

Post Hearing HDOD Review Committee Comments – 8/24/2020

Following the two public question and comment hearings concerning the Committee's recommendations, the Committee convened to review the comments and questions and consider whether modifications were in order, or barring that, where further elaboration might be useful.

One change in is being made to exclude the area within the DOD, but outside the historic districts, from the elevation restriction. The reasoning behind this alteration is elaborated further below. In addition, the planning department discovered an anomaly in the existing DOD language concerning the FAR limits for lots larger than 10,000 sq. feet, and recommended deleting the offending sentence as unnecessary. The details of this are contained in a new Proposal 6. The revised recommendations incorporating both of these changes are attached.

Beyond the above changes, the Committee offers considered responses to some of the questions and observations raised in the hearings as follows:

Q. How will you/we avoid DoD resulting in limitations on local growth or being used for exclusionary purposes, especially if resulting high housing prices, reduced choice of housing location, longer commuting distances, as well as disincentives for large developers to plan their developments more carefully?

A. This question reflects an emerging concern about how residential development restrictions often are driving urban sprawl and housing costs. Hillcrest is a mature area that is mostly built out. The issues in the overlay don't directly address issues such as zoning and other land-use regulations that primarily underlie these concerns. Finally, the DOD and our recommendations restraining house size rather than setting minimum sizes, as is sometimes the case. The committee does not believe that the recommendations will impact the expressed concerns.

Q. Within the HDOD area, there are a significant number of properties that are built after 1940 or do not have historic value. Has the Committee considered revising the HDOD area to exclude areas where few historic houses benefit from the HDOD?

A. It is true; there is a portion of the neighborhood outside of any Hillcrest historic district. But, even here, it is important to keep a consistent scale within the community so that existing homes are not dwarfed by new-builds. You can already see where this is happening in several areas of the neighborhood.

This is why the HDOD recommendations allow for building an upwards addition or new house (2 or 2.5-story) outside of any Hillcrest historic districts but still takes into consideration the required FAR. It is also important to note that homes within any Hillcrest Historic Districts are encouraged to retain their original appearance from street view—which includes the front, two sides, and roofline. This is a criterion set forth by the National Register of Historic Places and National Park Service.

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The criteria governing National Register Historic Districts require that there be a positive ratio of "contributing" to "non-contributing" structures. When the Hillcrest Historic District was created in 1990, "contributing" structures, among other criteria, had to be constructed before 1940. The nomination form submitted to the Department of the Interior frankly admitted that the Hillcrest District's proposed boundaries, particularly on the West and North, were "gerrymandered" to include as many as possible of the pre-1940 houses while excluding as many as possible of the post-1940 and other non-contributing structures.

When the original Hillcrest Design Overlay District was enacted in 2010, the decision was made that the historic District's irregular boundaries made little sense when the purpose of the DOD was to protect the bulk, scale, and density of Hillcrest as it is generally thought of as a neighborhood. The Committee recommends in its review that that decision continues to make sense.

However, following the public discussion, the Committee now proposes that the provision requiring the roofline of any addition to be one foot below the existing roofline should only apply within the National Register Historic Districts' boundaries. The primary purpose of this provision was to meet an objective standard that would encourage renovations that retained a structure's "contributing status" in order to safeguard the viability of the Historic District if and when the District is resurveyed.

It having no particular, or at least a less important purpose outside the historic District, and it appearing we can discriminate in this respect between the two areas, it seems reasonable to confine the limitation to that area where it fulfilled its primary purpose.

Q. A number of questions in each of the public forums raised concerns regarding the effect of the proposed changes within the DOD to one side or the other of the same coin: 1) to what extent would the proposed changes discourage new investment in the neighborhood, threatening its viability and 2) to what extent would the proposed changes result in "pricing out" and thus limiting neighborhood diversity.

Certainly, the Committee was aware of the legitimacy of each issue and the need to arrive at a balance that addressed both concerns.

On the question of the regulations stifling new investment, as a starting point, it is obvious after 10 years that the existing regulations of scale, bulk, and density have not fatally restricted investment in the neighborhood. Investment within the area of the DOD has been robust. The proposed changes are intended by the Committee to build on this regulatory experience.

Although the Committee lacked the resources to undertake a detailed analysis of building permits issued in the neighborhood since the enactment of the Hillcrest DOD, many, probably the greater number of construction projects that have taken place in the neighborhood in the past ten years would pass muster under the proposed regulations as well as the existing ones.

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While not entirely theoretical, the proposed regulatory changes are calibrated to "nip in the bud" the sort of out of scale construction that is becoming ubiquitous in say the bungalow streets in the Heights and would be possible under the existing regulatory framework.

It is true that a core element of the proposed changes is to provide an incentive for homeowners to work with the existing structure and renovate rather than tear down, but it does not substantively prevent demolitions. It also provides objective criteria for renovations that would encourage safeguarding the existing historic district designation status. That designation opens up the possibility of tax credits for some neighborhood investments and thus is a potential tool fueling reinvestment in the future.

On the issue of not stifling economic diversity, it is simply a fact that Hillcrest is desirable, and for that reason expensive, neighborhood. But the proposals will have absolutely no effect on the variety of multi-family housing options available now and in the future, which are a principal source of affordable housing. As for the single-family housing stock, the effect of the proposed regulations is to discourage the conversion of bungalows and other small traditional housing forms into larger and thus more expensive residences. Thus, to adopt the proposed changes would only be in the direction of maintaining Hillcrest with an eclectic variety of housing options.

As a closing thought, from the beginning of the review process, the Committee recognized that no set of objective criteria could be devised to achieve optimum results in every situation. In one circumstance the same criteria might be unfair, yet around the corner allow harmful or offensive development. There being a readily available process before the Planning Commission to allow exceptions to the DOD when too restrictive, but none to prevent offensive development when not restrictive enough, the Committee concluded it was better to err on the side of restriction and rely upon the available review process to round rough corners.

For the Committee

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Chair