

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS
TITLE 10A HISTORIC PRESERVATION

CHAPTER 3 HPRB AND CFA REVIEW OF WORK AFFECTING HISTORIC LANDMARKS AND HISTORIC DISTRICTS

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300 GENERAL PROVISIONS

The Historic Preservation Review Board and Commission of Fine Arts review and provide recommendations to the Mayor’s Agent on proposed work affecting historic landmarks and districts (D.C. Official Code §§ 6-1104 through 6-1107). The Board also conducts preliminary review (D.C. Official Code § 6-1108) and conceptual design review of projects before application for building permits.

The following terms specifically applicable to this chapter are defined in Chapter 99:

- (a) Conceptual Design Review;

- (b) Preliminary Review;
- (c) Subdivision;
- (d) Alteration;
- (e) Replacement in kind;
- (f) Demolition;
- (g) Permit Processing Division;
- (h) Surveyor.

301 CONCEPTUAL DESIGN REVIEW

Conceptual design review is not required before application for a permit, but is strongly encouraged for new construction, substantial alteration, or any other work requiring a significant financial outlay for the preparation of permit plans.

The purpose of conceptual design review is to allow applicants to benefit from the guidance of the Review Board and Commission of Fine Arts, or both, in advance of a permit application, and to allow the Board and CFA to review and take action at an early stage of design. Once completed, the process further enables the delegation of final permit review to the staff when appropriate.

An application for conceptual design review does not constitute a permit application. An application for conceptual design review is not subject to review by the Mayor's Agent, or to the review periods set out in D.C. Official Code §§ 6-1104 through 6-1108.

302 PRELIMINARY REVIEW

Preliminary review is not required before application for a permit, but may be appropriate in occasional circumstances. Conceptual review is recommended as the preferred method of obtaining guidance on whether a proposal is consistent with the purposes of the Act.

The purpose of preliminary review is to allow applicants to obtain an official preliminary finding of compliance from the Mayor's Agent in advance of a permit application. Before making this finding, the Mayor's Agent shall obtain the recommendations of the Board or CFA in accordance with D.C. Official Code §§ 6-1104 through 6-1108 and the procedures in this chapter.

Since a preliminary finding of compliance can only be made on the basis of plans meeting D.C. zoning requirements, zoning approval is required before an application for preliminary review is submitted to the Mayor's Agent for consideration.

An application for preliminary review does not constitute a permit application, but is subject to the required review period in D.C. Official Code § 6-1108.

303 PERMIT REQUIREMENTS: GENERAL

Permits are required for work affecting historic landmarks and historic districts, including demolition, alteration, subdivision, and new construction as described in D.C. Official Code §§ 6-1104 through 6-1107. The requirements for a construction permit are governed by the D.C. Construction Codes (12 DCMR Chapter 1).

Historic preservation review shall be part of the sequence of zoning and code reviews conducted before issuance of construction permits and subdivision plats by the Department of Consumer and Regulatory Affairs. The HPO shall coordinate with DCRA in determining the sequence of review for applications.

A separate historic preservation permit or certificate of appropriateness is not required.

304 PERMIT REQUIREMENTS: ALTERATION

Work considered an alteration under the Act shall include, but is not limited to, any of the following, regardless of whether or not the work is visible from public space:

- (a) Any alteration as defined in Chapter 99;
- (b) Any addition to the building envelope;
- (c) Any alteration or repair that does not involve replacement in kind of an architectural feature, including removal of an architectural feature such as ornamentation or historic signage;
- (d) Construction of a projection into public space;
- (e) Installation or replacement of a window, door, siding, roofing, or other exterior building finish;
- (f) A change in the exterior appearance of a window due to work for which a permit is required;
- (g) Installation of an awning, sign, or other advertising device;
- (h) Construction or replacement of a retaining wall, fence, deck, patio, garden storage shed, swimming pool, or other site feature;
- (i) Installation of air conditioning, mechanical, plumbing, or other equipment;
- (j) Erection of a flagpole, antenna, satellite dish, or telecommunication tower;

- (k) Sandblasting and similar types of abrasive cleaning; and
- (l) Paint stripping where a permit is required.

Pursuant to § 107 of the D.C. Construction Code, a permit is required for various minor repairs to historic landmarks or properties within historic districts, even though a permit is not required for the same work on non-historic properties. Under this provision, the Mayor's Agent shall review permits for the following categories of work:

- (a) Brick pointing;
- (b) Replacement of windows and doors;
- (c) Replacement of roofing and coping;
- (d) Replacement of siding; and
- (e) Replacement of retaining walls regardless of height.

Alteration to a designated interior historic landmark shall not include changes in furnishings.

305 PERMIT REQUIREMENTS: DEMOLITION

Work considered demolition under the Act shall include, but is not limited to, any of the following, as determined by the Mayor's Agent:

- (a) The removal or destruction of any façade;
- (b) The removal or destruction of all or a substantial portion of the structural components of the building, such as structural walls, floor assemblies, and roofs;
- (c) The removal or destruction of all or a substantial portion of the roof along with all or substantially all of one or more exterior walls;
- (d) The removal or destruction of all or substantially all of an entire wing or appendage of the building, such as a rear ell, unless the wing lacks physical or historic integrity, or is not a character-defining feature;
- (e) The removal or destruction of a substantial portion that includes character-defining features of the building or structure;
- (f) The removal or destruction of all or a substantial portion of a designated interior landmark, unless the elements to be removed lack physical or historic integrity, or are not character-defining features; or
- (g) Any removal or destruction requiring a partial demolition or raze permit under the D.C. Construction Code, including any demolition of non-bearing walls, interior

finishes, or other interior non-bearing elements within a building where an interior space has been designated as a historic landmark.

In general, the determination whether a proposal involves destruction of a building “in significant part” shall depend on the extent to which character-defining historic features, historic or structural integrity, historic materials, or ability to convey historic significance would be lost. This decision shall depend on all the facts and circumstances of the case.

The filing of an application for a demolition permit shall be considered to incorporate a request for determination whether the property contributes to the character of a historic landmark or district pursuant to § 704 of this title.

306 SUBMISSION OF APPLICATIONS

All applications including applications for conceptual or preliminary review shall be submitted to the Surveyor or the Permit Processing Division of DCRA, as appropriate.

No application substantially the same as an application denied by the Mayor’s Agent shall be accepted for review under the Act within one year after the denial, except in the instance of an application denied for lack of information.

307 APPLICATION MATERIALS: FORMS AND FEES

Each application shall include a completed official application form, signed by the owner or authorized agent, together with any related filing documents required by DCRA or the staff. An application for demolition, alteration, or preliminary review shall be made by completing the appropriate D.C. construction permit application form.

An application for Board review shall include the appropriate transmittal form issued by DCRA, indicating the case number assigned for Board review and assigned for CFA review, if applicable.

The application shall include payment of the applicable filing fee as provided in Chapter 33.

308 APPLICATION MATERIALS: CERTIFICATIONS AND CLEARANCES

The application shall describe any outstanding permit violations for the property or any other historic properties under the applicant’s ownership or direct control. If requested, the applicant shall submit a copy of any notice of violation or stop work order in effect. The nature of outstanding permit violations and any proposed cure shall be considered vital information relevant to the review of the application.

An application for preliminary review, alteration, new construction, or subdivision shall include approval by the Zoning Administrator.

The application shall disclose the nature of any zoning variance, special exception, or code relief known to be required for the proposed work. If there is a Zoning Commission or Board of Zoning Adjustment order in effect for the property, the applicant shall submit a copy with the application. If requested, the applicant shall submit a copy of any pending application to the Zoning Commission or BZA.

If there is a conservation easement or preservation covenant in effect for the property, the applicant shall submit the easement or covenant holder's written consent to the application or to the project.

If the applicant intends to request approval of a transfer of development rights pursuant to the Zoning Regulations, the application shall so indicate.

If requested, the applicant shall submit documentation to verify any claim that adjacent property owners or the affected ANC have been notified of the proposed work.

309 APPLICATION MATERIALS: PHOTOGRAPHS

The application shall include comprehensive exterior photographs of the building, structure or site in question.

If the building, structure or site is in a historic district, the application shall also include photographs of the adjacent buildings and immediate neighborhood.

All photographs shall be of good quality, clearly showing the area to be affected by the proposed work.

When appropriate, annotated photographs showing proposed rehabilitation or repair work may be submitted instead of architectural plans.

310 APPLICATION MATERIALS: ARCHITECTURAL PLANS

An application for conceptual review shall include architectural plans or model photographs sufficient to indicate the general exterior massing, composition or design of the proposed work within its surroundings.

An application for preliminary review shall include architectural plans sufficient to indicate the exterior design of the proposed work within its surroundings.

A permit application for alteration or new construction shall include architectural plans of sufficient completeness to indicate the complete exterior design of the proposed work within its surroundings.

Architectural plans shall clearly show the character of the work to be performed. Plans shall be drawn to scale, fully dimensioned for critical measurements including overall width, length, and height. A progressively higher level of specificity with regard to the

exterior design and dimensions shall be required for conceptual, preliminary, and construction permit applications.

Architectural plans shall be drawn and annotated in a manner that defines without ambiguity the nature and extent of proposed work.

Architectural plans for conceptual review, additions, new construction, and other substantial work shall normally include a site plan, existing conditions plans, floor plans, sections, and elevations showing adjacent structures.

Architectural specifications, materials samples, zoning envelope diagrams, shop drawings, or site mock-ups may be required if necessary for review.

The application shall clearly show the extent to which the existing building or structure is to be preserved, altered, or demolished.

An application for demolition shall include architectural plans or diagrams clearly showing the extent of proposed demolition.

An application involving an interior historic landmark shall include architectural plans sufficient to indicate the nature and design of proposed interior work. Plans may be in the form of or include annotated photographs.

An application for subdivision shall include a proposed plat of subdivision prepared by the Surveyor. An application for conceptual review of a subdivision shall include a proposed plat or a site plan clearly showing the proposed reconfiguration of the property.

311 APPLICATION MATERIALS: PROJECT DESCRIPTION

An application for new construction or substantial addition, including conceptual and preliminary review, shall include a brief written project description indicating the general nature of the project. This description shall state the program of uses, estimated gross floor area by use, number of residential units, scope of preservation work, and any other pertinent features of the project.

An application for construction of a project of special merit shall include a statement of the proposed grounds upon which the applicant intends to support this claim. The application shall also include a general description of the information the applicant intends to submit as evidence of ability to complete the project.

The applicant shall also submit any other information as may be necessary to understand and evaluate the project for consistency with the purposes of the Act.

312 APPLICATION MATERIALS: ACCURACY AND ADEQUACY OF INFORMATION

All application materials shall accurately represent the existing conditions of the property and the nature of the work proposed. The entire scope of the proposed project shall be accurately represented in the application, except when the application is for a supplemental permit or permit for a portion of a phased project. The signature of the owner or the owner's agent on the application is considered to attest to its completeness and accuracy.

The Board may request any additional information as may be reasonably necessary for a decision or recommendation.

If an applicant does not supply sufficient information, the Board may defer the case until sufficient information is provided. If the applicant does not supply the information within a reasonable time period specified by the staff, the Board may return the application to the Mayor's Agent, and the Mayor's Agent may deny the issuance of the permit.

313 FILING DEADLINES

The Board may establish filing deadlines to allow sufficient time for staff review of applications before the Board meeting. The staff may defer to the next Board meeting any application not submitted in complete form, with all required information and documents, by the filing deadline.

The filing of an application by the filing deadline does not guarantee that the application will be heard at the next Board meeting. The Board or staff may defer applications to allow sufficient time for review, if additional information is needed, if warranted by the volume of cases, or for any other legitimate reason. If an application is deferred due to the volume of cases, the staff shall give it priority over new cases at the next meeting.

The staff may establish additional deadlines and requirements for the receipt of supplemental materials to be provided to the Board before its meeting. If an applicant fails to provide supplemental materials as required by the deadline, the staff may defer the case to the next meeting.

The following rules pertain to applications returning to the Board for additional review:

- (a) Refiling of the application and assignment of a new case number is not required unless the revision represents a substantially different project, the ownership has changed, more than two years has elapsed since the previous Board review, or the staff otherwise deems it appropriate.
- (b) The Board or staff may require the submission of revised plans or other information, and further staff review and consultation if necessary, before returning to the Board.
- (c) Submission deadlines shall be the same as for new cases, but the staff may exercise discretion in allowing late submission of revised or supplemental

material.

- (d) An applicant directed to return to the Board is not guaranteed consideration at the next Board meeting, even if revised materials are submitted by the filing deadline. The staff may schedule the case as appropriate to allow sufficient time for review.
- (e) The staff may defer a case to the next meeting if revised plans or other information is not provided in sufficient time for review, if further revision or review is needed, or for any other legitimate reason.

The Commission of Fine Arts may establish filing deadlines at its own discretion.

314 NOTICE OF FILED APPLICATIONS

Notice of filed applications for demolition, alteration, subdivision, and new construction shall be placed in the *D.C. Register* as required by D.C. Official Code §§ 6-1104(a), 6-1105(a), 6-1106(a), and 6-1107(a), and Mayor's Order 79-50, as amended, or any subsequent Mayor's Order.

HPO may assist DCRA in fulfilling DCRA's responsibility to provide this notice in accordance with Mayor's Order 79-50, as amended.

315 TRANSMITTAL OF APPLICATIONS TO THE MAYOR'S AGENT AND CFA

DCRA transmits applications to the Mayor's Agent and CFA in accordance with Mayor's Order 79-50, as amended, and implementing procedures it may adopt.

The Mayor's Agent receives all applications transmitted by DCRA for review under the Act.

The Commission of Fine Arts also receives applications transmitted by DCRA for review under the Shipstead-Luce Act or the Old Georgetown Act.

If an application is subject to review by both the Mayor's Agent and CFA under the Act, the applicant shall submit a simultaneous application for review by each.

Each application received for Board review, except those to be reviewed by the staff under a delegation of authority, shall have an assigned case number. If the staff declines to review a case under delegation of authority from the Board, it shall be returned to DCRA for transmittal with a case number.

316 REFERRAL OF APPLICATIONS BY THE MAYOR'S AGENT

The Mayor's Agent shall refer to the Board all applications not referred to the Commission of Fine Arts.

The Mayor's Agent may refer to the Board any application referred to the CFA. The following considerations shall apply in these cases:

- (a) The Mayor's Agent may act upon the advice of the SHPO, Board, or staff in determining whether to refer an application to the Board.
- (b) The Mayor's Agent may refer an application to the Board to obtain review under the standards in the Historic Protection Act and these regulations, in addition to the standards for CFA review under the Shipstead-Luce Act.
- (c) An applicant, directly affected person, or Advisory Neighborhood Commission may submit a written request to the Mayor's Agent for review by the Board, stating the reasons for the request.
- (d) An Advisory Neighborhood Commission may submit a duly authorized written request to the Mayor's Agent for review by the Board, stating the specific reasons for the request for duplicate review.
- (e) Upon receipt of a request for duplicate review, the Mayor's Agent shall decide whether to refer the application to the Board, or shall refer the matter to the Board for its decision on whether a duplicate review would be appropriate.
- (f) If the CFA declines to review an application for preliminary review, or does not accept this type of application, the Mayor's Agent shall refer the application to the Board for its recommendation.

The Mayor's Agent shall refer to the Office of Planning a copy of any application for which the owner intends to demonstrate special merit.

The Mayor's Agent may refer any application to any other District department or agency for review.

The Mayor's Agent may request any other person that the Mayor's Agent deems appropriate to provide information and assistance.

317 REVIEW BY THE COMMISSION OF FINE ARTS

The Commission of Fine Arts and the Old Georgetown Board review applications in accordance with procedures they adopt.

The HPO may evaluate applications referred to the CFA, and may coordinate with the CFA and its staff in reviewing applications. The HPO staff may participate and provide public comment on behalf of the Board or SHPO in any review of a case by the Commission or the Old Georgetown Board.

318 REVIEW BY THE OFFICE OF PLANNING AND OTHER AGENCIES

The staff shall coordinate with the Office of Planning in reviewing any application for which the owner intends to demonstrate special merit.

The staff may coordinate with any other department or agency to which the Mayor's Agent has referred an application, and may also seek the advice or assistance of any agency or other appropriate person in reviewing applications.

319 EXPEDITED REVIEW UNDER DELEGATION TO THE STAFF

The Board may delegate to the staff its authority to review certain applications for minor work not likely to have a significant effect upon the historic character of designated properties. These applications shall not require individual referral to the Board.

The purpose of this delegation shall be to expedite the processing of applications for routine, minor, and compatible work so as to promote efficient administration of the Historic Protection Act in the general public interest.

Applicants shall qualify for expedited review only upon submission of sufficient information to support a determination that the proposed work is compatible with the character of the affected historic landmark or historic district. An applicant seeking expedited review shall submit all pertinent application materials required in §§ 304 through 310. The staff may reject for expedited consideration any application lacking proper documentation.

The staff shall review applications by applying written criteria adopted by the Board. These criteria shall include the design and construction standards in Chapters 20 through 29, as well as any design guidelines adopted by the Board in accordance with § 2003. The staff shall ensure that the Board's standards and guidelines are readily available to the public.

The staff shall maintain a public record of all approvals granted under this delegation of authority, indicating the address and type of work approved. The staff may provide regular notice of the cases approved under delegated review, either by mail or electronic mail to the public mailing list described in Chapter 32.

320 CATEGORIES OF WORK DELEGATED TO THE STAFF

The staff is delegated authority to review the following types of work:

- (a) Construction of insignificant or clearly compatible minor additions or alterations;
- (b) Removal of insignificant or incompatible minor additions or alterations;
- (c) Demolition of buildings the Board has previously determined not to contribute, or that clearly do not contribute to the significance of a historic district;
- (d) Window and door replacement;

- (e) Addition or closure of window or door openings in a manner consistent with the Board's standards and guidelines;
- (f) Rear decks and roof decks not visible or obtrusive from a public street;
- (g) Fences up to 42 inches high in front yards and up to 7 feet high in rear yards;
- (h) Retaining walls, patios, garden storage sheds, swimming pools, and similar site features;
- (i) Appropriate siding materials;
- (j) Replacement of roofing, coping, gutters and downspouts;
- (k) Skylights not visible or obtrusive from a public street;
- (l) Installation, modification, or removal of exterior lighting fixtures;
- (m) Antennas and satellite dishes;
- (n) Air conditioning equipment, if suitably screened or unobtrusive;
- (o) Plumbing and exhaust vents, if suitably screened or unobtrusive;
- (p) Utility meter boxes;
- (q) Awnings, canopies, and signs consistent with the Board's standards and guidelines;
- (r) Unenclosed sidewalk cafes consisting of movable components;
- (s) In-kind repair or replacement of woodwork, metalwork, and other trim;
- (t) Brick pointing and cleaning of building exteriors, except by sandblasting or other damaging methods;
- (u) Excavation, sheeting and shoring, grading, blasting, and other ground disturbance activity;
- (v) Waterproofing and dampproofing; and
- (w) Other routine, minor, and compatible work consistent with the above.

The staff is delegated authority to review applications for the following types of permits subject to review under the Act or upon referral by DCRA:

- (a) Projection permits for projections consistent with work approved by the Board or delegated to the staff;
- (b) Public space permits for occupation of public space for dumpsters, barricades, and other construction activities, and permits for after-hours work;
- (c) Permits for temporary work, including temporary signs, observation stands, scaffolding, and other construction activities;
- (d) Renewal or revision permits for items consistent with work approved by the Board or delegated to the staff;
- (e) Supplemental plumbing, gas, mechanical, and electrical, and other specialty permits; and
- (f) Supplemental raze applications for non-contributing buildings or other structures pursuant to an approval by the Board or Mayor's Agent.

The staff is also delegated authority to review applications for the following types of subdivision, except in the case of historic landmarks or theoretical building sites as provided in D.C. Zoning Regulations:

- (a) Minor or insignificant lot changes compatible with the character of the property or its setting;
- (b) Conversion of assessment and taxation lots to record lots; and
- (c) Subdivisions required to implement a rehabilitation or construction project approved by the Board.

The applicant for subdivision of a property subject to a conservation easement shall submit written consent of the easement holder when requesting staff review.

The staff may decline to review any application under delegated authority if it deems appropriate.

321 PROCESSING OF APPLICATIONS UNDER DELEGATED REVIEW

Upon receipt of an application, the staff shall determine whether delegated review is appropriate. If at any time during the consideration of an application, the staff determines that it is not appropriate for delegated review, the staff shall require that it be filed for review by the Board.

If an application is appropriate for delegated review, the staff shall evaluate it for completeness. The staff may request additional information or documentation as may be reasonably necessary for its review.

Upon receipt of a complete application, the staff shall review it for conformance with the Board's standards and any applicable design guidelines adopted by the Board.

During the course of review, the staff may consult with affected Advisory Neighborhood Commissioners, historic preservation organizations, or potentially interested persons before taking an action on the application.

If the staff determines that the applicable standards or guidelines have been met, it shall be authorized to approve the application on behalf of the Board, and to use its delegated approval as a basis for final action by the Mayor's Agent.

Even if the applicable standards or guidelines appear to have been met, the staff in its sole discretion, or at the request of the Board, may nonetheless refer any matter to the Board either as a Consent Calendar or Agenda item.

If the staff determines that the applicable standards or guidelines have not been met, the staff shall allow the applicant to amend the application by submitting revised or supplemental materials to show conformance. If the applicant is still unable to show conformance, the staff shall inform the applicant of the specific reason for denial and shall submit the case to the Board on the Agenda or Denial Calendar.

Prior to referral to the Board, the applicant may request a meeting with the SHPO or the staff person designated by the SHPO to discuss the application of the standards or guidelines.

322 REVIEW BY THE BOARD

The Board shall hold regular public meetings for the purpose of reviewing applications for work affecting historic landmarks or historic districts. All Board reviews shall occur at a public meeting.

The Board shall review applications scheduled on its Agenda, Consent Calendar, or Denial Calendar. Cases on the Agenda will be heard by the Board in open session with the opportunity for public comment. Cases on the Consent Calendar or Denial Calendar will be acted upon based on submitted materials and staff reports without further public comment.

323 NOTICE OF BOARD MEETING

Not less than fifteen (15) days before a public meeting, the Board shall give notice of the meeting by first class mail to all those listed on the public mailing list described in Chapter 32, and shall give fifteen (15) day notice by electronic mail to all persons requesting electronic mail as an alternative or supplement to mailed notice. The Board may supplement this notice with announcements by facsimile or posting on the HPO website.

Notice of the meeting shall state the time, date, and location of the meeting, and shall include a list of cases to be considered, indicating the street address and nature of the application for each case.

Applicants shall be notified of the meeting by telephone, email, or other direct contact by the staff, or by a meeting schedule posted in the office where applications are filed for review.

The public notice shall be considered a list of potential cases for consideration, and not a guarantee that the Board will consider each case noticed for the meeting. The staff may approve some noticed cases under delegated authority before the meeting. The staff may defer other noticed cases for further consultation before Board review. The staff may also defer cases to a supplemental continuation meeting or to the next regularly scheduled meeting if necessary due to the volume of cases or other circumstances.

The Board shall release the proposed Agenda, Consent and Denial Calendars, and staff reports to the public not later than five (5) days before the meeting.

The scheduling of cases on the Agenda, Consent, and Denial Calendars shall be at the sole discretion of the Board and staff, and nothing shall preclude the Board from amending the scheduling at a public meeting.

324 STAFF REVIEW BEFORE THE BOARD MEETING

Before consideration by the Board, the staff shall review each case and consult with the applicant as necessary. The staff shall assist the applicant in understanding the Board's procedures and in meeting the Board's standards and guidelines. The applicant should take full advantage of the staff's availability and expertise.

The staff shall advise the applicant of any changes in project plans that may be appropriate in order to meet the Board's standards and guidelines. In response, the applicant may submit revised plans for further review. Revisions may be submitted without the requirement for a new application. If the applicant is unable to submit revised plans in sufficient time for staff review before the Board meeting, the staff may defer the case to the next Board meeting.

If the staff is unable to reach an applicant at the telephone number provided on the application, the staff may either process the application for Board review, or return it to DCRA with written notification to the applicant.

The applicant is encouraged to work directly with ANCs, historic preservation organizations, neighbors, and other interested groups or persons to identify and resolve any public concerns about a project before the Board meeting. The applicant is responsible for presenting project plans to interested groups or persons as appropriate. Resolution of concerns is not required prior to Board review, but applicants are advised of the great weight accorded to ANC views.

The staff may also consult with ANCs, historic preservation organizations, adjacent property owners, or any other persons so as to gather information, assess public interest, or identify the nature of public views on an application. The staff may facilitate public reviews as it deems appropriate.

ANCs and historic preservation organizations are encouraged to establish a schedule of regular meetings to facilitate their review of cases pending before the Board. Applicants are encouraged but not obligated to attend these meetings.

ANCs and historic preservation organizations wishing to participate on a regular basis in the Board's meetings are encouraged to establish a means of periodic contact with the staff in order to facilitate the review of cases before each Board meeting. Organizations may appoint a monitor familiar with the Board's standards, guidelines, and procedures as a means of facilitating a full and orderly involvement in the review process.

The staff shall prepare a written report and recommendation on each case the Board will review. Each staff report shall indicate whether the application is to be considered on the Agenda, Consent Calendar, or Denial Calendar. Each report shall evaluate the project for consistency with the purposes of the Act and with the Board's standards and guidelines, and shall recommend any modifications needed to achieve consistency.

Staff reports shall be submitted to the Board and released to the applicant and public at least five (5) days before the meeting.

325 REQUESTS FOR WITHDRAWAL OR DEFERRAL

An applicant may withdraw an application or may request a deferral of Board review by notifying the staff, in writing or otherwise, at any time.

If work has already been completed without the necessary permit, the staff may schedule the application for Board review regardless of a request for withdrawal. If scheduled for Board review, the staff shall inform the applicant of the time and place of the review in accordance with the procedures in this chapter.

An affected ANC may request a deferral of Board review of a case involving matters of significance to neighborhood planning and development, if the ANC has not received the requisite notice under the ANC Act (D.C. Official Code § 1-309.10). The ANC shall make this request by notifying the staff in writing or by electronic mail, at least 48 hours before the scheduled Board meeting. The request shall state that the ANC has not had sufficient opportunity to hold a duly noticed public meeting to consider the application. Upon receipt of a written ANC request, the staff shall defer the case for a sufficient time to ensure that the ANC has received notice of forty-five (45) days.

A person or group directly affected by a case may request a one-month deferral of Board review for good cause, but shall bear the burden of demonstrating the need for a delay in view of the applicant's right to prompt consideration by the Board. The staff may require that this request be made in writing. The staff shall determine whether to defer

the case, and may consult with the Chairperson of the Board in making this determination.

326 BOARD MEETING PROCEDURES

The Board shall hold its public meetings in accordance with the procedures in Chapter 31.

The Board shall conduct public review of cases in accordance with a proposed Agenda released to the public before the Board meeting. The Board shall dispose of other cases by adoption of a Consent Calendar and Denial Calendar, as appropriate. The Board may amend the Agenda, Consent, and Denial Calendars at the public meeting as it may deem appropriate.

After considering each application and hearing public comments, the Board shall deliberate in public and vote on the case. In order to ensure that neighborhood views as expressed through the ANC receive specific attention in its deliberations, the Board shall give great weight to any properly adopted written recommendations of the affected ANC that are germane to the issues that fall within the Board's authority.

327 CONSENT CALENDAR

An application may be placed on the Consent Calendar if the applicant and staff agree that the proposed work is consistent with the purposes of the Act, and there is no known objection by an affected ANC, historic preservation organization, or affected person. Any relevant terms or modifications agreed upon by the applicant and staff may be included as conditions of the approval.

At the request of any Board member, the Chairperson may remove any case from the Consent Calendar and place it on the Agenda for individual consideration by the Board at the meeting. A request from any other group or person to remove a case from the Consent Calendar should be made to the staff in advance of the hearing and shall be considered as a preliminary matter at the hearing.

The Chairperson may also remove any case from a duly noticed Agenda and place it on the Consent Calendar, provided there is no objection from the applicant, any Board member, or any affected group or person present and wishing to comment on the case.

The Board may approve the Consent Calendar on a voice vote.

328 DENIAL CALENDAR

An application which has been denied by the staff pursuant to the Board's delegation of authority may be placed on the Denial Calendar.

Before submitting a case to the Board on the Denial Calendar, the staff shall inform the applicant of the reason for denial, and shall notify the applicant of the opportunity to

present brief written materials to the Board for consideration along with the staff report. The applicant shall be afforded at least seven (7) days to submit these materials.

The staff report shall clearly state the reason for denial, indicating the specific standard or guideline violated.

At the request of any Board member, the Chairperson of the Board may remove any case from the Denial Calendar and place it on the Agenda for consideration by the Board at the meeting.

The Board shall consider both the staff report and the applicant's written materials in reaching a decision based solely on the written record. By adopting the Denial Calendar, the Board shall confirm the staff's recommendation of denial.

The Board may adopt the Denial Calendar on a voice vote.

If the Board recommends denial, the applicant may request a public hearing before the Mayor's Agent.

329 POST-MEETING PROCEDURES

Subsequent to each meeting, the Board shall make available for public inspection the minutes and any written transcript that has been made of the proceedings. The transcript shall serve as the official record of the Board's decisions at the meeting.

The staff may prepare a written summary of the Board's actions from meeting minutes and the transcript. The staff may also send written confirmation of the Board's action on an application.

If the Board recommends approval of the application, and the Mayor's Agent acts on that basis, the staff shall return the application to DCRA with the Board's recommendation and the appropriate notations on the application and accompanying plans. If the Board has conditioned its approval on specific modifications, the staff shall include those modifications as specific conditions on the application or plans, or shall require the applicant to submit revised plans, whichever the staff deems appropriate.

If the Board recommends denial of the application, the staff shall send written notice to the applicant within ten (10) days, stating the reasons for the Board's recommendation, and informing the applicant of the right to request a public hearing by the Mayor's Agent.

330 REPORT OF RECOMMENDATIONS TO THE MAYOR'S AGENT

After reviewing an application under D.C. Official Code §§ 6-1104 through 6-1108, the Board shall report its recommendations to the Mayor's Agent. This recommendation is in addition to any recommendation the Mayor's Agent may receive from the CFA.

The Board is not required to report a recommendation to the Mayor's Agent on an

application for conceptual design review.

When demolition is involved, the Board's recommendation shall indicate whether or not the building or structure contributes to the character of a historic landmark or historic district.

331 FINAL REVIEWS DELEGATED TO THE STAFF

Upon completion of conceptual review, the Board may delegate final review to the staff, with any conditions or directions the Board deems appropriate.

If the Board approves a conceptual design and delegates final review to the staff, the applicant shall continue to develop the design in consultation with the staff. The applicant shall inform the staff of significant revisions and refinements of the design as they are incorporated into the project plans. If the project is large or complex, the applicant shall meet with the staff to ensure that the development of the design remains consistent with the Board's direction.

Upon the completion of the final design, the applicant shall submit the permit application and plans for staff review. An official transmittal with an assigned case number is not required for this submission unless the staff determines that the case should be returned to the Board for further review.

The staff may approve the permit application if the plans are consistent with the Board's conceptual review. If the plans are not consistent with the conceptual review, the staff shall consult with the applicant to resolve any discrepancies. If unable to reach a resolution, the staff shall require the applicant to file the case for further Board review.

The staff shall review final applications as expeditiously as possible. If the project is large or complex, the staff shall review final applications within fifteen (15) days of receipt.

The staff may place conditions on a final approval by annotating on the plans or by noting written conditions on the application form. The staff shall submit all final design plans and any annotations and written conditions to DCRA for inclusion in official permit files.

332 CONDITIONS OF APPROVAL

The Board's recommendations on an application, including an application for conceptual design review and preliminary review, remains in effect for a period of two years from the date of the Board's action granting conceptual approval. Upon expiration of this period, the applicant may return to the Board with a request for an extension of one additional period of two years for good cause shown. The Board is not required to reopen the review of the application, and shall not unreasonably withhold its approval of an extension. Upon expiration of the extension, or if the extension is denied, a new application shall be required for any further review of the project by the Board.

The Board's delegation of final review authority to the staff at the conclusion of conceptual review shall also remain effect for a period of two years from the date of the Board's action. After the delegation has expired, the applicant shall be required to return to the Board to request an additional two years on the basis of good cause shown. The Board shall not unreasonably withhold its approval of an extension. Upon expiration of this extension, or if the extension is denied, the staff shall return the application to the Board for final review.

The Mayor's Agent shall recognize any time limitations or any other conditions the CFA may place on its approvals.

333 SUBSTANTIAL CHANGES TO APPROVED PLANS

The applicants shall notify the staff of any change made to approved plans, either before or after permit issuance. A change includes any modification in the design, massing, proportions, dimensions, design, details, materials, finishes, or other aspect of the design that significantly or materially differs from the approved design, or affects the compatibility of the plans with the affected historic property.

The staff shall review a change to determine whether it is consistent with the approved plans and any conditions of the approval by the Board and Mayor's Agent.

- (a) If the changes are consistent with the approval, the staff shall indicate its approval by means of a stamp or notation on the approved plans.
- (b) If the changes are not consistent with the approval, the staff shall consult with the applicant to ensure that the changes are revised to be consistent with the approved plans. If the staff and applicant are not able to reach agreement, the staff shall refer the matter to the Review Board for resolution.

Applicants shall obtain any construction permit or permit revision required as a result of a substantial change in project plans.