP district
- Improve CHAP's website to provide plain-English descriptions CHAP-related programs and activities, such as the historic district designation process, the CHAP permit process, and the CHAP Guidelines.
- Develop program for regular communications in plain English with property owners in CHAP districts

Timeline: Immediate Task: Develop & implement "after designation" strategy with partners
Develop strategy for "before designation" and "during designation" in conjunction with the city-wide preservation plan

Possible Funding: Maryland Historical Trust; business community; private foundations; city funds

(3) Conduct an Economic Benefits Study of Historic Districts

Recommendation:

CHAP and the Department of Planning should oversee a study by an outside consultant of the economic and other benefits that historic designation provides to the city's historic neighborhoods.

The study should include an evaluation of public investment, private investment, property values, homeownership rates, and demographic characteristics (e.g., education level, racial diversity, income level) of the city's local districts and other neighborhoods with protective restrictions, such as National Register and urban renewal districts. It should utilize the rich data already collected through the Department of Housing and other city agencies, and should include a recommendation of the data that the City should collect on an ongoing basis.

Studies in other cities have shown that there are significant benefits for neighborhoods that have historic status, including: stable property values; diversity of incomes, races, and education levels; and a greater influx of new property owners. The Maryland Association of Historic Districts Commission undertook a study of the economic and fiscal impacts of five neighborhoods across Maryland (including one in Baltimore City). This study provides a glimpse of the benefits in one neighborhood and is an incentive to undertake a comprehensive study of all of the city's historic districts.

Baltimore's older neighborhoods have many options for protecting their historic character, including designation on the National Register of Historic Places **[WHICH IMPOSES PRESERVATION REQUIREMENTS ON PROJECTS THAT UTILIZE FEDERAL FUNDING]**, adoption of an urban renewal ordinance that includes preservation provisions, and designation as a local CHAP district. Of these, CHAP designation provides the most protection for historic resources; it also imposes more restrictions on the use of private property than do the other tools. Neighborhoods considering how best to protect and plan for their development should understand the benefits, as well as the restrictions, of local designation. For this reason, the first focus of an economic benefits study should be on local historic districts. The study should later be expanded to include National Register districts and urban renewal districts.

Timeline Immediate Task: develop scope of work for a benefits study
 Within 12 months, complete a study of the benefits of local CHAP districts.
 Within 24 months, complete a study of the benefits of National Register and other protective districts (e.g., urban renewal districts)

Possible Funding: Maryland Historical Trust; business community; private foundations;
 City funds

(4) Develop New Incentives for CHAP Designation

The Department of Planning on behalf of CHAP should work with the Mayor's Office, City Council, and other city agencies to develop tangible incentives for neighborhoods that commit to designation as a CHAP district. Incentives to consider include:

Immediate Consideration

- Provide increased enforcement for zoning code, building code, and other code violations to CHAP districts, and establish a monitoring system to track enforcement activities
- Maintain a policy of mandatory timeline for code review in CHAP districts and publicize the average turnaround time for permit review
- Mandate acceptance of Maryland Building Rehabilitation Code flexibility for rehabilitation projects in CHAP districts
- Enhance the "early warning" system of contacting building owners at the earliest signs of CHAP violations
- Revise Design Guidelines for increased specificity and plain English descriptions
- Advocate for a change in the state law that currently favors National Register listing over local listing for state historic rehabilitation tax credit applications

Consideration within one year

- Target priority funding for economic development to CHAP districts
- Explore other incentives, including local tax credits, to promote reinvestment in CHAP districts
- Restructure CHAP permit fee schedule to reduce residential fees and increase commercial fees
- Analyze the fee structures for rehabilitation tax credit applications, demolition permits, and CHAP permits to earmark all or a portion of the fees for preservation programs and services within CHAP and the Department of Planning

Consideration within two years

- Create a low interest loan pool for home repairs that constitute economic hardship in CHAP districts
- Explore public-private partnerships with banks and other lending institutions to create new incentives for maintenance and reinvestment on historic properties in CHAP districts

Possible Funding: Maryland Historical Trust; business community; private foundations; city funds



CHAP TASK FORCE

Legislation and Regulations Committee

In 1964, the City of Baltimore passed legislation establishing the Commission for Historical and Architectural Preservation to protect historic buildings in the neighborhood surrounding Mt. Vernon Place. Since that time, the CHAP ordinance has been the basis for the creation of 26 local historic districts, comprised of 8000 buildings, with an additional 120 individually designated landmarks. With the recent move of the Commission and its staff from the Department of Housing and Community Development to the Department of Planning, the Task Force was given the opportunity to examine the CHAP ordinance and related regulations to update and enhance Baltimore City's preservation program.

While it's clear the CHAP ordinance has served Baltimore City well and does not need major overhaul, two sections in particular need revision. First, is to update the composition of the Commission itself to include the required design expertise and relevant City, nonprofit, and neighborhood representation. Second, is to rewrite the Special List provision to provide a fair and effective interim protection for buildings eligible but not yet formally designated in districts or as individual landmarks.

The other major recommendations are: to increase permit enforcement by dedicating DHCD enforcement personnel to CHAP districts and providing preservation training to all enforcement staff; updating the design guidelines to include a broader range of building types and architectural styles and a discussion of design principles that underlie the CHAP decisions; and with the move to the Planning Department to clarify the role of the CHAP to the Commission and the broader planning and development activities of the Department.



Legislation and Regulations Committee Recommendations

(1) Include preamble or purpose clause in ordinance that describes mission and responsibilities of CHAP

Historic preservation ordinances typically include a preamble or purpose clause that set forth how the ordinance serves the public interest by protecting and preserving the public health, safety, and welfare. The preamble ensures that the ordinance is deemed a legitimate exercise of the police power. It also serves to inform the public and local decision-makers why controls are not only required, but also desirable, for safeguarding historic resources, improving property values, fostering civic beauty, and strengthening the local economy. The CHAP ordinance contains a preamble, but it has not been included in subsequent reprints of the bill. The preamble should be added to the next publication of the CHAP ordinance and a summary included in the updated design guidelines (Recommendation 6).

Action: Reprint ordinance; Update design guidelines

Timeline: March 2005

(2) Update commission composition to include appropriate professional expertise and organizational representation

The historic preservation field has evolved since the CHAP ordinance was adopted in 1964. No longer are the Baltimore Museum of Art, Peale Museum, Walters Art Gallery, and Maryland Historical Society the leading voices or sources of expertise for preservation of the built environment. The Commission should remain at 11 members and the required composition should be revised to include:

A representative nominated by:

- Baltimore City Council
- Department of Housing and Community Development
- Baltimore Development Corporation
- Baltimore Heritage
- Citizens Planning and Housing Association
- Greater Baltimore Committee

In addition, the commission shall comprise 5 citizens, including:

- An historian knowledgeable in the history and culture of Baltimore
- 2 licensed architects knowledgeable in preservation architecture
- 2 property owners, residing in local historic districts

Each member shall be a Baltimore City resident and possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related discipline. Term limits for commissioners should be no longer than 2 consecutive terms. Quorum for meetings should be a majority of sitting commissioners.

Action: Legislation; new appointments

Timeline: March 2005; June 2005

(3) Clarify role of Executive Director and other staff responsibilities to the Commission and the Director of Planning

The existing ordinance states that “The Commission shall also appoint an individual, not a member of the Commission, as Executive Director of the Commission to perform such duties and as set forth hereinafter of otherwise required by the Commission.” With the recent merging of CHAP with the Department of Planning both the titles and responsibilities of the Executive Director and other CHAP staff has changed. While there are clear benefits to fully integrating CHAP into the broader planning and development roles of City government, the roles and responsibilities of the staff providing support to the Commission and the supervisory role of the Director of Planning must be defined in new titles and job descriptions. This must be done in a way that ensures continuation of the Commission’s independence and authority as defined in the ordinance and provides sufficient dedicated staff support to its programs and responsibilities.

The Task Force recommends that Department of Planning and CHAP develop an organizational chart and a summary document detailing how this new structure will work, and how CHAP fits into the larger goals of the Department of Planning. These documents should be presented at an open forum for public comment, and subsequent revision, to ensure that CHAP is fully invested with the authority to do the work that the citizens of Baltimore believe is important to its mission.

Action: Revised job descriptions; legislation

Timeline: Immediate; March 2005

(4) Review Rules of Procedure for the Commission

CHAP developed and subsequently adopted Rules of Procedure to assist with the expedient conduct of matter of interest and concern to the Commission at a public hearing in 1993. The Rules of Procedure need to be updated to reflect the current meeting time of the Commission.

(5) Revise Special List provision to provide effective interim protection process

The Special List from provision has not been utilized and is considered to be both ineffective and problematic for a procedural standpoint. However, continuing an interim protection mechanism is needed for important historic properties that have not been designated. A mechanism used by Montgomery County is a special expedited evaluation

process triggered when certain building permit applications are submitted for identified potential landmarks and historic districts contained in a preliminary list developed by the Commission. When a permit application is submitted for a substantial alteration to or demolition of an undesignated historic property of the preliminary list, the Commission must make an expedited finding on its significance and recommendation for designation. The preliminary list should be comprised of all contributing structures in National Register districts and other eligible properties as identified in the citywide preservation plan. To ensure that this provision is predictable and fair for property owners, and legally sound, it should be developed in consultation with experts from the National Trust for Historic Preservation and the Maryland Association of Historic District Commissions.

Action: Legislation
Timeline: March 2005

(6) Update Design Guidelines to include range of building types and architectural style and be consistent with the Secretary of Interior Standards for Rehabilitation

The existing Historic Preservation Guidelines are limited to residential structures and provide no explanation of the architectural styles and design principles that underlie the Commission's design review decisions. This makes it difficult for applicants for permits for alterations and new construction to designated properties to predict and understand the Commission's actions. The CHAP guidelines should be updated to address both residential and commercial structures, provide background on the historic development of Baltimore, an overview of architectural styles and design principles, include examples of appropriate and inappropriate designs, and be consistent with the Secretary of Interior Standards for Rehabilitation. The legislation should state that these established guidelines form the basis of the Commission and staff determinations regarding proposed alterations and new constructions. Certified Local Government funds are available from the Maryland Historical Trust to assist with the cost of developing new guidelines.

Action: Secure funding; hire consultant; adopt new guidelines
Timeline: April 2005; June 2005; October 2005

(7) Expand CHAP review of City-owned structures to include City funding and permits affecting designated historic properties

The existing ordinance requires that plans for the reconstruction, alteration or demolition of any City-owned structure be submitted to the Commission "for a report." The Commission report must be submitted to the Mayor or requesting city agency within 45 days. While only an advisory role, it is an important mechanism to inform decision makers about the historic significance of City-owned properties that has not always been adhered to, but should be. As a part of the Department of Planning, CHAP should also be consulted on any City funding or permitting decision that affects designated historic properties similar to existing State and Federal legislation. This would require additional legislation and staff resources to accomplish.

Action: Legislation; budget increase
Timeline: March 2005; June 2005

(8) Dedicate DHCD enforcement staff to CHAP and provide training to other building enforcement staff on preservation issues

Members of the Task Force and residents of the city's locally designated historic districts have expressed that lack of enforcement of the CHAP ordinance is the greatest issue facing CHAP. This lack of enforcement of the CHAP ordinance diminishes the public's confidence and in the long-term, results in the erosion of the historic fabric of the city. The Director of Planning and the Deputy Director of the Department of Housing and Community Development must dedicate DHCD enforcement officers to resolving CHAP violations. The dedicated enforcement officers should also train all other enforcement personnel at DHCD to implement the CHAP ordinance guidelines. In addition, CHAP permits must be integrated into DHCD's updated website to enable citizens access to permit information and to allow them to monitor building activity in their neighborhoods.

Action: Dedicate enforcement officers, provide training, enhance website
Timeline: Immediate

(9) Review penalties for CHAP ordinance violations to provide effective deterrent to unapproved alterations or demolition

Violations of the CHAP ordinance are currently punishable by a "fine of not less than \$50 and not more than \$500 and/or imprisonment for not more than 12 months." The fines should be increased from not less than \$500 to not more than \$5,000 for owner occupied residential properties, and not less than \$500 and not more than \$100,000 for income-producing properties, to provide a more effective deterrent.

Action: Legislation
Timeline: March 2005

(10) Review all city owned historic properties and sites and develop strategies for their long-term preservation.

Across the city numerous historic structures and sites are under the care of various city agencies. A coordinated approach to the long-term care and management of these valuable historic resources is needed.

Action: Appoint committee; adopt recommendation
Timeline: June 2005; January 2006

(11) Explore opportunities to better coordinate CHAP with design and planning responsibilities of the Department of Planning, DHCD, and BDC

With CHAP now in the Planning Department, Historical and Architectural Preservation should be a separate division with the Executive Director position redefined as division head. Enforcement of CHAP violations must be closely coordinated with DHCD as defined above. Changes to urban renewal ordinances and new planning initiatives should include preservation staff at the earliest stages and throughout the process. The Design Advisory Panel and CHAP design review should be simultaneous to eliminate redundancy and frustration for project sponsors.

Action: Administrative changes

Timeline: Immediate

(12) Community association review of CHAP applications should be defined and formalized

Any CHAP applicant that does not exceed certain thresholds should be subject to the review, approval and sign off by CHAP staff. Applications that exceed those thresholds (new construction, demolition or major rehabilitation) will be reviewed and approved by the local historic district.

(13) A disclosure document should be required at the time of transfer of all contributing structures in locally designated historic districts, and to Baltimore City Landmarks, indicating designation and stating that exterior changes require CHAP approval.

Without continued disclosure of the restrictions of owning a property in a CHAP district, it is difficult to enforce the CHAP ordinance, as property owners can claim ignorance and hardship. Such a system is already in place in the city of Laurel, Maryland. In addition to this action addressing properties that may be sold in the future, extensive education must take place with current owners of properties in CHAP districts, informing them of these restrictions.