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Administrative Review: Lessons from the Front Lines

By Steph McDougal

The Certificate of Appropriateness (COA) process is fairly standard across the United States. An applicant wishes to alter the exterior of his or her locally designated historic property and, after a complete application is submitted, it is considered by either the commission responsible for historic preservation or — if administrative review is allowed — by the planning staff. A decision is rendered, and the proposed work may or may not proceed.

Administrative review is not a new concept, but as city budgets are squeezed and staffing levels decrease accordingly, this tool may become a “new reality” for more preservation planning professionals.

For the past several years, I have been working with three very different cities in Texas: Houston (population 2,145,200), Round Rock (104,700), and Belton (18,500). Six months ago, none of these cities had the ability to process COA applications through administrative review. That has changed with the adoption of updated ordinances in both Belton and Round Rock this summer; as the number of historic districts grows in Houston, its planners have expressed interest in how administrative review might affect their workload.

A short online survey of NAPC members and members of the National Trust Preservation Leadership Forum, conducted this fall, sought to answer that very question. With only 61 respondents, this data can only be considered anecdotal, but even so, it provides valuable insight into the benefits and challenges of using administrative review for COA applications.

Responses came from 25 states across the U.S.

and from cities of all sizes, from San Francisco and Memphis, to Nantucket, MA (population 10,142) and Forest Grove, OR (21,488). We asked respondents to tell us what projects can be reviewed administratively, the average percentage of COA reviewed that way, how the use of administrative review has affected their workload, and what they both like and would like to change about the administrative review process. Here's what we learned.

TELL US ABOUT YOURSELF

Several common threads emerged from this survey.

- **Many cities have been using administrative review for a decade or more.** More than 70% of respondents have had this tool since before 2000, providing them with a solid track record of experience — and time to iron out any wrinkles in the process.
- **A lot of cases are being reviewed administratively.** More than half the respondents report reviewing at least 50% of COA in 2011 and/or to date in 2012, and more than one-third of respondents review at least 70% of COA this way.
- **COA are not the only things that staff review.** 54.5% of respondents also review non-COA cases, such as building permits and zoning applications, administratively.

WHAT CAN BE REVIEWED THIS WAY?

As one might expect, every city develops its own list of items that can be reviewed administratively. While this process makes sense, what works in one community might not fly in another.

- Many cities identify specific items that can be reviewed by staff. It is common to make a list of those projects that are eligible for

administrative review, rather than leaving the terms “minor changes” or “having no visual impact” open for interpretation. Several people told us that they started with a simple list that has grown over time into a detailed matrix. In some cases, the planning staff has the ability to review everything (or virtually everything) administratively.

- “Minor changes” are often defined as follows: Roofing, gutters, downspouts; fences that don’t impact the historic character of the property; retaining walls; backyard paving, decks, and patios; mechanical systems; windows and doors within existing openings (no vinyl); siding and masonry repairs using like materials; porch rails, decking, and skirting; ADA-compliant ramps; signage; security systems; awnings and canopies; removal of non-contributing accessory buildings; and the removal of dead, diseased, or unsafe trees.
- If such a list or matrix exists, it may not be adopted as part of the historic preservation ordinance. Alternatively, a list may be included in the commission’s bylaws, or simply developed by the commission.
- Design guidelines facilitate staff review. The number of respondents who use design guidelines to determine what is eligible for administrative review is about equal to those who refer to a separate list or matrix. Respondents report that tying administrative review to design guidelines provides an incentive to follow those guidelines.

WHAT ARE THE BENEFITS?

In all cases, respondents reported that the “pros” outweighed the “cons” — if they could identify any downside at all. The reported benefits of administrative review were consistent across the board.

- Customers are happier. The applicant gets an answer more quickly and doesn’t have to wait for the monthly commission meeting. In some cities, this also means lower COA application fees.
- Staff workload decreases, due to eliminating staff reports for minor projects. This is the most common comment about the effect of administrative review on planners’ workload. “Those staff reports take a long time!”
- Commission workload decreases.

Administrative review allows the commission to focus on major projects. In addition, meetings are shorter and members have time for more proactive programs, such as education and awards.

WHAT ARE THE CHALLENGES?

The respondents who did identify challenges consistently named these negative consequences of administrative review.

- The community is less involved. Since administrative review can happen quickly — in some cases, while the applicant waits — no public notice is required for administrative review. Of course, there is also no public hearing.
- Staff may be second-guessed by the commission or city officials. Commission members may see themselves in a “watchdog” or policing role, or may want to discuss staff-approved COA in public meetings, which can be counterproductive. One respondent suggested having the commission review any COA application that would have been denied by staff, to reduce the commission’s objections to staff decisions.
- The commission may feel less involved or that their role is diminished. If there are no items on the commission agenda, and the meeting is cancelled as a result, commission members might feel less relevant.

CONCLUSION

Overall, administrative review is viewed as a positive tool that helps make the COA process more efficient for planning staff, commission members, and applicants. Cities who use it seem to be moving toward expanding the scope of what can be reviewed by staff and continuing to simplify the process. The key to successfully implementing this process seems to be setting and managing expectations — particularly about the redefined roles of the staff and the commission.

Moving forward, the use of administrative review certainly seems to be a great benefit for preservation planners. It also may enable Historic Preservation Commission members to reduce the amount of regulatory work that they do, providing time to focus on developing more education, awareness building, and recognition programs. ■