



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT

Neighborhood Services Division

Courthouse Plaza One 2100 Clarendon Boulevard, Suite 700 Arlington, VA 22201
TEL 703.228.3830 FAX 703.228.3834 www.arlingtonva.us

MEMORANDUM

TO: HALRB

Rebecca Ballo, CPHD, Historic

FROM: Preservation

DATE: November 9, 2017

SUBJECT: Amendments to ACZO Section 11.3 re: Local Historic District Designations

Request

This proposed zoning ordinance amendment to the Historic Preservation Overlay chapter of the ACZO would amend § 11.3.4 (Establishment of Historic Districts) to establish standards for requesting historic preservation overlay districts.

Background

Arlington County's Historical Affairs and Landmark Review Board (HALRB) and Historic Preservation Program (HPP) staff have documented and proposed properties for local historic district designation by the County Board since 1976. There are currently 40 local historic districts that include garden apartments, single-family houses, churches, cemeteries and graveyards, commercial buildings, schools, community halls, and even a natural rock formation. Local historic district designation requests have been considered by the County Board based on HALRB recommendations, neighborhood requests, individual requests, and on the Board's own motion.

At the request of the County Board, the HPP staff, in collaboration with Zoning and other CPHD staff, have developed a number of proposed amendments to the local historic designation requirements called out in § 11.3 of the ACZO. The Historic Preservation Overlay District Ordinance (Section 11.3 of the ACZO) currently allows a designation request to be filed by any person for any number of properties. Currently, no background materials or forms are required to be filed; all requests are accepted by the HPP office. This open policy has led to numerous historic district studies, and the majority have resulted in historic district zoning overlays being approved by the County Board. However, some requests, particularly those involving large acreages and/or numbers of properties, are especially time-consuming to process and have not always been submitted in consultation with affected property owners.

Proposal

The proposed changes have been developed in response to concerns raised regarding the informal process that currently exists for requesting that historic preservation overlay district studies be initiated. Staff has consulted both statewide and local precedents to evaluate how this process can be improved without unnecessarily burdening the public's ability to request historic preservation overlay district status for historic properties. The proposed changes to the ordinance are intended to create a uniform and predictable process for historic preservation overlay district requests. The amendment also would change the timeframe required to inform a property owner of an historic preservation overlay district study request, and tie such notification to the acceptance of a completed application.

The proposed zoning text amendment provides for the following:

- A request for local historic district designation must be made on a County application form.
- The application form will require specific documentation, including narratives pertaining to physical descriptions and historical significance, plus photographs and bibliographical references. The application also will establish a multi-step internal review process prior to scheduling a public hearing with the HALRB.
- For multi-property designation requests, the new amendment will further define who may apply to:
 - Civic Associations, Home Owners Associations, or Condo Boards for properties within their own boundaries; or
 - Petitioners with documented support of 25% of properties in a defined area. One property would count as one vote (so if four trustees owned a property, only one vote counts).
- For individual properties, historic preservation overlay requests will be limited to Arlington residents or property owners.
- The HALRB, Arlington Public Schools (APS), and the County Board retain authority to initiate studies and recommend designations as they can do now.
- After adoption of the amendment, staff will finalize the application form. This form will be available on the County website and via paper copy in the HPP office.

Additionally, staff is proposing to amend the timeframe for property owner notification of a pending historic preservation overlay district study request. The current zoning language requires that a property owner be notified of a designation request being made for their property within ten business days of the County receiving such a request from the public. This provision was added to Section 11.3.4 in 2009 when the historic preservation overlay district portion of the ordinance was completely rewritten and updated. Since this ZOA amendment from 2009, this notification requirement has resulted in property owners being notified of designation requests regardless of the merits of the request or the likelihood of it ever proceeding to public hearing. For large, multi-property requests, this provision also has resulted in the HPP staff having to notify hundreds of property owners regarding a designation request within a very short timeframe. The proposed language would require owner notification only once the HPP staff deems an application complete in terms of the content provided within the application form, and would provide such notice within 30 calendar days prior to the item being considered

at a public hearing. Further, this amendment would provide ample time for notification without creating an expectation with the property owner that a zoning action is imminently pending for their property.

Process and Schedule

The proposed ZOA has been scheduled for a request to advertise at the County Board on November 18th. The HALRB heard this item on October 18th and text edits from that meeting have been incorporated into the current draft. There have been no comments received from the Historical Society or Preservation Arlington to date. The case will be heard by ZOCO on November 14th.

After adoption, staff will finalize the application form that would be available on the County website and via paper copy in the HPP office.