

Prince George's County Council

Agenda Item Summary

Meeting Date: 10/28/2008
Reference No.: CB-053-2008
Draft No.: 2
Proposer(s): Olson
Sponsor(s): Olson, Harrison, Turner, Dernoga
Item Title: An Act concerning modifying procedures for designation of Historic Properties

Drafter: Jackie Brown, PZED Committee Director
Resource Personnel: Dannielle Glaros, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	7/23/2008	Executive Action:	11/10/2008 S
Committee Referral:	7/23/2008 - PZED	Effective Date:	12/26/2008
Committee Action:	9/17/2008 - FAV(A)		
Date Introduced:	9/30/2008		
Public Hearing:	10/28/2008 - 10:00 AM		
Council Action (1)	10/28/2008 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

29-102, 29-118, 29-120.01, 29-138

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/17/2008

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Exum, Dernoga, Knotts, and Olson)

Staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-53-2008 amends Subtitle 29 (Preservation of Historic Resources) to provide a new process for property owners to petition for their properties to be designated as a historic site by the Historic Preservation Commission (HPC). The legislation includes details of the new process and timeframe for owners of a historic property to petition for the designation. The process provides a first level of review by the HPC, the second level by the Planning Board, and a final decision is made by the District Council. Staff presented a Proposed Draft-2 (DR-2) which was prepared in consultation with the bill sponsor and the Planning Department staff to incorporate suggested amendments made by the Planning Board.

Council Member Olson, the bill's sponsor, informed the committee that he proposed this legislation to allow homeowners to apply for historic site designation without having to wait for their property to be listed on the Inventory of Historic Places or through a Master Plan update. Mr. Olson noted that once designated, the properties are then eligible for State, Federal, and local grants for preservation and restoration.

The Office of Law reviewed CB-53-2008 and determined that it is in proper legislative form. The Planning Board supports the legislation with the following amendments, as contained in Proposed DR-2, which would clarify the proposed new designation process:

1. Amend the definition of a “Historic Resource” by deleting the new sentence added to the legislation. The sentence reads as follows: “This includes but is not limited to all properties on the Inventory of Historic Resources contained on the Master Plan for Historic Preservation.” The Planning Board determined that adding the new proposed language will confuse the existing historic resource evaluation process with the new evaluation process for historic properties.
2. On page 2, line 18, add the words “or pursuant to Section 29-120.01.” This change ties the existing definition of a historic site to the new process for designation of historic properties.
3. On page 2, lines 27-28, add the words “AND HISTORIC PROPERTIES.” Also, on line 29, remove the words “Unclassified Historic Resources and” from the title under Section 29-120.01. These amendments will help clarify that there are two review processes (1) designation of unclassified resources and (2) designation of unclassified properties.
4. Amend line 31 by removing the words “an unclassified historic resource or” and add the word “a” following the words “The owner(s) of.” The new sentence would read: “The owner(s) of a historic property may file a petition for designation as a historic site with the Historic Preservation Commission.”
5. After the above-stated sentence, add two additional sentences which would read: “As part of this designation process, the Historic Preservation Commission may also find that the property is eligible for listing in the Historic Sites and Districts Plan or in the National Register of Historic Places. For the purposes of processing Prince Georges County Historic Property Grant Program applications only, this determination shall allow grant applications to be considered by the Planning Board pursuant to Section 29-139(d).” These amendments establish the “determination of eligibility” process which appears now only in the Historic Property Grant Program definitions section of Subtitle 29 (29-138).
6. The Planning Board suggests that a new (b) be added on page 3, lines 6 through 10 which would read: “At least 60 days in advance of the public hearing by the Historic Preservation Commission, the Commission shall refer the application to those departments, agencies, organizations, citizens and parties which the Commission reasonably believes may have any interest in the proceedings. Any such comments should be received no less than 30 days prior to the Historic Preservation Commission’s scheduled public hearing.” The new language will result in the renumbering to include a new (i). This amendment would ensure that other departments and divisions within the Maryland-National Capital Park and Planning Commission (M-NCPPC) and other interested parties and agencies would have an opportunity to provide comments on the impact of the proposed historic site designation, and sixty (60) days will ensure that interested parties have ample time in which to comment.
7. On page 3, line 11, amend the old (b) to add a new (c) and remove the words “ninety (90),” replace with “one-hundred twenty (120).” This change would give staff more time to review and process the petitions. Next, on line 12, remove the word “resource” and replace with the word “property” and delete the words “unclassified historic resource or.” The new (c) would read: “Within one-hundred twenty (12) days of receipt of the petition, the Commission shall research and review the historic property and conduct a public hearing to make findings as to the significance of the historic property and shall determine whether it should be classified as a historic site.”
8. Under the new (d) on lines 17 through 20, remove the word “resource” and replace with the word “property.” Next, add the words “adjoining property owners” and “departments,” following the words “historic property.” Also, add the words “and parties” following the word “citizens.” Remove the word “feels” and replace with the words “reasonably believes.” In addition, delete the word “and” following the word “organizations.” Add the sentence “The property shall be posted pursuant to the requirements of Section 29-118(c).” The revised (d) would read: “At least two (2) weeks prior to the scheduled public hearing, the Commission shall send written notice of the date, time and place of the hearing to the owner(s) of the historic property, adjoining property owners and to those departments, agencies, organizations, citizens and parties which the Commission reasonably believes may have an interest in the proceedings. The property shall be posted pursuant to the requirements of Section 29-118(c).” These changes are consistent with those above and clarify the responsibility to ensure public notice.
9. On line 22, delete the word “it” and replace with the words “the recommendation.” This change clarifies that the Historic Preservation Commission will transmit a recommendation to the Planning Board.
10. On page 4, line 5, as a minor technical correction; delete the “,” after the word “upland.”
11. On lines 7 through 9, delete the words “listed in the Historic Sites and Districts Plan (HSDP) or” and replace with

the words “not yet listed in the Inventory of Historic Resources and those properties not yet.” Also, delete the words “; those listed in” and replace with “or those properties not listed in.” The new language would read: “Historic Properties shall be defined as those not yet listed in the Inventory of Historic Resources and those properties not yet determined eligible for listing in the Historic Sites and Districts Plan or those properties not listed in the National Register of Historic Places (NRHP), or determined eligible for listing in the NRHP. This change expands and clarifies the definition of a historic property to include any property not listed in the Inventory for Historic Resources for which there is an existing process and a property not determined eligible for the Historic Sites and Districts Plan, or listed on the National Register of Historic Places.

12. Finally, the Planning Board recommends that Section 29-118(b) (Review of Unclassified Historic Resources) be amended by adding the words “adjoining property owners” following the word “the historic resource.” Also, add the word “departments,” in front of the words “agencies, organizations” and removed the word “feels” and replace with the words “reasonably believes” in front of the words “may have an interest in the proceedings.” The revised (b) would read: “At least two (2) weeks prior to the scheduled public hearing, the Historic Preservation Commission shall send written notice of the date, time and place of the hearing to the owner(s) of the historic resource, adjoining property owners and to those departments, agencies, organizations, and citizens which the Commission reasonably believes may have an interest in the proceedings.” These changes will provide consistency with Section 29-120.01 (Petition for Designation of Unclassified Historic Resources and Historic Properties.)

Mr. Henry Turner, Jr., Historic Preservation Commissioner, addressed the committee indicating that the HPC is in full support of CB-53-2008 as well as the proposed amendments.

The committee voted favorably on CB-53-2008 with amendments recommended by the Planning Board and included in Proposed DR-2.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation amends Subtitle 29 to provide a process for an owner of an unclassified historic resource or historic property to request designation as a historic site. Currently, if listed on the inventory of historic resources, the Historic Preservation Commission may call up for review and designation; however, if the historic resource is not listed on the inventory, a property owner must wait for designation through a Master Plan or Historic Sites and Districts Plan amendment process.

CODE INDEX TOPICS:

INCLUSION FILES:
