

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS
TITLE 10A HISTORIC PRESERVATION

CHAPTER 99 DEFINITIONS

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9900 GENERAL PROVISIONS

- 9900.1 The definitions in this chapter apply throughout this subtitle.
- 9900.2 Definitions applicable to separate chapters appear in those chapters.
- 9900.3 A word used in this subtitle but not specifically defined in this section, or specifically defined for the purposes of a chapter, has the meaning given in the current edition of *Webster's Unabridged Dictionary*.
- 9900.4 The following rules of interpretation apply throughout this subtitle:
- (a) Words in the present tense include the past and future tense, and variations thereof;
 - (b) Gender-specific words apply to either gender;
 - (c) Words in the singular include the plural, and vice versa; and
 - (d) The word "shall" is mandatory and not discretionary.
- 9900.5 The Mayor's Agent, State Historic Preservation Officer, and Historic Preservation Review Board shall decide any disagreement over interpretation of the definitions applicable to their respective areas of responsibility.

9901 DEFINED TERMS

Act: The Historic Landmark and Historic District Protection Act as defined in this chapter.

Adapt or Adaptation: The process of altering a property to accommodate an intended use, and can involve one or a combination of methods including repair, rehabilitation, restoration, and new construction.

Advisory Neighborhood Commission or ANC: One of the elected citizen advisory bodies established pursuant to the Advisory Neighborhood Commissions Act of 1975, as amended (D.C. Official Code §1-207.38 *et seq.*).

Affected Advisory Neighborhood Commission: The ANC for the area within which a subject property is located, or in the case of a property located in close proximity to an ANC boundary, either ANC sharing the boundary.

Affected person: In the context of a public hearing by the Mayor's Agent, either of the following:

- (a) Any adjacent or immediately proximate owner or resident who is directly affected by the proposed action, through the possibility of physical damage to historic property, alteration to the character of historic property, or the introduction of visual or environmental elements out of character with historic property.
- (b) Any affected Advisory Neighborhood Commission or historic preservation organization.

Alter or Alteration: A change in the exterior appearance of a building or structure or its site, not covered by the definition of demolition, for which a permit is required; except that alter or alteration also means a change in any interior space which has been specifically designated as a historic landmark (D.C. Official Code § 6-1102(1)). See also § 301.

Applicant: The person, entity or authorized representative responsible for submission of an application, in any of the following circumstances, as appropriate:

- (a) An applicant for historic landmark or historic district designation pursuant to D.C. Official Code §§ 6-1103;
- (b) An applicant for an alteration, demolition, or new construction permit, or for a subdivision, or for preliminary review pursuant to D.C. Official Code §§ 6-1104 through 1108;
- (c) An applicant for conceptual design review pursuant to these regulations;
- (d) An applicant for the receipt of grant assistance pursuant to these regulations; or
- (e) An applicant for any other certification or official action pursuant to these regulations.

Association: The link of a historic property with a historic event, activity, or person. Also, the quality of integrity through which a historic property is linked to a particular past time and place.

Board: The Historic Preservation Review Board as defined in this chapter.

Board's standards: The design and construction standards described in Chapters 20

through 29.

Board's guidelines: Any design guidelines accompanying the Secretary's Standards, or adopted by the Board in accordance with § 2004.

Building: A roofed structure for the shelter, support, or enclosure of persons, chattels, or movable property of any kind. As applied to historic buildings, the term may apply to the portion of a structure that historically constituted a separate building.

Character-Defining Feature: The form and detailing of those architectural materials and features that are important in defining a building's historic character and whose retention will preserve that character.

- (a) The character of a historic building may be defined by exterior features such as facades, roofs, porches, and windows, and exterior materials such as masonry, wood, and metal;
- (b) The character of a historic building may be defined by its structural features such as bearing walls, floor framing, and roof framing, and structural materials such as brick, steel, and wood;
- (c) The character of a historic interior may be defined by features such as room configurations, spatial relationships, stairs, trim, and decoration, and by materials such as partitions, woodwork, plaster and finishes;
- (d) The site and setting of a historic property may be defined by features such as views to and from the property, landscaping, walls, and fencing, and materials such as stone and vegetation.

Commission of Fine Arts or CFA: The U.S. Commission of Fine Arts, established pursuant to the Act of May 17, 1910 (36 Stat. 371; 40 U.S.C. 104).

Compatible: Possessing characteristics that allow for a harmonious relationship. Compatibility does not require matching or copying of attributes, and may involve the relation of dissimilar things that are juxtaposed to produce an agreeable effect.

Conceptual Design Review or Conceptual Review: The process that allows an applicant to obtain informal guidance and a finding of general consistency with the purposes of the Act from the Board on a project without the necessity of preparing a finished architectural design or obtaining prior approval from the Zoning Administrator.

Consistent with the purposes of the Act: Consistent with the purposes of the Historic Protection Act as stated in D.C. Official Code § 6-1101(b).

Contributing building, structure, or site: A building, structure, or site located within a historic district that adds to the district's sense of time and place and historical

development (see also § 702).

Department of Consumer and Regulatory Affairs or DCRA: The agency responsible for receiving applications, providing notice of filed applications, and issuing permits and subdivisions pursuant to the Act (D.C. Official Code §§ 6-1104 through 1108), for administering the D.C. Zoning Regulations and Building Codes, and for enforcing public health and safety regulations related to buildings and construction.

Demolish or Demolition: The razing or destruction entirely or in significant part, of a building or structure, and includes the removal or destruction of any façade of a building or structure (D.C. Official Code § 6-1102(3)). See also § 302.

Demolition by neglect: Neglect in maintaining, repairing, or securing a historic landmark or a building or structure in a historic district that results in deterioration of an exterior feature of the building or structure or the loss of the structural integrity of the building or structure (D.C. Official Code § 6-1102(3A) (2002 Supp.)).

Design: Either of the following, depending upon the context:

- (a) The sum of elements that create the physical form, plan, space, structure, and style of a property (when used as a quality of integrity); or
- (b) Exterior architectural features including height, appearance, texture, color, and nature of materials (when used in the context of the review of new construction pursuant to the Historic Protection Act, D.C. Official Code § 6-1107).

District of Columbia Inventory of Historic Sites or D.C. Inventory: The inventory of officially designated historic properties subject to the Historic Protection Act, and maintained by the Board in accordance with the Act.

Elevation: The exterior wall of a building or structure (see also “secondary elevation”).

Façade: A building elevation that possesses significant architectural composition or features (see also “principal façade”).

Feeling: The quality of integrity through which a historic property evokes the aesthetic or historic sense of past time and place.

Guidelines or Board’s guidelines: Any design guidelines accompanying the Secretary’s Standards, or adopted by the Board in accordance with § 2004.

Historic building: A historic landmark listed in the D.C. Inventory of Historic Sites, or a contributing building within an historic district listed in the D.C. Inventory of Historic Sites.

Historic district: An area listed as an historic district in the D.C. Inventory, or which

the State Historic Preservation Officer has nominated or issued a written determination to nominate to the National Register after a public hearing before the Historic Preservation Review Board.

Historic landmark: A building, structure, object or feature, and its site, or a site:

- (a) Listed in the D.C. Inventory, or
- (b) For which an application for listing is pending with the Historic Preservation Review Board (provided the statutory time period for consideration of the application has not expired).

Historic Landmark and Historic District Protection Act or Historic Protection Act: The Historic Landmark and Historic District Protection Act of 1978 (D.C. Law 2-144, as amended; D.C. Official Code §6-1101 *et seq.*).

Historic Preservation Office or HPO: The administrative staff of the Mayor's Agent, State Historic Preservation Officer, and Historic Preservation Review Board.

Historic preservation organization: A membership organization that includes among its purposes the promotion of historic preservation in the District of Columbia, as expressed in the organization's articles of incorporation, articles of association, charter, or bylaws.

Historic Preservation Review Board, HPRB, Review Board or Board: The District of Columbia Historic Preservation Review Board designated pursuant to the Historic Protection Act (D.C. Official Code § 6-1103) and pursuant to regulations promulgated by the Secretary of the Interior under the National Historic Preservation Act.

Historic property: A historic landmark (and its site), historic district, or a building or structure (and its site) that contributes to the character of a historic district.

Incompatible: Characterized by clashing or conflicting qualities that lead to an incongruous, discordant, or disagreeable relationship. Diversity, variety, or contrast of qualities does not necessarily imply incompatibility as long as harmonious relationships are maintained.

Integrity: Authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance.

List of Deteriorated Historic Buildings: The list of historic buildings that the SHPO has determined to be substantially non-compliant with the property maintenance standards in the Historic Protection Act (D.C. Official Code § 6-1104.01(a) (2002 Supp.)).

List of Vacant Historic Buildings: The list of vacant historic buildings maintained by the SHPO in accordance with D.C. Official Code §§ 42-3131.01 *et seq.* (2002 Supp.).

Location: A quality of integrity retained by a property that exists in the same place as it did during its period of significance.

Low-income owner: An owner whose household income is 80% or less of the median household income for the Washington Metropolitan Area as established from time to time by the U.S. Department of Housing and Urban Development (when used in the context of an application for demolition, alteration, or subdivision of a building or site that serves as the owner's principal place of residence, and is subject to the Act).

Materials: As a quality of integrity, the physical elements that were combined or deposited in a particular pattern or configuration to form a historic property; also see § 2302.

Mayor: The Mayor of the District of Columbia, or his or her designated agent (the "Mayor's Agent") as defined in the Historic Protection Act (D.C. Official Code § 6-1102 (8)).

Mayor's Agent: The person officially designated by a Mayor's Order to carry out specified functions pursuant to the Historic Protection Act (D.C. Official Code §§ 6-1104 through 6-1108), or the hearing officer to whom the officially designated Mayor's Agent has delegated the authority to hold public hearings pursuant to the Act (see explanatory comments in § 103).

National Historic Landmark or NHL: A district, site, building, structure, or object that possesses exceptional value and quality in illustrating or interpreting the heritage of the United States, as designated by the Secretary of the Interior pursuant to the Historic Sites Act of 1935 (16 U.S.C. §461-467) and the National Historic Preservation Act.

National Historic Preservation Act: The National Historic Preservation Act of 1966, as amended (80 Stat. 915 *et seq.*; 16 U.S.C. 470 *et seq.*).

National Register of Historic Places or National Register: The official national record of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering, and culture, as maintained by the Secretary of the Interior pursuant to § 101 of the National Historic Preservation Act.

Necessary in the public interest: Consistent with the purposes of the Historic Protection Act as set forth in D.C. Official Code § 6-1101 (b) (see also § 2001), or necessary to allow the construction of a project of special merit.

Non-contributing building, structure, or site: A building, structure, or site located within a historic district that does not add to the district's sense of time and place and historical development (see also § 703).

Notice of infraction: An official written notice issued by a historic preservation inspector or other code enforcement official, for unlawful work subject to a civil fine

established under the Civil Infractions Act or other appropriate legislation, and directing corrective action to be taken in accordance with the notice

Notice of violation: An official written notice of unlawful work issued by a historic preservation inspector or other code enforcement official, directing corrective action to be taken in accordance with the notice.

Old Georgetown Act: The Old Georgetown Act of 1950 (D.C. Official Code § 6-1201 *et seq.*).

Old Georgetown Board or OGB: The committee of three architects appointed by the Commission of Fine Arts to serve as a board of review to advise the Commission regarding permit applications referred to it pursuant to the Old Georgetown Act.

Party: In the context of a public hearing held by the Mayor's Agent, the applicant, property owner, and any affected person or organization accepted as a party by the Mayor's Agent.

Period of significance: The span of time in which a historic property attained the significance for which it meets the criteria for historic designation.

Permit Processing Division: The office within the Department of Consumer and Regulatory Affairs responsible for the processing of District of Columbia building permits, or its successor.

Person: In the context of a public hearing by the Mayor's Agent, any participant (including any individual, partnership, association, organization, corporation, public agency, board, or government unit or department) who is not a party.

Preliminary Review: The process that allows an applicant to obtain a preliminary finding from the Mayor's Agent on whether a project is consistent with the purposes of the Historic Protection Act, pursuant to D.C. Official Code § 6-1108.

Principal Façade: A building elevation that faces a street or public open space, or any other major building elevation that possesses significant architectural composition or features.

- (a) Generally, a mid-block rowhouse has a single principal façade (the front), while a corner rowhouse has two principal facades (the front and side);
- (b) An elevation facing an alley or service access is not usually a principal façade, except for an alley building, where the alley façade is usually the principal façade; and
- (c) In some instances, all four elevations of a detached building may be considered principal facades.

Raze or Razing: The destruction or removal of a structure in its entirety down to the ground. See also “demolition.”

Rehabilitate or Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Replacement in kind: Replacement of an architectural feature with a feature of like material that replicates the existing feature in proportion, appearance, texture, design, detail, and dimensions.

Restore or Restoration: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Review Board: The Historic Preservation Review Board as defined in this chapter.

Secondary Elevation: A wall of a building that does not face a street or public open space, and that does not possess significant architectural composition or features.

- (a) Typically, the rear or alley side of a rowhouse is considered a secondary elevation.
- (b) The sides and rear of a detached building may or may not be considered secondary elevations, dependent on the circumstances.

Secretary’s Standards: The Secretary of the Interior’s Standards for Rehabilitation (36 CFR § 67.7, as amended).

Setting: As a quality of integrity, the physical environment of a historic property.

Shipstead-Luce Act: The Shipstead-Luce Act of 1930 (D.C. Official Code § 6-611.01).

Special merit: A plan or building having significant benefits to the District or to the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services.

Staff: The Historic Preservation Office, serving as the administrative staff to the Mayor’s Agent, State Historic Preservation Officer, or Historic Preservation Review Board.

Standards or Board’s standards: The design and construction standards described in Chapters 20 through 29.

State Historic Preservation Officer or SHPO: The person designated by the Mayor to administer within the District of Columbia the historic preservation programs established by the National Historic Preservation Act; also, the administrative head of the Historic Preservation Office.

State Review Board: In the District of Columbia, the Historic Preservation Review Board.

Stop work order: An official written directive issued by a code enforcement official, such as a historic preservation inspector, to cease all construction activity on a property until corrective action is taken in accordance with the order to address unlawful work.

Structure: Anything constructed, including a building, which requires fixed location on the ground, or attached to something having fixed location on the ground.

Subdivide or Subdivision: A division or assembly of land into one or more lots of record. Subdivision includes the division of any lot of record into two or more theoretical building sites as provided by the D.C. Zoning Regulations.

Surveyor: The Surveyor of the District of Columbia, or his or her designated agent.

Unlawful work: Any work subject to review under the Act, but undertaken without a permit properly reviewed and issued pursuant to the Act, or beyond the scope of a proper permit, or at variance with the approved plans or conditions of a proper permit

Unreasonable economic hardship: Circumstances where failure to issue a permit would amount to a taking of an owner's property without just compensation or, in the case of a low-income owner or owners, as defined in this Chapter, when failure to issue a permit would place an onerous and excessive financial burden upon the owner(s).

Workmanship: As a quality of integrity, the physical evidence of the crafts of a particular culture, people, or artisan.