

CHAPTER 6 PRESERVATION REVIEW OF DISTRICT OF COLUMBIA GOVERNMENT PROJECTS

Secs.	
600	General Provisions
601	Public Participation
602	Early Coordination and Timing of Reviews
603	Initiation of the Preservation Review Process
604	Alternate Procedures to Achieve Compliance
605	Identification of Historic and Eligible Properties
606	Assessment of Effects
607	Resolution of Adverse Effects
608	Failure to Resolve Adverse Effects
609	Final SHPO Comment
699	Definitions

600 GENERAL PROVISIONS

- 600.1 This chapter establishes procedures to implement Sections 9a and 9b of the Historic Landmark and Historic District Protection Act of 1978, as amended (D.C. Official Code §§ 6-1108.01 and 6-1108.02). Section 9a governs the conceptual review of public safety facilities, and Section 9b requires District agencies to take into account the effect of their undertakings on designated and eligible historic properties.
- 600.2 The District of Columbia assumes a leadership role in historic preservation through its ownership of and jurisdiction over several hundred designated and eligible historic properties. The procedures in this chapter are intended to ensure that the District protects its designated and eligible historic properties to the maximum extent possible and in a manner that is consistent with the Historic Protection Act. These procedures are also designed to assist the District government in making fiscally responsible decisions regarding the historic resources under its jurisdiction.
- 600.3 The statutory requirement for a historic preservation review of District of Columbia government undertakings is modeled on Section 106 of the National Historic Preservation Act, which mandates a historic preservation review of federal government undertakings. The procedures in this chapter are also modeled on the federal regulations implementing Section 106 (36 CFR Part 800), with revisions as appropriate to the local context.
- 600.4 When a District agency takes into account the effect of an undertaking on historic or eligible property, it is also required to consult with and afford the State Historic Preservation Officer a reasonable opportunity to comment on the undertaking. The level of effort needed to achieve compliance with that requirement and the degree to which an agency must consult with the SHPO depend upon the nature and complexity of the proposed undertaking and the manner and extent to which it is likely to affect historic or eligible properties.

- 600.5 An agency may use one of several alternate processes to achieve compliance with the requirement for historic preservation review of District undertakings. The nature of the undertaking, the type of property affected and the views of the SHPO will determine which method is appropriate to use in any given circumstance.
- 600.6 The SHPO encourages agencies to undertake the preservation review process simultaneously with other required District and federal reviews whenever possible. In implementing this process, the SHPO attempts to facilitate coordination among reviewing agencies, streamline parallel processes, and avoid unnecessary duplication of effort.
- 600.7 District agencies are required to obtain applicable D.C. building permits. If a historic property is involved, the permit application is subject to preservation review under §§ 6-1104 through 6-1107 of the Act. Compliance with the procedures in this chapter should facilitate but does not constitute compliance with the requirement for building permit review. An agency shall comply with the permit review requirement by following the procedures described in Chapters 3 and 4 of these regulations.
- 600.8 Pursuant to Executive Order 3524 (July 28, 1921), the District government is required to seek advice from the Commission of Fine Arts on exterior alteration or new construction of public buildings, important plans for parks, and major public works. The District government is also required to seek either approval or advice on its projects from the National Capital Planning Commission, depending on the location of the project. District agencies are encouraged to coordinate CFA and NCPC review with the procedures in this chapter.
- 600.10 The SHPO recognizes that unlike federal agencies, few District agencies currently maintain in-house historic preservation expertise. The SHPO encourages District agencies with substantial responsibilities for historic property to facilitate compliance with the preservation review process through the use of trained historic professionals on staff when possible. District agencies are also encouraged to take advantage of the historic preservation expertise of the SHPO staff.
- 600.11 An agency may allow contract professionals, project architects, or other representatives of private sector lessees or developers to provide information to the SHPO and to represent the agency official during consultation on an undertaking, provided that the agency official takes responsibility for all significant decisions made on behalf of the agency during the preservation review process.

600.12 Terms specifically applicable to this chapter are defined in § 699. The following terms applicable throughout these regulations are defined in Chapter 99:

- (a) District of Columbia undertaking;
- (b) eligible property;
- (c) historic property;
- (d) public safety facility; and
- (e) Section 106.

601 PUBLIC PARTICIPATION

- 601.1 The views of the public are an important component of the historic preservation review process. District agencies are encouraged to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties and the likely interest of the public in the effects on historic properties.
- 601.2 Public involvement in the preservation review of District undertakings occurs primarily through meetings of the Historic Preservation Review Board, the Commission of Fine Arts, the National Capital Planning Commission and the Advisory Neighborhood Commissions.
- 601.3 Agency officials are encouraged to submit their projects and to request comments directly from affected Advisory Neighborhood Commissions, preservation groups, and interested community organizations.

602 EARLY COORDINATION AND TIMING OF REVIEWS

- 602.1 Agencies are encouraged to contact the SHPO at any time before initiating the preservation review process to request guidance or technical assistance in meeting the requirements of this chapter.
- 602.2 Agencies are encouraged to consult periodically with the SHPO on long-range planning documents such as annual work plans, management plans, or capital improvements plans in order to identify potential historic preservation issues as early as possible and to facilitate the most expedient and efficient methods to achieve compliance with this chapter.
- 602.3 The responsible agency official shall ensure that the preservation review process for an undertaking is initiated as early as possible when the widest range of project alternatives is open for consideration.

- 602.4 An agency may undertake reasonable, nondestructive planning activities to evaluate and define the general purpose, nature and scope of a proposed project before initiating the preservation review process, provided that the agency makes no decision that would foreclose consideration of the widest range of alternatives.
- 602.5 The responsible agency official should incorporate the preservation review process into the overall planning process for the undertaking and coordinate timing of the preservation review process with any other internal agency requirements or reviews required by other authorities.
- 602.6 The agency official shall ensure that the preservation review process is completed before the agency authorizes the expenditure of funds for design or construction and before the agency seeks the permit, license, or approval for the undertaking. However, in accordance with § 606, the SHPO may determine that the expenditure of funds for design is consistent with the purposes of this chapter and allowable when the development of a design is necessary to determine the effect of the undertaking on historic and eligible properties. In such cases, the Agency Official shall develop the necessary design in close consultation with the SHPO.
- 602.7 The agency official and SHPO are encouraged to consolidate multiple steps in the preservation review process whenever it is possible and appropriate to do so.
- 602.8 Agencies are encouraged to consult with the SHPO to develop streamlined methods for initiation and expedited review of minor or routine projects such as concurrence lines for execution by the SHPO.
- 602.9 Unless otherwise noted, the standard time frame for SHPO responses in the preservation review process is thirty (30) days from the date the SHPO receives an agency official's request for review of a project, finding or determination. The SHPO may request additional information if it is needed but shall not unreasonably delay the process. If the SHPO fails to respond within 30 days of receipt of a submission, the agency official may assume SHPO concurrence with the agency's finding or determination and proceed to the next step in the process.
- 602.10 The SHPO may elect to issue final comments at any time during the preservation review process.

603 INITIATION OF THE PRESERVATION REVIEW PROCESS

- 603.1 The agency official responsible for an undertaking shall initiate the preservation review process in writing in a manner commensurate with the nature and complexity of the undertaking. The agency official shall provide the SHPO with information sufficient to explain the proposed project and to provide a basis for at least a preliminary assessment of its effects on historic or eligible properties.
- 603.2 The agency official shall include the following information upon initiation:
- (a) a written description that describes the agency's involvement and explains the general purpose, nature and scope of the project to the fullest extent possible; and
 - (b) supporting documentation such as photographs, addresses, maps, site plans, or descriptions of any existing buildings or structures that may be involved; and
 - (c) any other documentation that would assist the SHPO in reviewing the project.
- 603.3 The agency official shall state whether or not the undertaking is subject to review under Section 106 of the National Historic Preservation Act, or shall provide the SHPO with any information that may be available to make that determination. This information should include:
- (a) a description of any federal involvement in the undertaking, such as federal funding, or licensing, or permits; and
 - (b) a statement whether the project involves federal property, including federal property under District of Columbia jurisdiction.
- 603.4 If an agency submission is insufficient, the SHPO may request that the agency official provide the additional documentation required for review. If the SHPO is unable to review an application because of insufficient information, it shall notify the agency official of the additional information required in order to proceed with the review.
- 603.5 The SHPO shall respond to the agency official within thirty (30) days of receipt of an initiation request. The SHPO response may request additional information, advise the agency official of the review process required, provide comments on the identification of historic or eligible properties, request a consultation meeting or site visit, provide preliminary or final SHPO comments on the undertaking, or give any other direction as appropriate. If the SHPO elects to provide final comments, it shall provide final comments in writing.

- 603.6 If an undertaking is expected to have little or no impact on historic or eligible properties, the agency official is encouraged to initiate consultation in the form of a letter or standard form with brief documentation of the project and a concurrence line for SHPO signature.

604 ALTERNATE PROCEDURES TO ACHIEVE COMPLIANCE

- 604.1 An agency may satisfy the requirement for preservation review of a District undertaking by using one of several alternate processes. The agency shall select the appropriate review process in consultation with the SHPO.
- 604.2 If a District of Columbia undertaking is subject to a substantially equivalent review under Section 106 of the National Historic Preservation Act and the SHPO agrees, the responsible District agency may satisfy the requirements of this chapter by completing the Section 106 process as provided in 36 CFR Part 800.
- (a) The Agency Official may initiate compliance with this chapter by initiating the Section 106 review process.
- (b) Any agency that routinely undertakes Section 106 review is encouraged to follow the recommendations for early coordination described in § 602.
- 604.3 If a District of Columbia undertaking is subject to Section 106 review, but the federal involvement in the project is disproportionately less than the District involvement, the District agency has not been authorized to complete the Section 106 review on behalf of the relevant federal agency or any other circumstance exists to question the adequacy of the Section 106 process for achieving compliance with this chapter, the SHPO shall determine whether completion of the Section 106 process will satisfy the requirement for preservation review.
- (a) In this situation the agency official shall initiate compliance with the preservation review process as provided in § 603.
- (b) If the SHPO determines that the Section 106 review will satisfy the requirements of this chapter, the SHPO shall notify the agency official in writing and the agency shall not proceed with the undertaking until the relevant federal agency complies with all applicable sections of 36 CFR Part 800.
- 604.4 If an undertaking involves a designated historic landmark or historic district in the D.C. Inventory and the SHPO agrees, the responsible agency may satisfy the requirements of this chapter by following the procedures for both conceptual design review and permit review in Chapter 3.

(a) The agency official may initiate compliance with this chapter by filing an application for conceptual review with the Historic Preservation Review Board as provided in Chapter 3.

(b) During the conceptual design review or permit review, the HPO staff may address preservation issues that may not be normally applicable to private property but are typically applicable to government projects under this chapter or Section 106 regulations at 36 CFR Part 800. For example, the SHPO may address effects on eligible archaeological properties, significant interior features, or other historic or eligible properties in the area of potential effect.

(c) If the undertaking involves the type of project for which the Board has delegated review to the HPO staff in § 320, or is otherwise minor in nature, the agency official may initiate compliance with this chapter by filing a permit application as provided in Chapter 3. Agencies are reminded of the requirement to consult with the SHPO before the expenditure of funds for design and before seeking the permit for an undertaking, and are encouraged to follow the recommendations for early coordination described in § 602 whenever a contemplated permit application may raise preservation issues.

604.5 If an undertaking involves the rehabilitation or new construction of a public safety facility, the responsible agency may comply with the requirements of this chapter by following the procedures provided in Section 9a of the Historic Landmark and Historic District Protection Act of 1978, as amended (D.C. Official Code § 6-1108.01), and as further described in Chapters 3 and 4.

(a) The Agency official may initiate consultation on a public safety facility project by filing an application for conceptual review as provided in Chapter 3.

(b) Any agency with responsibility for the rehabilitation or new construction of public safety facilities is encouraged to follow the recommendations for early coordination described in § 602.

604.6 An agency may comply with the preservation review requirements of this chapter by concluding a Programmatic Agreement with the SHPO establishing a simplified or streamlined review process for certain undertakings.

(a) Any agency with responsibility for repetitive undertakings involving routine or minor work on properties is encouraged to develop a Programmatic Agreement with the SHPO. A Programmatic Agreement may be concluded under either the provisions of this chapter or Section 106 regulations at 36 CFR Part 800.

(b) If an undertaking is subject to an existing Section 106 Programmatic Agreement with the SHPO, the responsible agency may comply with the requirements of this chapter by implementing the terms of that agreement.

605 IDENTIFICATION OF HISTORIC AND ELIGIBLE PROPERTIES

- 605.1 After the preservation review process has been initiated, the first step is to identify historic and eligible properties that may be affected by the undertaking. An agency official may make this determination in consultation with the SHPO or may request that the SHPO make the determination on the agency's behalf.
- 605.2 An undertaking may affect more than just the property where the proposed work will occur. Adjacent properties or properties in the surrounding area may also be affected either directly or indirectly by the proposed work. The requirement is to identify all historic and eligible properties that may be affected by the undertaking, whether the effect is direct or indirect.
- 605.3 The agency official or the SHPO may establish an area of potential effect as a means to facilitate the identification of historic and eligible properties that may be affected. Alternatively, the agency official and SHPO may agree on the historic and eligible properties that may be affected without formally delineating an area of potential effect.
- 605.4 Upon receipt of a request to initiate consultation, the SHPO shall review the information submitted by the agency official regarding historic or eligible properties that may be affected by the undertaking. If requested by the agency official, the SHPO shall make this determination on the agency's behalf.
- (a) The SHPO shall either concur with the agency's identification of these properties, or shall respond by indicating how the SHPO's determination differs.
 - (b) If the agency official accepts the SHPO determination, the agency shall proceed with consultation as provided in § 606.
 - (c) If the agency official disagrees with the SHPO determination, the parties shall consult in an effort to reach consensus. If this is successful, the agency shall proceed with consultation as provided in § 606.
 - (d) If the agency official and SHPO are unable to agree on the identification of historic and eligible properties that may be affected, the SHPO may agree to defer a resolution of the issue and allow the agency to proceed with consultation as provided in § 606, or the SHPO may refer the matter to the Historic Preservation Review Board for its advice.

(e) The determination of the Board shall be final for the purposes of this process and the agency official and SHPO shall proceed with consultation accordingly.

605.5 If the SHPO agrees or determines that the undertaking will not affect historic or eligible properties, the SHPO shall notify the agency official of this determination in writing. This notification shall constitute the SHPO's final comment on the undertaking and the agency shall have no further responsibilities under this chapter.

605.6 If the agency official and the SHPO agree that the undertaking may affect historic or eligible properties, the agency official shall proceed with further consultation as provided in § 606.

605.7 If the SHPO determines that there is insufficient information to make a determination regarding the existence of eligible properties, the agency official shall cooperate with the SHPO to provide any additional information that may be available to assist the SHPO in making a determination and, if necessary and possible, to provide the SHPO with access to the property for evaluative purposes.

606 ASSESSMENT OF EFFECTS

606.1 After identifying the historic or eligible properties that an undertaking may affect, the agency official shall make a good faith effort in consultation with the SHPO to identify and assess the effects that the undertaking may have on historic or eligible properties.

606.2 Effects on historic or eligible property may include direct effects that physically alter the property as well as indirect effects that change its setting or surroundings through the introduction or removal of physical or environmental features, or change the nature of stewardship for the property. Effects may be adverse, neutral (not-adverse), or beneficial.

606.3 An adverse effect on historic or eligible property may include, but is not limited to:

(a) Physical destruction of or damage to all or part of a property;

(b) Alteration, repair, rehabilitation, or adaptation of a property in a manner that is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68);

(c) Removal of a property from its historic location;

- (d) Changing the character of the property's use;
- (e) Alteration of physical features in the property's setting that contribute to its historic significance;
- (f) Introduction of a visual or environmental element that diminishes the integrity of a property's significant historic features;
- (g) Neglecting or allowing a property to deteriorate; or
- (h) Transfer, lease, or sale of a property out of District ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

606.4 A beneficial effect on historic or eligible property may include, but is not limited to:

- (a) Restoration, rehabilitation, or repair of a property for its historic use in a manner that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68);
- (b) Adaptation of a property that is no longer viable for its historic use to a compatible new use in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68);
- (c) Stabilization or repair of a neglected or deteriorating property;
- (d) Removal of inappropriate or incompatible visual or environmental elements that diminish the integrity of a property's significant historic features; or
- (e) Transfer, lease, or sale of surplus property with adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

606.5 If the agency official determines that an undertaking will have no effect or no adverse effect on historic or eligible properties and the SHPO agrees, the SHPO shall notify the agency official of this determination in writing. This notification shall constitute the SHPO's final comment on the undertaking and the agency shall have no further responsibilities under this chapter.

606.6 If the SHPO determines that there is insufficient information to identify or evaluate the effects of an undertaking, the agency official shall provide any additional information that may be available to assist the SHPO in assessing effects.

- 606.7 If the SHPO determines that design of a project is necessary to assess the effects of the undertaking on historic or eligible properties, the SHPO shall notify the agency official in writing and the agency official may authorize the expenditure of funds for the development of a conceptual design for further review.
- (a) The SHPO may review the conceptual design on its own or may forward it to the Review Board for consideration under the procedures in Chapter 3.
 - (b) The agency official shall obtain conceptual design approval from the SHPO or Board, as appropriate, before proceeding with or authorizing the expenditure of funds for the development of subsequent phases of the design.
- 606.8 If the agency official determines that an undertaking would have an adverse effect on historic or eligible properties and the SHPO identifies relatively minor revisions or conditions that could reduce the adverse effect to no adverse effect, the SHPO shall notify the agency official of the necessary conditions.
- (a) If the agency official agrees to implement the undertaking with the recommended revisions or conditions, the SHPO shall provide its comments with these conditions in writing. This notification shall constitute the SHPO's final comment on the undertaking. Implementation of the undertaking with the revisions or conditions shall fulfill the agency's responsibilities under this chapter.
 - (b) If the agency official does not agree to implement the undertaking with the recommended revisions or conditions, the agency official shall consult further with the SHPO in accordance with § 607.
- 606.9 If the SHPO determines that an undertaking will have a minor adverse effect on a historic or eligible property, but that the adverse effect is clearly outweighed by beneficial effects on the property, the SHPO shall notify the agency official in writing of its determination and any conditions necessary to secure the beneficial effects. This notification of net benefit shall constitute the SHPO's final comment on the undertaking. Implementation of the undertaking with any identified conditions shall fulfill the agency's responsibilities under this chapter.
- 606.10 If the SHPO determines that any aspect of the undertaking will have a substantial adverse effect on a historic or eligible property, the agency official shall consult further with the SHPO in accordance with § 607.

607 RESOLUTION OF ADVERSE EFFECTS

- 607.1 If a proposed undertaking constitutes a substantial adverse effect on historic or eligible property, the agency official shall consult further with the SHPO to develop alternatives or modifications to the undertaking that would avoid, minimize, or mitigate the adverse effect.
- 607.2 The agency official and SHPO shall first attempt to avoid the adverse effect, and if it cannot be avoided, then seek ways to minimize or mitigate its effect.
- 607.3 If the agency official and SHPO agree upon how substantial adverse effects will be resolved, they shall execute a memorandum of agreement to document the results of consultation and guide the implementation of the undertaking. The signed memorandum of agreement shall constitute the SHPO's final comment on the undertaking. Implementation of the undertaking in accordance with the terms of the memorandum of agreement shall fulfill the agency's responsibilities under this chapter.
- 607.4 If the agency official and SHPO are unable to reach agreement through consultation, either party may elect to resolve the adverse effects through review of the undertaking by the Board and Mayor's Agent.
- (a) If the affected property is a historic property, the agency official shall initiate this process by submitting a conceptual or permit application for review as provided in Chapters 3 and 4.
- (b) If the affected property is an eligible property, either the agency official or the SHPO shall initiate this process by filing an application to designate the property as provided in Chapter 2, and if the Board designates the property, the agency official shall then file a conceptual or permit application for review as provided in Chapters 3 and 4. If the Board does not designate the property, the agency shall have no further responsibilities under this chapter.
- 607.5 If after good faith consultation the agency official and the SHPO are unable to reach agreement through consultation, and neither party elects to resolve the adverse effects through review by the Board and Mayor's Agent, either party may terminate consultation as provided in § 608.

608 FAILURE TO RESOLVE ADVERSE EFFECTS

- 608.1 After consulting in good faith to resolve substantial adverse effects of an undertaking, the SHPO or the agency official may determine that further consultation will not be productive and may terminate consultation. The party terminating consultation shall notify the other party and state its reasons for terminating in writing.

- 608.2 Within thirty (30) days of after termination, the SHPO shall provide any final written comments that it elects to provide to the agency official.
- 608.3 Within forty-five (45) days after a termination, the SHPO shall schedule a hearing by the Historic Preservation Review Board on the undertaking. Not less than fifteen (15) days before the Board meeting, the SHPO shall give notice of the meeting by first class or electronic mail to all those listed on the public mailing list described in Chapter 32.
- 608.4 Within fifteen (15) days after the Board hearing on the undertaking, the agency official shall respond to the SHPO in writing to indicate how the agency has taken the SHPO comment into account and how the agency will respond to those comments. This response shall be from the head of the agency and may not be delegated.
- 608.5 The agency's final response and implementation of the undertaking in accordance with its terms shall fulfill the agency's responsibilities under this chapter.

609 FINAL SHPO COMMENT

- 609.1 The final SHPO comment on an undertaking may consist of any of the following determinations absent a finding of adverse effect:
- (a) No historic or eligible properties are located within the project's area of potential effect;
 - (b) The project will have no effect on historic or eligible properties;
 - (c) The project will have no adverse effect on historic or eligible properties;
or
 - (d) The project will have no adverse effect on historic or eligible properties, provided certain conditions are met.
- 609.2 If the SHPO has determined that an undertaking will constitute an adverse effect on historic or eligible properties, the final SHPO comment may consist of a determination that the net beneficial effects of the project outweigh its minor adverse effects.
- 609.3 If the SHPO and agency official have resolved a substantial adverse effect on historic or eligible properties through consultation, the final SHPO comment may consist of a memorandum of agreement or a programmatic agreement describing conditions and procedures under which the undertaking will be

implemented.

- 609.4 If the SHPO and agency official have been unable to resolve a substantial adverse effect on historic or eligible properties through consultation, the final SHPO comment consists of the written comments that the SHPO provides to the agency official after termination.
- 609.5 If the agency official and SHPO have agreed to achieve compliance with the preservation review requirement through the Section 106 process, the final SHPO comment shall consist of the determination or agreement concluding that process.
- 609.6 If the agency official and SHPO have agreed to achieve compliance with the preservation review requirement through the D.C. building permit review process, the final SHPO comment shall consist of the final action taken on the application by the Mayor's Agent or HPO acting on behalf of the Mayor's Agent.
- 609.7 If the agency official and SHPO have agreed to achieve compliance with the preservation review requirement through a programmatic agreement, the final SHPO comment shall consist of the terms and conditions contained in that agreement.

699 DEFINITIONS

Adverse effect: An alteration that is incompatible with or detracts from the characteristics that qualify a property for inclusion in the D.C. Inventory of Historic Sites, or that is inconsistent with the purposes of the Act.

Agency official: The Deputy Mayor, head of the subordinate agency, or head of the independent agency with direct jurisdiction over a District of Columbia undertaking or an officially appointed designee who has authority to make decisions for the agency.

Area of potential effect: The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Beneficial effect: An alteration that enhances the characteristics that qualify a property for inclusion in the D.C. Inventory of Historic Sites, and is consistent with the purposes of the Act.

Memorandum of agreement: A document that records the terms and

conditions agreed upon to resolve the adverse effects of an undertaking on historic and eligible properties.

Preservation review process: For the purposes of this chapter, the process required by Section 9b of the Historic Landmark and Historic District Protection Act of 1978, as amended (D.C. Official Code § 6-1108.02), and further defined in this chapter.

Project of the District of Columbia government or D.C. government project: Any of the following: 1) a master plan or facilities plan; 2) a request for proposals or expressions of interest; 3) repair, restoration, rehabilitation, or construction of buildings, structures, public works, or parks; 4) site work or and ground disturbing activities; 5) leasing, sale, or transfer of District-owned property for construction or development; and 6) any other work carried out by, or on behalf of the District of Columbia government which involves or contemplates demolition, alteration, subdivision or new construction affecting a property owned by or under the jurisdiction of a DC agency, including an independent agency.

Programmatic agreement: A document that records the terms and conditions agreed upon to resolve the potential adverse effects of an agency program, repetitive undertakings of a similar nature, or a complex undertaking.

Substantial adverse effect: An adverse effect or that greatly detracts from the characteristics that qualify a historic property for inclusion in the D.C. Inventory of Historic Sites, and may be irreversible; or a group of adverse effects that collectively have the same impact.

Undertaking: For the purposes of this chapter, a District of Columbia undertaking as defined in Chapter 99.

CHAPTER 99 DEFINITIONS

Alter or Alteration: Any of the following:

- (a) A change in the exterior appearance of a building or structure or its site, not covered by the definition of demolition;
- (b) A change in any interior space that has been specifically designated as a historic landmark;
- (c) The painting of unpainted masonry on a historic landmark or on a façade restored as a condition of a permit approved pursuant to this Act; or
- (d) Excavation or action disturbing the ground at an archaeological site listed in the District of Columbia Inventory of Historic Sites or an archaeological site identified as a contributing feature in the designation of a historic landmark or historic district.

District of Columbia undertaking: A project of the District of Columbia government that involves or contemplates demolition, alteration, subdivision, or new construction affecting a property owned by or under the jurisdiction of a District of Columbia agency, including an independent agency.

Eligible property: A property that is not a designated historic property but which the SHPO has determined is likely to meet one or more of the criteria for designation in the D.C. Inventory of Historic Sites.

Public safety facility: A fire station, police station, or any other building or structure owned by the District of Columbia used for public safety operations, but excluding facilities used primarily for administrative functions.

Section 106: Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)