

Commission of Fine Arts Review

Not all preservation or design review in the District of Columbia is conducted by the District of Columbia Historic Preservation Review Board (HPRB) and the Historic Preservation Office (HPO) staff. The federal National Capital Planning Commission and the United States Commission of Fine Arts review many types of planning and construction projects over broad areas of the District.

In accordance with several Acts of Congress and Executive Orders, the U.S. Commission of Fine Arts (“CFA” or “Commission”) reviews three types of building projects:

1. Federal and District of Columbia government projects;
2. Georgetown Historic District projects; and
3. Shipstead-Luce area projects.

The Historic Preservation Office handles much of the filing of projects for CFA review and frequently has concurrent jurisdiction for design review when the subject properties are designated landmarks, are within historic districts, or are government-owned.

The Commission reviews both conceptual and permit applications. It is advantageous to submit large or complex projects at the conceptual level, but a final review of a permit application (with working drawings) by the CFA is also necessary. Brief descriptions of the CFA review processes and coordination with the HPO follow.

1. Government project submissions directly to the CFA

The Commission of Fine Arts, established by Congress in 1910, is charged with advising the President, Congress, and the heads of federal and District of Columbia government agencies on matters of design and aesthetics, as they affect the federal interest and preserve the character of the nation’s capital.

In accordance with Executive Order, projects that are undertaken by the federal or District governments or that involve government land are reviewed by the CFA. These may be submitted by the sponsoring agency directly to the CFA staff at their offices in the Old Pension Building (now the National Building Museum building) at Judiciary Square. The address is:

The United States Commission of Fine Arts
401 F Street NW, Suite 312
Washington, D.C. 20001-2728

The staff may be contacted at 202-504-2200 (phone), 202-504-2195 (fax), and cfastaff@cfa.gov.

The Commission has a website, www.cfa.gov, with more information. Application requirements for direct submissions of government projects can be found here:

<http://www.cfa.gov/federal/concept.html> and <http://www.cfa.gov/federal/final.html>.

Applications should be accompanied by a cover letter from the submitting agency stating the location, purpose and nature of the work.

Like most applications submitted to the Commission, conceptual and “final” applications for government projects are reviewed at a monthly hearing. Hearing schedules and submission deadlines may be found here: <http://www.cfa.gov/meetings/schedule.html>.

The Commission records each recommendation in a letter to the applicant. Once the Commission recommends approval of a “final” or permit application, the application paperwork may be picked up from the CFA offices or is transmitted back to the HPO. Typically, three business days after the Commission hearing, the paperwork can be picked up from the HPO staff. It is then ready for review by the other disciplines (building code, zoning, etc.) at the DCRA Permit Center, 1100 4th Street SW, Second Floor. Occasionally, the HPO may need longer review time, especially if the project must be referred to the HPRB.

It is important for applicants to coordinate government projects with all of the appropriate review agencies, including the CFA, the HPO, and the National Capital Planning Commission. In its role as State Historic Preservation Office and in accordance with Section 106 of the National Historic Preservation Act, the HPO reviews federal projects for their effects on historic properties. In addition, the local historic preservation law gives the HPO the responsibility to review District government projects for their potential effects on designated or eligible historic properties. CFA, HPO and NCPC reviews can be concurrent, and for the sake of convenience, any necessary meetings of applicants with the staffs can often be joint ones.

Substantial District government projects—and some federal projects—involving new construction, additions, or the demolition of buildings at historically designated sites not located in Georgetown or the Shipstead-Luce areas (see below) will typically also need to be reviewed by the D.C. Historic Preservation Review Board.

2. Georgetown Historic District submissions

The Old Georgetown Act of 1950 created the District of Columbia’s first historic district and gave the Commission of Fine Arts the responsibility to review the neighborhood’s public and private projects that can be seen from a public way (including public alleys). Specifically, the CFA is charged with commenting on the “exterior architectural features, height, appearance, color, and texture of the materials of exterior construction,” and the District of Columbia is required to seek the recommendation of the CFA on such matters.

All Georgetown projects that are subject to the review of the CFA are also in the jurisdiction of the D.C. Historic Preservation Office (and the HPO has jurisdiction over many projects that are *not* visible from public space). The Commission generally applies to Georgetown projects preservation and design standards similar to those of the HPO and the HPRB. It has adopted guidelines on some topics (for additions, for instance, see

<http://cfa.gov/georgetown/additions.html>). And there are some specific sign regulations in the D.C. building code that are unique to Georgetown (see Section 3107.4.2 at http://os.dc.gov/os/frames.asp?doc=/os/lib/os/info/odai/title_12/dcmr_12a_building_code_supplement.pdf).

Some types of work do not require CFA review and can be reviewed solely by HPO staff. These include:

- minor repairs as defined by the District of Columbia Construction Codes Supplement;
- masonry repointing;
- temporary primary business signs to be displayed 60 days or less while review for a permanent sign is pending;
- replacement of roofs that are not visible from the ground;
- installation, removal or repairs of underground storage tanks, underground utility lines and underground waterproofing measures;
- temporary construction barriers and scaffolding, and public space permits for dumpsters and parking;
- repair or partial replacement in kind of compatible fences (new fences or substantial replacement of a fence requires CFA review; replacement of small portions can be considered a minor repair not requiring a permit);
- changes of use.

In addition, subdivisions are not subject to the jurisdiction of the CFA, but they must be reviewed by the HPO—and sometimes the HPRB and the Mayor’s Agent for Historic Preservation—for their likely effects on historic properties.

For all other projects requiring permits, the Old Georgetown Act and the District of Columbia’s historic preservation law and regulations require that those within CFA jurisdiction must be referred to the Commission, but need not also be referred to the District of Columbia Historic Preservation Review Board (HPRB). In nearly all such cases, HPO staff comments during the CFA process, i.e., typically at the monthly meeting of the Old Georgetown Board (OGB). HPO administrative review of applications is sufficient and avoids duplicative hearings. In rare instances, however, a case that is reviewed by the Commission may be referred to the HPRB if the HPO staff believes that the HPRB’s guidelines or standards would differ from the CFA recommendation or if the importance of the case necessitates an independent review.

There is an index to the areas of Commission jurisdiction listed by square. But CFA and HPO jurisdiction over individual properties in Georgetown may be checked in several sources, including the Department of Consumer and Regulatory Affairs Permit Intake Validation System at <http://pivs.dcr.dc.gov/property/search>, the GIS-based D.C. Property Quest website, <http://propertyquest.dc.gov>, or the D.C. Atlas at http://dcatlas.dcgis.dc.gov/dcgis_allservices/viewer.htm. Jurisdiction may also be checked by calling the Commission at 202-504-2200, or the HPO at 202-442-8800, or by reference to the *District of Columbia Inventory of Historic Sites*’ street index, available on the HPO website.

The determination of visibility of a project from public space—and thus, determination of CFA’s jurisdiction in a case—is generally left to the Commission staff in order to avoid disagreement. Whenever the visibility is uncertain, the Commission staff will perform a visibility check shortly after receiving the permit application. If it is determined that a project will not be visible, it is referred back to the HPO for either administrative review or scheduling for an HPRB hearing.

Permit and concept applications should be submitted to the Historic Preservation Office desk at the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) Permit Center located at 1100 4th Street, SW, Second Floor. The HPO staff will transmit the application to the Commission.

Submission requirements for Old Georgetown Act review of concept and permit applications can be found here:

<http://www.cfa.gov/georgetown/concept.html> and <http://www.cfa.gov/georgetown/permit.html>.

The schedule of OGB and Commission meetings and submission deadlines can be found here: <http://www.cfa.gov/meetings/ogbschedule.html>.

It is often possible to submit supplemental information directly to the Commission staff after filing an application; the staff will frequently contact applicants for additional information that helps clarify the intent and likely effects of a project. It is recommended that, especially for new construction or other large projects, applicants contact the CFA staff before making application. The CFA staff architects responsible for Georgetown are Jose Martinez and Eve Barsoum. They may be reached at (202) 504-2200 or georgetown@cfa.gov.

Applicants are strongly encouraged to contact their neighbors when a project, such as an addition, might affect their properties. Applicants are also strongly encouraged to contact Advisory Neighborhood Commission 2E, which serves Georgetown. The ANC has a website at anc2e.com. The ANC reviews most of the Georgetown applications for their likely effects on the community and provides comments to the CFA/OGB and the HPO/HPRB.

The application submission deadlines precede by about three weeks the monthly meetings of the Old Georgetown Board, three architects appointed to review Georgetown applications and make recommendations to the full Commission. The OGB meets the first Thursday of each month, with the exception of August. The Commission meets two weeks later and usually approves the OGB recommendations. The fullest discussion of the projects typically occurs at the OGB meeting; many of the Commission’s Georgetown recommendations are then made by consent. The OGB has its own consent calendar for the approval of the simplest projects. For most projects, however, an applicant should expect to attend the OGB meeting—or have a representative there—to answer questions or consider recommended revisions or alternatives.

The Commission records each recommendation in a letter to the applicant. Once the Commission recommends approval of a “final” or permit application, the application paperwork is transmitted back to the HPO. Typically, three business days after the Commission hearing, the paperwork may be picked up by the applicant from the HPO staff at the Office of Planning. It is then ready for review by the other disciplines (building code, zoning, etc.) at the DCRA Permit

Center, 1100 4th Street SW, Second Floor. Occasionally, the HPO may need longer review time, especially if the project must be referred to the HPRB.

If the Commission recommends that the city *not* approve a permit application, an applicant will receive a letter from the HPO stating the applicant's further due process rights.

3. Shipstead-Luce area submissions

Through the Shipstead-Luce Act of 1930, Congress gave the Commission of Fine Arts the responsibility to review the "height and appearance, color, and texture of the materials of exterior construction" at properties that face or abut the Capitol grounds; the White House grounds; Pennsylvania Avenue between the Capitol and the White House; Lafayette Park; Rock Creek Park and the Rock Creek and Potomac Parkway; the National Zoo; the Mall park system; and the Southwest Waterfront and Fort McNair.

There is an index to the areas of Commission jurisdiction listed by square. But CFA and HPO jurisdiction over individual properties in the Shipstead-Luce area may be checked in several sources, including the Department of Consumer and Regulatory Affairs Permit Intake Validation System at <http://pivs.dcra.dc.gov/property/search>, the GIS-based D.C. Property Quest website, <http://propertyquest.dc.gov>, or the D.C. Atlas at http://dcatlas.dcgis.dc.gov/dcgis_allservices/viewer.htm. Jurisdiction may also be checked by calling the Commission at 202-504-2200, or the HPO at 202-442-8800.

Applications should be submitted at the Historic Preservation Office desk in the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) Permit Center located at 1100 4th Street, SW, Second Floor. The HPO staff will transmit the application to the Commission.

The Commission meets the third Thursday of each month, except August. Applications should be submitted at least two weeks prior to the hearing. The schedule of hearings and submission deadlines may be found here: <http://www.cfa.gov/meetings/schedule.html>.

Submission requirements for Shipstead-Luce area reviews may be found here: <http://www.cfa.gov/shipstead/concept.html> and <http://www.cfa.gov/shipstead/permit.html>.

It is highly recommended, especially for new construction or other large projects, that the project's applicant or agent contact the CFA staff architect (202-504-2200) prior to submission. Such projects will typically require a presentation before the Commission, as opposed to minor projects, which are often decided by consent.

It is also strongly recommended that the applicant contact neighbors who may be affected by a proposed project prior to submission review. Applicants are also strongly encouraged to contact the Advisory Neighborhood Commission (ANC) for the area (see anc.dc.gov). The ANCs review projects for their effects on the community and may wish to provide comments to the CFA or help resolve issues between neighbors.

The Commission records each recommendation in a letter to the applicant. Once the Commission recommends approval of a “final” or permit application, the application paperwork is transmitted back to the HPO. Typically, three business days after the Commission hearing, the paperwork can be picked up from the HPO staff. It is then ready for review by the other disciplines (building code, zoning, etc.) at the DCRA Permit Center, 1100 4th Street SW, Second Floor. Occasionally, the HPO may need longer review time, especially if the project must be referred to the HPRB.

Most Shipstead-Luce area projects are not under the jurisdiction of the HPO. Many are, however, particularly around Rock Creek Park and downtown. While projects that have been recommended for approval by the CFA can usually be approved administratively by the HPO staff, it is possible that a major or problematic project in the jurisdiction of both agencies may require review by the Historic Preservation Review Board. This is because the Commission’s responsibility in the Shipstead-Luce area is design review to protect important and mostly federally owned resources adjacent to the subject property. The HPO’s and HPRB’s responsibility is the preservation of the historic character of the subject property and/or its neighborhood. Thus, the conclusions of the agencies will not always agree. Therefore, coordination between the applicant and the agencies for such projects may be important. The staffs of the two review agencies are willing to have joint meetings with applicants on major projects.

To avoid a project having to go back and forth between Boards and potentially receiving contrary recommendations, the HPO staff will typically determine, after CFA review has advanced, whether the project is sufficiently consistent with the purposes of the preservation law, or whether it needs further review by the HPRB.

For certain minor projects in HPO jurisdiction, CFA review is not required. Such projects may be reviewed solely by HPO staff. These include:

- minor repairs as defined by the District of Columbia Construction Codes Supplement;
- masonry repointing;
- temporary primary business signs to be displayed 60 days or less while review for a permanent sign is pending;
- replacement of roofs that are not visible from the ground;
- installation, removal or repairs of underground storage tanks, underground utility lines and underground waterproofing measures;
- temporary construction barriers and scaffolding and public space permits for dumpsters, parking;
- repair or partial replacement in kind of compatible fences (new fences or substantial replacement of a fence requires CFA review; replacement of small portions can be considered a minor repair not requiring a permit);
- changes of use.

In addition, subdivisions are not subject to the jurisdiction of the CFA, but they must be reviewed by the HPO—and sometimes the HPRB and the Mayor’s Agent for Historic Preservation—for their likely effects on historic properties.