



Analysis of the Old Georgetown Board Review Process

A Georgetown Business Improvement District White Paper

Prepared 2017

This white paper is the product of the staff of the Georgetown Business Improvement District (BID). The issues and potential remedies addressed in this paper do not necessarily reflect the view of individual members of the BID Board of Directors or the BID members they represent. This paper is intended to launch a community-based discussion about the Old Georgetown Board review process, in partnership with the OGB and CFA, and develop consensus recommendations for improvements to the Georgetown design review process. Questions or comments should be directed to [designreview@georgetowndc.com](mailto:designreview@georgetowndc.com).

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## Executive Summary

The Old Georgetown Board (OGB) is a Congressionally-chartered architectural review board charged with reviewing exterior alterations, demolition, and construction of buildings in the Georgetown section of Washington, DC. The board makes recommendations to the U.S. Commission of Fine Arts (CFA), which makes final recommendations to District government agencies issuing permits. OGB's role is advisory. However, District agencies traditionally do not issue permits without OGB/CFA approval.

OGB plays an important role in preserving the architectural character of Georgetown. This paper explores the possibilities to improve the review process without sacrificing desirable historic preservation outcomes. The purpose of this white paper is to identify issues and launch a community process with OGB and CFA to agree to process changes that achieve the following:

- reduce the number of times projects are reviewed
- reduce the burden on staff and board members
- provide greater guidance to applicants
- simplify the process for small projects
- improve accessibility of information to the public

Among other possibilities described in this white paper, the following might be considered:

- Project plans currently must be submitted in hard copy. Creating a system for electronic submission could improve the process and accessibility of information.
- The amount of time applicants have to submit revised plans from the end of one meeting to the submission deadline for the next meeting is about seven days. Providing an extension of this deadline may ease the burden on applicants making revisions for the next month's meeting.
- OGB design standards could be more clearly communicated through a set of design guidelines, particularly for project elements on which there is general agreement or a standard OGB position. Guidelines could be written in such a way to maintain the flexibility of the board to apply those guidelines.
- CFA staff are available to meet with applicants before they submit plans and advise them on potential issues with the plans and the board's general design standards. This resource could be more clearly communicated to applicants.
- OGB has an extensive caseload each month, and board members must review every project, even those on the Consent Calendar. It may be beneficial to create a process for CFA staff to review and approve certain kinds of projects that are small in scope, commonly performed, and have minimal impact on the historic district. This could allow the board to spend more time reviewing complex projects, reduce the board's caseload, and make the process faster.
- Required project documentation can be extensive. A review of requirements could be helpful to explore whether they could be reduced in certain cases, to ease the burden on applicants while still allowing the board to review a project and DCRA to ensure compliance during construction.
- OGB jurisdiction covers exterior architectural features visible from public space but the board has required changes to interior elements or land use decisions. A review of OGB jurisdiction could be helpful to clarify these points.
- Many applicants with public space projects have been sent by other agencies to OGB for review, but there is no clear set of standards or requirements for public space projects.

The rest of this white paper is divided into three sections that will help inform a community conversation: OGB legislation and regulations, review standards, and administrative procedures.

## **OGB Legislation and Regulations**

The first section of this white paper examines the scope of OGB review, including the enabling legislation, federal regulations, and relevant District of Columbia historic preservation laws. These laws and regulations clarify the board's mandate, scope of review, and relationship with the District government. The laws, regulations, and other guidance with respect to the historic review process can inform efforts to study potential improvements. In addition, it will be helpful to achieve a more complete understanding of the processes that apply to the CFA and OGB, including legal requirements that apply to rulemaking and to the providing of guidance to the public in other forms.

### **Enabling Legislation - The Old Georgetown Act**

In 1950, prior to Home Rule, Congress passed the Old Georgetown Act (Public Law 81-808), which created the Old Georgetown Board.<sup>1</sup> The board is part of the U.S. Commission of Fine Arts, an independent federal agency created by Congress in 1910 and charged with providing advice to the federal and District governments on issues of design and aesthetics in the nation's capital. The Old Georgetown Act describes the purpose and jurisdiction of the OGB, notably to "regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital." The full text of the Old Georgetown Act is available in Appendix A.

The Old Georgetown Act broadly defines the jurisdiction of the OGB and its relationship to the District government. The District government has the authority to issue permits for construction projects in Georgetown, but OGB reviews certain plans before the city will issue a permit for them. Specifically, the District, "before issuing any permit for the construction, alteration, reconstruction, or razing of any building within said Georgetown district" sends projects to OGB for review. Upon receiving the plans from the District, the Act defines the responsibility of the OGB to review "the exterior architectural features, height, appearance, color, and texture of the materials of exterior construction which is subject to public view from a public highway." This language indicates that the OGB reviews the exterior features of buildings, but not interior building features, exterior features that are not visible from public space, or public space projects. If there are cases for which OGB review is required, the review criteria are not clear.

Finally, the Act states that the "Commission of Fine Arts shall report promptly to said Commissioners of the District of Columbia its recommendations, including such changes, if any, as in the judgment of the Commission are necessary and desirable to preserve the historic value of said Georgetown district. The said Commissioners shall take such actions as in their judgment are right and proper in the circumstances." This language in the Act indicates that the OGB has an advisory role to provide recommendations to the District, and that the District has the discretion to accept or reject those recommendations when deciding to issue or deny a permit.

### **Federal Register and Code of Federal Regulations**

In addition to the Old Georgetown Act, the Commission of Fine Arts has published regulations that implement the Act, and those rules are available in the Code of Federal Regulations (CFR).<sup>2</sup>

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<sup>1</sup> Prior to Home Rule in 1973, the District of Columbia was an agency of the federal government.

<sup>2</sup> The CFR is the codification of federal regulations that federal agencies have published, and represent the current rules until amended by any future changes. When federal agencies create new regulations, they generally must publish proposed rules in the Federal Register for public comment. After a period of public comment ends, the agency will publish the final rules in the Federal Register. A review of the Federal Register from the period 1950 through 2016 reveals that the CFA published proposed rules for the CFA and OGB in July 1979 and final rules in

These regulations include language regarding the scope of OGB review, which reinforces language in the Old Georgetown Act. These regulations state that the OGB reviews “buildings to be constructed, altered, reconstructed, or razed within the area of the District of Columbia known as ‘Old Georgetown.’”<sup>3</sup> The CFR further states that, for buildings in Georgetown, the OGB is to report on “proposed exterior architectural features, height, appearance, color, and texture of exterior materials as would be seen from public space.”<sup>4</sup>

Furthermore, “The District of Columbia government also shall seek Commission advice on certain private construction requiring building or demolition permits from the D.C. Permit Branch...Alterations of buildings, demolition, or new construction at individually designated landmarks or within historic districts are further subject to the permit requirements of the Historic Landmark and Historic District Protection Act of 1978.”<sup>5</sup> This reiterates the requirement for the District to seek “advice” on projects requiring building permits, but not “approval” of projects. The District has discretion to accept or reject that advice before issuing permits.

### **DC Historic Preservation Act and Historic Preservation Regulations**

While the Old Georgetown Act provides for the creation of the OGB and federal review of building projects in Georgetown, DC has passed its own historic preservation laws and created accompanying regulations that implement the city’s historic preservation programs. These laws and regulations govern all historic districts in the city, including Georgetown. They also describe the relationship of the District government to the OGB concerning projects in Georgetown, including whether the District is obligated to accept OGB recommendations before issuing permits.

The Historic Landmark and Historic District Protection Act of 1978 is the District law governing historic preservation and authorizing the creation of local historic preservation programs. Sections 5, 6, 7, and 8 of the DC Historic Preservation Act concern demolition, alteration, subdivision, and construction of historic properties and properties in historic districts. These sections define the obligations of the Mayor to submit projects of this type to the District’s Historic Preservation Review Board (HPRB) or the CFA, as appropriate. Subsections 5(b), 6(b), and 8(b) of the Historic Preservation Act (concerning demolition, alteration, and construction of buildings, respectively) require the Mayor to send projects to the CFA for review when those things occur, and to, “consider any recommendation by the Review Board or by the Commission of Fine Arts pursuant to such referral.”<sup>6</sup>

D.C. Municipal Regulations Title 10-C implements the District’s historic preservation programs defined in the Historic Preservation Act. These regulations further define the relationship between the Mayor and the CFA for projects in Georgetown. DCMR 10-C108 states, “The Mayor receives recommendations from the Commission of Fine Arts on referrals for review of proposed demolition, alteration, or new

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December 1979, which created a new section in the CFR to implement policies and procedures of the CFA and OGB. The CFA published subsequent rules and amendments in January 1997, August 2005, and May 2008. The CFA has not published any other rules in the Federal Register, and the 1979 rules, as amended in 2008, are the current rules for the CFA and OGB. The Old Georgetown Act of 1950 and the Code of Federal Regulations serve as the complete federal laws and regulations governing the authority of the OGB.

<sup>3</sup> Functions and Organization, 45 CFR §2101.1(c)

<sup>4</sup> Ibid

<sup>5</sup> Functions and Organization, 45 CFR §2101.2(c)

<sup>6</sup> Ibid

construction pursuant to the Historic Protection Act (D.C. Official Code §§ 6-1104, 6-1105, 6-1107, or 6-1108).<sup>7</sup> This reinforces that CFA provides recommendations to the Mayor but not obligations.

The federal and District laws and regulations make clear that before issuing building permits in Georgetown that concern exterior alterations to buildings, razing of existing buildings, or construction of new buildings, the District must refer the project to the OGB before it can issue a building permit. The OGB then has the authority to review the project and make recommendations to the District concerning the compatibility of the exterior features of the project with the historic character of Georgetown. The District government then considers those recommendations before issuing a permit. Neither the federal nor District laws provide for OGB review of interior features of building alterations, exterior features of buildings not visible from public space, or projects that do not require building permits (such as public space permits), or the test for determining whether OGB review would be required in these cases. Furthermore, they do not grant authority to the OGB to approve or deny a project; the board makes recommendations that the city considers when deciding whether to issue a permit.

### **Interior Elements and Land Use**

The Old Georgetown Act authorizes the OGB to review the exterior architectural features of buildings in Georgetown, but some applicants have received board comments on interior building elements or are required to provide interior plans for their projects. Others have said they have had to relocate interior walls, change the interior program of a building, or leave interior walls in place in response to comments from the board. Some applicants have said that if their building permit includes exterior and interior changes, they will receive feedback on both components, rather than only the exterior elements, even if the interior changes are minor. If interior renovations are extensive enough, the board can view the project as demolition rather than alteration, which would allow the board to comment on interior changes. The threshold and basis for this is not defined, however. The OGB guidelines and rules do not address the board's review of interior structural elements while explicitly addressing the board's review of exterior building features. Other landowners have received comments from the board about land use planning in addition to the design of buildings on that land. Land use and zoning, however, are not described in the OGB's legal mandate.

### **Duplicative CFA and HPRB Review**

Most projects in Georgetown do not require review by both OGB and HPRB, but the DC Historic Preservation Office (HPO) can require permits go to HPRB after CFA review. In these cases, HPRB may request significant and potentially conflicting changes to a project that could require CFA review again. This duplicative process can add ambiguity, delay, and cost to some projects in Georgetown, and there is no clarity in the laws or regulations as to the process for joint review by both boards. Applicants may not know when a project might require review by both agencies, and they may have to spend additional time and money to go back and forth between the two review boards. A review of these processes may lead to some administrative changes that clarify when both boards might review a project and how applicants and each board responds to conflicting requirements.

### **Public Space Projects**

In practice some projects that do not need a building permit are required to go through OGB review. One category of such cases is those requiring public space permits but not building permits. In many cases applicants have been told by DDOT that OGB has to review the project first if it is in Georgetown. While CFA regulations specifically include the Commission's role in reviewing public art (a type of public

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<sup>7</sup> DCMR 10-C108.1 "Functions of the Commission of Fine Arts"

space project), federal regulations do not address OGB's role in any other type of public space projects. The CFA website also includes some information about review of construction projects with public space components, but criteria for these projects is not defined (except that temporary construction barriers and public space permits for dumpsters and parking do not require OGB review) and this information is on the FAQ page only. Federal and local laws and regulations do not address OGB jurisdiction over other kinds of public space permits. Recent examples of public space projects that have required OGB review include parklets, security bollards, and temporary construction fencing. When OGB does review public space projects, it can add significant time and cost to small projects that may be outside the board's jurisdiction.

## **Review Criteria and Standards**

This section will provide an overview of the guidelines that govern historic preservation review processes, nationally and locally, and the criteria used by OGB to review projects. This includes federal legislation applicable to all historic properties as well as the District of Columbia regulations that work to protect historic areas in Washington, DC not within the board's jurisdiction. Examples of other historic districts and their review standards are also outlined to provide guidance and a frame of reference for current OGB procedures.

### **Federal Guidelines and District of Columbia Guidelines**

The U.S. Department of the Interior has developed standards and guidelines for historic preservation that guide decision making about historic properties. The Secretary of the Interior's Standards for the Treatment of Historic Properties are written in plain language and are intended to help federal, state, and local jurisdictions implement historic preservation programs and evaluate changes to historic properties or historic districts. The standards and guidelines are advisory but not regulatory.

In addition to the Secretary's Historic Preservation Standards, HPRB and HPO have established design standards specific to the District that are consistent with the Secretary's Standards. These design standards are intended to create a historic review process that is understandable and consistent while providing flexibility in HPRB's application of them. The District's guidelines are practical guides for building owners and architects that help them understand the criteria by which HPO and HPRB evaluate projects. These design guides address standards for commercial buildings, window repair and replacement, signs, walls and foundations, utility meters, and more. Notably, they are not strict rules but are advisory design guidelines for applicants to follow when designing projects. They allow applicants to anticipate design elements of a project that may or may not be acceptable, while still allowing HPRB to approve or deny project elements on a case by case basis.

In Georgetown, the Citizens Association of Georgetown (CAG) also produces a guide to historic preservation in Georgetown that provides guidance about the type and nature of projects and design elements CAG will and will not support. While CAG does not have a regulatory role, the guide helps orient applicants to the project components that the community would support.

While these federal and District historic preservation guidelines exist to help applicants understand the criteria for evaluating changes to historic properties or properties in historic districts, there is not a similar guide or set of guidelines for Georgetown that would be used by OGB to evaluate projects.

### **Historic Preservation Guides in other Historic Districts**

There are other historic districts that have developed guidelines or design manuals to inform applicants about acceptable architectural designs in that district while still giving review boards flexibility to interpret those guidelines. These guidelines similarly provide a framework for applicants without restricting the review board's ability to make changes to projects on a case by case basis.

In Alexandria, Virginia, the Board of Architectural Review (BAR) has published several comprehensive documents that serve as guides for certain kinds of building projects within the Old Town and Parker Gray neighborhoods. The documents note that the conditions of individual projects may vary and that the guidelines are not absolute, but they nevertheless provide a structure in which building owners and architects can design projects. Outside of the DC region, the New Orleans Historic District Landmarks Commission has developed a comprehensive set of documents that explain design elements that are required, encouraged, discouraged, and not allowed, complete with example images of each. These guides address multiple project types, including commercial buildings, new construction, masonry and

stucco, roofing, windows and doors, porches and balconies, and more. The style and content of these guides vary, but they all seek to communicate acceptable and non-acceptable designs for historic buildings and buildings in historic districts, and provide a framework for applicants to use when designing projects. The New Orleans guidelines include a summary of design elements that are required, recommended, discouraged, and prohibited, providing clarity to both applicants and reviewers.

## Current OGB Design Guidelines

There are some OGB guidelines regarding additions and site alterations to buildings. There are additional sign regulations specific to Georgetown in the DC construction code. The OGB policy on building additions articulates general principles on the size of additions to buildings, lot coverage, preservation of historic architectural features, and preservation of existing landscape features. This policy does not address alterations to buildings including signs, awnings, windows, or other similar features. The DC construction code defines some requirements for signs in Georgetown, including size, illumination, color, copy, and nonconforming signs.<sup>8</sup> It does not, however, provide guidance about specific locations within Georgetown. Some applicants have received comments that certain types of signs are not allowed on main streets like M Street and Wisconsin Avenue, while being appropriate for side streets like Grace Street or Prospect Street. Some applicants have had their signs denied because the OGB does not generally allow certain kinds of signs at certain locations, but that standard and the reason for that standard is not clearly described in a publicly-accessible way. The existing OGB policy on additions and site alterations, and the D.C. Construction Code regulations for signs in Georgetown, are available in Appendix B.

## Informal and General Rules

There are some design guidelines that OGB generally uses, even as board members change, but these general rules are not clearly articulated to applicants. The board has often denied certain project elements or required changes to certain project elements as a practice that the board consistently adopts. Other applicants have said they feel that the comments they receive reflect aesthetic preferences or personal design preferences rather than a set of historic preservation design criteria. Some of these general rules may have been adopted informally by the board over time, and applicants familiar with the process may know them. However, less experienced applicants or applicants that are not architects may not know these general practices or aesthetic preferences, which are not articulated in a comprehensive public format.

As an example, the CFA and HPO have developed an understanding about temporary signs in Georgetown. The agreement is that exterior signs that will be up for less than 60 days can be reviewed by HPO without also requiring CFA review. This process, however, is only described in a FAQ page on the CFA website, and not in any comprehensive design guidance. An applicant seeking to install a temporary sign, including for a pop-up retail store, may not know that this process exists and any specific criteria that may accompany temporary signs. Other examples include the board's treatment of cellular antennae, window replacements, and blade signs, which is generally consistent across projects.

Without more clarity, applicants may submit designs that the OGB won't approve that they might not have submitted if certain standards were clear before submission. CFA staff does provide guidance to individual applicants, but applicants unfamiliar with the process may not know whether or how to seek

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<sup>8</sup> Chapter 12 A, Appendix N, Section N101.4 of the DC Construction Code (2013) states that projecting signs "shall be allowed upon favorable recommendation by the Commission of Fine Arts" but OGB does not articulate any criteria for determining whether certain projecting signs or sign locations are compatible with the Georgetown historic district.

this advice before submission. Further, if applicants were able to consult guidelines during the development of their concepts, rather than waiting to consult with staff or receive feedback from the board, they might avoid certain design elements that are never approved, add certain design elements that are generally required, or make a more compelling case for atypical design elements. This can save applicants significant time and money, and also reduce the burden on CFA staff and the board.

### **Corrections to Prior Violations**

In some cases, a building owner has to correct exterior building elements completed by a previous building owner or tenant that were not approved. The correction of these prior violations can delay the approval or completion of a project and require additional expense for the current applicant. Depending on the nature of the correction, the costs could be significant. Applicants have had to make these corrections even when the unapproved building element was not part of the new project. CFA regulations and policies do not require applicants to fix elements of a building that are incompatible with the Georgetown architecture, and the CFA design guidelines do not specifically address violations or corrections to violations. While staff may share this with individual applicants, this policy is not formally stated in an accessible place. CAG's historic preservation guide does recommend the correction of prior violations but CAG does not have a legally defined regulatory role. While correcting prior violations may be a desirable outcome, it is not a legal requirement or an articulated design guideline. Without a clearly defined requirement, or a violation noted in the title, building purchasers may be unaware they may need to correct prior violations before getting a permit.

### **Unclear Feedback on Projects**

When projects are being reviewed, feedback from the board can be unclear, contradictory between the individual board members, and/or difficult for applicants to implement. Board members may all have different opinions on a particular project that do not necessarily align with a set of defined review standards or criteria. The commissioners have occasionally acknowledged that they are disagreeing with each other about a particular design, or taking opposing views, and these different opinions are not always summarized in an actionable way, though staff do try and summarize the board's comments. Combined with design guidelines that are not always be clear, it can be difficult for applicants to revise designs in a way that responds to board recommendations that may reflect different design preferences.

### **Changing Review Standards over Time**

Once a project receives concept approval, the approval is valid for two years, and a building owner can petition for a one-year extension.<sup>9</sup> It is not clear, however, whether prior concept approval has any precedent if an applicant resubmits the previously-approved concept application if it has expired. If the same or a new owner brings the previously approved concept to the board, it could be denied, particularly if the board members are different from the ones that previously approved the project. The denial could merely reflect different aesthetic preferences of the new board rather than the design being incompatible with OGB design guidelines or any newly adopted guidelines. The applicant could have to redesign a project, which can be time consuming and expensive. If the new concept is approved, there is no process or standard to determine whether a future board might reject the new concept should it expire again.

### **Non-Contributing Structures**

The Old Georgetown Act of 1950 officially created the boundaries of the Georgetown Historic District and seeks to preserve the architectural features "used in the National Capital in its initial years." The Act

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<sup>9</sup> Meetings and Procedures of the Commission. 45 CFR §2102.12(b)(1)

does not identify the period that encompasses “initial years” but the Georgetown Historic District Nomination Amendment of 2003 states the period of significance for the Georgetown Historic District as 1751-1950.

The Act does provide for OGB review of new construction in Georgetown, thus any building built after 1950 (when the Act was passed) may not be a contributing structure to the historic district, or it may contribute to the historic district in a different way than older buildings. It is not clear, however, how these buildings are treated, whether they are subject to a different set of criteria than contributing structures, and what those criteria might be. The board has said it doesn’t apply design criteria as rigorously to non-contributing structure as for contributing structures, but the spectrum of this review is unclear. Future buildings may continue contributing to the historic district, but this process is not clear.

## **OGB Review Process**

The OGB has defined a schedule and process for applicants to submit projects to the board for review. The current process and schedule can be burdensome and make the review process longer and more expensive than is necessary. This section explores the process and schedule in more detail.

## **Turnaround Time for Design Revisions**

The CFA website lists the OGB meeting dates and the deadline for submitting projects for each meeting. In general applicants must submit their projects three weeks before the OGB meeting.<sup>10</sup> If during an OGB hearing the board asks for changes to a project before it will make a formal recommendation, an applicant has only seven days after the meeting date to make changes and resubmit the project in time for the following month's meeting. Seven days are often not sufficient for an architect to revise drawings or plans for a project, particularly if the board asks for new materials, substantial changes, or multiple options. This means that an applicant may not be able to reappear before the board for at least two months, and potentially longer. This can also mean that a business owner has to wait several months to receive approval for a certain permit, which may delay construction start, delay a business opening, and result in lost income or additional rent paid for a commercial space that is not open for business. Applicants may also have to pay significant architectural fees for the architect to make revisions. A multi-month delay of this nature can be costly for applicants, particularly for small projects, minor revisions, and applicants with more limited financial resources, exacerbating an already expensive real estate market. In some cases, the only commercial applicants with significant financial resources may be national chains, furthering the growth of national retail chains in Georgetown.

The CFA staff may be willing to accept revisions later than three weeks before the next hearing, but this unofficial rule adds uncertainty to the process, particularly for new applicants that may not be familiar with these more informal procedures. The staff and board may need significant time to review a heavy caseload of projects, but clearer design guidelines or a process for staff approval of certain projects could reduce the volume of the caseload for the staff and board.

## **Project Documentation and Multiple Design Options**

CFA regulations and the CFA website describe submission requirements for projects, which may vary between projects depending on the scope of the project.<sup>11</sup> These regulations indicate that CFA staff should advise applicants on the materials required for a submission, but also indicate that all projects do not require the same kind or amount of materials. The CFA website provides submission requirements for signs, site work, and window replacements. When the OGB staff review applications, they can also request that the applicant submit supplementary materials to help the board review projects. These requirements concern project documentation, not the design standards.

The required documentation is robust, and includes comprehensive photographs of the property, a site plan with adjacent structures, floor plans and elevations of existing conditions, floor plans and elevations of proposed changes, drawings of the proposed building façade, any proposed site additions such as fences, landscaping, or rooftop mechanical equipment, and potentially other documentation depending on the scope of work. While these requirements are already substantial they can allow the board to fully understand the nature of a project.

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<sup>10</sup> However, the federal regulations state that project materials should be delivered “not later than ten (10) working days before the Georgetown Board meeting”, or only two weeks prior to a meeting. Meetings and Procedures of the Commission, 45 CFR §2102.10(a)

<sup>11</sup> Meetings and Procedures of the Commission 45 CFR §2102.10(e)

However, applicants may also be asked to provide additional materials before or during the review of a project, including multiple options for a particular project element, additional drawings, three-dimensional models, or additional studies, even for minor projects. The development of these multiple options can be expensive and time-consuming, particularly after the initial substantial requirements, and may be burdensome or unnecessary for the project. In some cases, commissioners have said reviewing multiple options makes it harder for them to agree on feedback for a project, and in other cases commissioners have said they prefer reviewing multiple options. Applicants also sometimes prefer providing multiple options rather than having to revise a single design several times at several monthly meetings. Nevertheless, if an applicant is required to revise drawings multiple times or provide multiple options, particularly for minor or common projects, the process can become prolonged and expensive.

### **Insufficient Project Documentation and Presentation Quality**

OGB staff has expressed a concern that some applications are incomplete, are presented poorly, and fail to adequately illustrate the scope of the proposed project. The staff feels that the board often must review projects multiple times because the documentation is unclear or the presentation is subpar. This can be particularly time consuming and costly for small projects that might otherwise be approved quickly but require multiple reviews because of poor documentation or poor presentation. This also creates additional burden for the staff and board members if they have to review a significant number of projects each month. If the board has to review a project multiple times, even as a result of insufficient documentation or presentation, it exacerbates the schedule challenge and heavy caseload.

Despite this, as noted above, the required project documentation can be extensive, particularly for small projects. There are also not standards or guidelines for presentation style or quality. Applicants may provide extensive documentation with a high level of detail that still does not include the details the board requires to adequately understand the project. OGB does provide a list of required documents but the necessary level of detail in those documents may be unclear. This is a particular challenge for applicants with small projects making minor modifications or applicants who are inexperienced with the process. OGB staff recommend that applicants consult with them before submitting projects to ensure their submission materials are adequate, but this process could be more clear.

### **Process for Staff Review and Approval of Certain Projects**

The OGB does not currently have a process for small projects to go through an expedited review process by staff. Applicants generally have to go through two rounds of review before they can proceed with the project—concept review and permit review—regardless of the project scope. The federal regulations define concept review as the period when “concept plans for the project are ready but before detailed plans and specifications or drawings are prepared.”<sup>12</sup>

In theory, this enables applicants to understand whether the project is compatible with the Georgetown historic district before they spend time creating detailed drawings for a project that might not be compatible. In practice, the requirement for concept approval means that even small projects like the replacement of existing windows and doors, the installation of a sign, temporary fencing or trash enclosures behind commercial buildings, or other common or simple projects require at least two submissions to the board, one for concept and one for permit. The documentation required for concept review is substantial, and requires significant time to create. Even basic projects take at least two months to secure approval, and often longer to create detailed drawings for permit review or to revise

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<sup>12</sup> Meetings and Procedures of the Commission, 45 CFR §2102.10(a). Permit Review is the only required phase for a permit to be issued, but in practice, OGB requests applicants go through Concept and Permit Review.

plans based on OGB recommendations. The construction of a new building may have to go through the same process as a trash enclosure, without any sense of the different impacts to the historic district that each project may or may not create.

Without a process for certain minor or common projects to be reviewed, the board must review every single application. In many cases, these projects are common, small in scope, have been completed by multiple applicants at multiple properties, or are minimally visible from public space. The board can decide to place items on the Consent Calendar, which can speed up the process, but the board members must still review the project and make that determination. Applicants with projects on the Consent Calendar do not have to make presentations before the board, which reduces the length of the public hearing. But there is no process by which CFA staff can review certain projects and place them on the Consent Calendar themselves, or approve them outright, which could provide the board more time to review larger or more complex projects. There is also not a clear set of design standards for minor or common projects that staff could follow in reviewing and approving certain kinds of projects. It may be advantageous for staff to be able to approve revisions made to comply with board comments, or to approve small projects on a first submission, without requiring two submissions or presentations.

### **Submission of Materials and Public Access**

Currently all project materials must be submitted in hard copy at the OGB office; there is no process for electronic submission or review of materials. This means that the public is not able to view project documents and any changes that might be made over time in order to understand the scope of a project. Similarly, applicants are not able to see the materials submitted by other applicants, which could serve as a repository of good and bad examples of project documents. In 2013 the D.C. Council did pass the Historic District Neighbor Notification Act of 2013, which requires applicants with projects under CFA jurisdiction to notify adjacent building owners and the ANC of plans submitted to CFA for concept and permit review. The ANC, however, only receives original plans submitted to OGB, and may not receive revised plans, meaning the ANC may be reviewing outdated plans at its public meeting.

The D.C. Zoning Commission provides an example of how this process could work for OGB. Each zoning case has a publicly accessible casefile, with copies of all official correspondence between the applicant and the Zoning Commission. Similarly, DCRA has recently developed systems that allow applicants to submit building permit applications online, which makes the process easier for applicants and staff.

## Appendix A: The Old Georgetown Act

*An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the District of Columbia a district known as "Old Georgetown" which is bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park, on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street and Whitehaven Parkway to Thirty-fifth Street, south along the middle of Thirty-fifth Street to Reservoir Road, west along the middle of Reservoir Road to Archibold Parkway, on the west by Archibold Parkway from Reservoir Road to the Potomac River, on the south by the Potomac River to the Rock Creek Parkway.*

*SEC. 2. In order to promote the general welfare and to preserve and protect the places and areas of historic interest, exterior architectural features and examples of the type of architecture used in the National Capital in its initial years, the Commissioners of the District of Columbia, before issuing any permit for the construction, alteration, reconstruction, or razing of any building within said Georgetown district described in section 1 shall refer the plans to the National Commission of Fine Arts for a report as to the exterior architectural features, height, appearance, color, and texture of the materials of exterior construction which is subject to public view from a public highway. The National Commission of Fine Arts shall report promptly to said Commissioners of the District of Columbia its recommendations, including such changes, if any, as in the judgment of the Commission are necessary and desirable to preserve the historic value of said Georgetown district. The said Commissioners shall take such actions as in their judgment are right and proper in the circumstances: Provided, That, if the said Commission of Fine Arts fails to submit a report on such plans within forty-five days, its approval thereof shall be assumed and a permit may be issued.*

*SEC. 3. In carrying out the purpose of this Act, the Commission of Fine Arts is hereby authorized to appoint a committee of three architects, who, shall serve as a board of review without expense to the United States and who shall advise the Commission of Fine Arts, in writing, regarding designs and plans referred to it.*

*SEC. 4. Said Commissioners of the District of Columbia, with the aid of the National Park Service and of the National Capital Park and Planning Commission, shall make a survey of the "Old Georgetown" area for the use of the Commission of Fine Arts and of the building permit office of the District of Columbia, such survey to be made at a cost not exceeding \$8,000, which amount is hereby authorized.*

*SEC. 5. Nothing contained in this Act shall be construed as superseding or affecting in any manner any Act of Congress heretofore enacted relating to the alteration, repair, or demolition of insanitary or unsafe dwellings or other structures.*

*Approved September 22, 1950<sup>13</sup>*

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<sup>13</sup> Old Georgetown Act, Public Law 808-81, D.C. Code 5-801, 64 Stat. 903

## Appendix B: Current OGB Design Guidelines

### CFA Policy on Additions and Site Alterations to Structures in Georgetown

*The Old Georgetown Board is an advisory committee to the Commission of Fine Arts for projects in its jurisdiction under the federal Old Georgetown Act of 1950; the Board reviews each project and forwards its recommendation to the Commission of Fine Arts for formal action. The Board seeks to inform the public regarding guidelines for proposed additions and alterations to structures in Georgetown.*

The Old Georgetown Board recommends that new additions serve as subordinate elements to historic buildings in the Old Georgetown historic district. The additions should not approach doubling the size of an existing building, nor become the dominant element, regardless of what the zoning regulations may allow. As much historic fabric as possible should be maintained at the connection between the historic structure and the new construction. Historically-inspired details should be stylistically subservient to the authentic fabric, rather than establish a non-compatible or ambiguous character. New exterior materials should be compatible with the historic materials.

New rear additions should not project substantially beyond the extent of adjacent buildings of similar type. New side additions that obliterate or substantially obstruct side yards and block views from public space toward the interior of the block are discouraged. Additions to roofs that are visible from a street or substantially alter the historic character of the building are discouraged.

Extensive underground additions are discouraged in order to preserve, protect, or replace existing mature trees and landscape, which are important character-defining elements within Old Georgetown. Similarly, the Board opposes the excessive paving of existing yards and encourages the removal of existing impervious surfaces in order to establish a more sustainable landscape. The Board strongly discourages new curb cuts and the expansion of paved areas for additional parking in front yards where curb cuts already exist.

Applicants should not assume that projects complying with this policy will automatically receive approval; the Old Georgetown Board and Commission of Fine Arts review each submission on a case-by-case basis with consideration of factors relevant to the individual property.

Updated and approved February 2009.

### D.C. Construction Code: Sign Regulations in Georgetown

The following sign regulations for Georgetown are from the District of Columbia Construction Code Supplement of 2013, 12-A DCMR Appendix N § N101.

**N101.4.2 Old Georgetown Act area submissions.** All applications to erect signs on buildings or land within the area controlled by An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital (“Old Georgetown Act”), approved September 22, 1950 (64 Stat. 903; D.C. Official Code § 6-1201 *et seq.* (2012 Repl.)), shall be submitted to the Commission of Fine Arts for review before a permit is issued. In addition to compliance with all other applicable provisions of this section, signs within the meaning of the Old Georgetown Act shall comply with the requirements of Sections N101.4.2.1 through N101.4.2.9.

**N101.4.2.1 Billboards, roof signs, projecting and revolving signs.** Billboards as described in Section N101.7.6, roof signs as described in Section N101.7.2, and revolving signs as described in Section N101.7.11, shall not be permitted. Projecting signs as described in Section N101.7.1,

shall be allowed upon favorable recommendation by the Commission of Fine Arts, which shall include the maximum allowable projection of the sign.

**N101.4.2.2 General restriction.** All signs shall be stationary.

**N101.4.2.3 Illuminated signs.** Illuminated signs shall consist of freestanding, back-lighted, opaque letters, illuminated by steady light. Exposed sources of sign illumination shall be prohibited.

**N101.4.2.4 Sign dimensions.** The aggregate area of all signs advertising any one business on a building or premises shall be limited to 25 square feet (2.322 m<sup>2</sup>) per street frontage.

**N101.4.2.5 Sign copy.** Copy on signs shall be limited to the address or name of the establishment, or both, and the type of business conducted, as indicated by the Certificate of Occupancy issued for the premises involved.

**N101.4.2.6 Number of colors on sign.** No more than two colors, nor more than one color in addition to black or white, shall be used for any sign, including the illumination of such sign.

**N101.4.2.7 Signs on awnings.** Signs on awnings shall be limited to the valance and shall otherwise comply with other applicable requirements of this section.

**N101.4.2.8 Show window lettering.** Lettering of signs limited to a show window, or any other window, abutting on or overlooking a street or public way, shall cover an aggregate area or not more than 25 square feet (2.322 m<sup>2</sup>), per business, nor more than 20 percent of the area of the window, whichever is less.

**N101.4.2.9 Nonconforming signs.** Despite the limitations imposed by the requirements above, when the Commission of Fine Arts finds that the sign or the conditions surrounding it justify granting a variance from or exception to any of the requirements of Sections N101.4.2.1 through N101.4.2.8 and the Commission finds that granting such a variance or exception will not impair the intent and purpose of this section or of the Old Georgetown Act, the code official is authorized to approve an application to erect a sign not conforming to the said requirements.