

ARLINGTON COUNTY  
HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD (HALRB)

**Rules of Practice and Procedure**

(Adopted December 12, 1984)  
(Amended September 18, 1985)  
(Amended September 20, 1989)  
(Amended December 12, 1990)  
(Amended January 15, 1992)  
(Amended March 18, 1992)  
(Amended October 15, 1997)  
(Amended March 18, 1998)  
(Amended July 21, 2010)  
(Amended XX XX, 2023)

I. PURPOSE

To establish rules of practice and procedure for the Historical Affairs and Landmark Review Board (the “Review Board”) pursuant to the Review Board’s authority as set forth in Section 11.3.2 of the Arlington County Zoning Ordinance (ACZO).

II. GENERAL RULES

The Review Board shall be governed by the terms of Section 15.2-2306 of the Code of Virginia, as may be amended or revised, and Section 11.3.2 of the ACZO.

III. MEMBERS, OFFICERS, AND DUTIES

A. GENERAL

The Review Board shall be composed of no more than fifteen (15) members who are residents of Arlington County and who shall be appointed by the County Board. The Review Board shall be the Architectural Review Board authorized by Section 15.2-2306 of the Code of Virginia.

The County Board shall select the members of the Review Board that meet the criteria set forth by the Virginia Department of Historic Resources (VDHR) Certified Local Government (CLG) program. The County Board may consider including members from appropriate community groups.

To conduct its regular business, a quorum of the Review Board shall consist of an in-person presence of one (1) less than the majority of the members currently serving on the board. // a quorum of the Review Board shall consist of a minimum of five members present in person.

B. OFFICERS

Two officers, a Chair and Vice Chair, shall be elected annually, for a term not to exceed one year. The number of terms served by an officer shall not be limited.

C. CHAIR

A Chair shall be elected by the members of the Review Board. The Chair shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Review Board. The Chair may appoint any committees that are necessary to investigate and make recommendations on any matters before the Review Board.

D. VICE CHAIR

A Vice Chair shall be elected by the members of the Review Board in the same manner as the Chair. The Vice Chair shall serve as Acting Chair in the absence of the Chair, and at such times shall have the same powers and duties as the Chair.

E. ACTING CHAIR

In the event that neither the elected Chair nor the Vice Chair is able to serve at a meeting of the Review Board, an Acting Chair shall be elected by vote of the majority of the Review Board members present on that occasion to serve in the absence of the Chair and Vice Chair, and at such times shall have the same powers and duties as the Chair.

F. SECRETARY

The County's Historic Preservation Program (HPP) staff shall prepare official meeting minutes of the monthly public hearings of the Review Board. In the absence of staff, the Chair may direct a member of the Review Board to act as secretary to keep a record of its resolutions, proceedings, and actions.

G. COMMITTEES

Four (4) standing committees, as defined below, shall be appointed by the Chair:

1. **Design Review Committee (DRC)** shall meet the first Wednesday of each month at 6:30 pm in a hybrid meeting format that allows for participation both in-person at a public place within the County and virtually, unless a majority of the Committee agrees to an alternative meeting schedule. The DRC shall:

- (a) Review Certificate of Appropriateness (CoA) applications according to adopted historic district design guidelines and/or *The Secretary of the Interior's Standards for the Treatment of Historic Properties*;

- (b) Make recommendations to the Review Board at the public hearing(s) for the CoA application;
- (c) Provide feedback to applicants and the County on appropriate architectural design, modification, and renovation of historic buildings, sites, and structures; and
- (d) Carry out other permitted activities as arranged by the Review Board, such as requesting project site visits.

2. **Historic Marker Committee** shall, as requested by the HPP staff, provide research, writing, and editing assistance in the development of interpretive markers funded by the Historic Preservation Program. Review may be done via phone call and email, and meetings will be scheduled as needed.

3. **Survey and Research Committee (SRC)** shall, as requested by the HPP staff, provide ad hoc assistance with specific research projects associated with new historic markers and/or local designation requests. Staff also may request the Committee to help update existing historic and/or architectural survey information and/or conduct new surveys.

4. **Outreach Committee (OC)** shall, as requested by the HPP staff, provide ad hoc assistance with specific proactive educational and outreach activities associated with various programmatic initiatives (i.e., promoting the *Historic and Cultural Resources Plan*, fostering community partnerships, educating property owners about local designation).

## H. ELECTIONS

A Nominating Committee consisting of up to three (3) Review Board members shall be chosen annually by the Chair by November. The Nominating Committee shall select nominees for Chair and Vice Chair to be presented to the Review Board each December.

Nominees may be suggested from the floor at the December meeting.

Elections for officers shall be held each December and terms of officers shall begin in January.

## I. TERMS OF APPOINTMENTS

Members shall be appointed to serve terms set by the County Board.

## J. ATTENDANCE AT MEETINGS

Per the Arlington County Electronic Meetings Policy, adopted September 2022, Architectural Review Boards are required to hold hybrid in-person and electronic meetings with a quorum of in-person commissioners.

Commissioners may attend two (2) meetings virtually annually (non-consecutively)

for personal reasons and retain their virtual voting power. Temporary or permanent disability or other medical condition that prevents the member's physical attendance, or a family member's medical condition that requires the member to provide care for such family member thereby preventing the member's physical attendance, shall exempt commissioners from attendance requirements.

If members plan to attend remotely, they shall notify the Chair on or before the day of the meeting that they are unable to attend the meeting due to a personal matter, and shall identify with specificity the nature of the personal matter. The HALRB shall record in its minutes the specific nature of the personal matter and the remote location from which the member participated.

Members shall notify the HPP staff or the Chair of anticipated absences in advance of scheduled regular meetings to be officially excused.

The Chair shall notify any member of the Review Board who misses more than three consecutive regular meetings or more than half the regular meetings in a calendar year and request that member to show cause why the Review Board should not request the County Board to declare the seat vacant. In the absence of an adequate showing, the Chair shall notify the County Board and request replacement with a new appointment. Absence due to sickness, death in the family, or other emergencies of a similar nature shall not affect a member's status on the Review Board except in instance of a prolonged absence.

#### K. RESPONSIBILITY OF MEMBERS IN CONSIDERING APPLICATIONS AND DESIGNATION REQUESTS

Each Review Board member shall become knowledgeable regarding the statutes, laws, and other ordinances and policies relating to the Review Board's responsibility and authority.

Each Review Board member shall become thoroughly familiar with information pertaining to the significance of designated local historic districts and any proposed designation requests which are subject to a pending evaluation or Review Board action, including site visits.

Members shall not participate in decisions-being heard by the Review Board without becoming familiar with the application pending before the Review Board, including consulting previous discussions and decisions associated with the matter.

- L. Each Review Board member shall attend at least one informational or educational training per year, per the criteria set forth by the VDHR CLG program requirements, pertaining to the role, responsibility, and authority of architectural review boards or to historic preservation.

#### M. CONFLICT OF INTEREST

Each Review Board member shall abide by the provisions of the State and Local

Government Conflict of Interests Act as codified in Chapter 31 of Title 2.2 of the Virginia Code as may be amended.. A copy of this Act shall be provided to each new Review Board member prior to his/her first meeting.

#### IV. MEETINGS

##### A. REGULAR MEETINGS

Regular meetings of the Review Board shall be held on the third Wednesday of each month at 6:30 p.m. in a hybrid meeting format that allows for participation both in-person at a public place within the County and virtually, unless a majority of the Review Board agrees to an alternative meeting schedule and it is advertised accordingly.

##### B. SPECIAL MEETINGS

Special meetings of the Review Board may be called at any time by the Chair. At least forty-eight (48) hours notice of the time and place of the special meeting shall be given by the staff liaison or by the Chair to each member of the Review Board by direct verbal contact, electronic mail, or written notice delivered to each member's residence; this requirement may be waived by written consent obtained from all the members.

##### C. CANCELLATION OF MEETINGS

Whenever there is no business for the Review Board, the Chair may cancel the regular meeting by making a reasonable attempt to give notice to all members not less than twenty-four (24) hours before the time set for the meeting.

##### D. CONDUCT AT MEETINGS

All meetings of the Review Board shall be open to the public except as provided in Section 2.2-3711 of the Code of Virginia, as amended.

No action shall be taken except by the affirmative vote of a majority of the members of the Review Board present virtually and in person.

The Chair is empowered to take such steps as may be reasonably necessary to maintain decorum at meetings and may reasonably limit the time available for testimony by the public to the Review Board, to assure that all persons desiring to make comments may be heard by the Review Board.

##### E. RECORDS

Minutes shall be kept of Review Board business at all regularly scheduled and special meetings of the Review Board.

Written reports shall be provided of the deliberations, findings and decisions of the Survey and Design Review Committees.

All committees shall submit to staff a written summary of business conducted annually.

## V. PROCEDURES FOR DESIGNATING LOCAL HISTORIC DISTRICTS

A. The establishment of local historic districts shall be governed by Section 11.3.4 of the ACZO.

### B. PUBLIC HEARING PROCEDURE

Any party may appear in person or by agent at the public hearing. The order of business shall be as follows:

1. The Chair, or designee, shall explain the public hearing process and provide other introductory information as may be pertinent.
  2. The HPP staff's evaluation of the property shall be presented.
  3. The owner(s) of record, or an authorized representative, of the property under consideration or of property within the area to be considered may present a statement or argument concerning the proposed designation.
  4. Statements or arguments submitted by any official, commission, or department of Arlington County, or any state agency, or any local historical, preservation, or neighborhood association shall be presented as directed by the Chair.
  5. Other public testimony shall be presented.
  6. Following all testimony, the Chair shall close the public hearing and open discussion of the pending request to the members of the Review Board.
  7. In the event that the Review Board finds that additional testimony or information is desired or required, the Chair may continue the public hearing at a later date provided such continuation of the public hearing is announced to a date certain. Under these circumstances, additional advertisement of the continued public hearing is not required.
- C. Following its discussion, the Review Board shall vote on whether the proposed historic resource merits recommendation to the County Board for designation under Section 11.3.4 of the ACZO, unless the public hearing is continued to a later date.
- D. Following a majority vote of the Review Board to forward the designation request and associated design guidelines to the County Board, the HPP staff shall prepare a Request to Advertise for the County Board to consider creating an overlay zone for local historic designation at a public hearing.

- E. The report submitted to the County Board shall document the historical, cultural, architectural, and/or archaeological significance of the recommended resource and the criteria on which the HALRB's recommendation is based. Maps, photographs, historic district design guidelines, and a draft of a proposed ordinance, including the legal description of the proposed district boundaries, shall be included as appropriate.

## VI. PROCEDURES FOR APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS

### A. FILING REQUIREMENTS

1. The applicant shall submit a complete application for a Certificate of Appropriateness (CoA) to the HPP staff in accordance with the County schedule for required receipt and advertisement of such applications.
2. The applicant may be asked to provide the Review Board with additional information, including catalog cut sheets, specifications, dimension drawings, elevations, site or landscape plans, or other documents or material samples as are deemed necessary by the Review Board or its designees.
3. The Review Board may defer action on an application until sufficient information has been supplied.

### B. PRE-HEARING REVIEW

1. In accordance with the required advertising schedule, advertising for a public hearing date shall be arranged to coincide with a regularly scheduled Review Board meeting, unless otherwise directed. The application shall be reviewed for completeness by the HPP staff, who will inform the applicant by written notice of the scheduled hearing.
2. All applications shall be considered by the DRC for its review prior to the scheduled HALRB public hearing. An application may bypass the DRC if the DRC Chair and the HALRB Chair decide that the application should first be heard at the scheduled public hearing. The DRC may request additional materials or information from the applicant to be used in the Committee deliberation or to be presented at the public hearing.
3. The applicant shall be expected to participate with the DRC during deliberation of the application.

### C. REVIEW CRITERIA

1. In reviewing CoA applications, the Review Board shall consider the historic and architectural significance of the subject resources, adopted historic district design guidelines and/or *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, and any of the following elements, or more explicit design criteria as deemed necessary, to ensure that the exterior

form and appearance of the proposed alterations are consistent with the historic and/or visual character of the designated resource:

- (a) The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
  - (b) The building's setback and placement on the lot in relation to the average setback and placement of the nearest adjacent and opposite buildings.
  - (c) Exterior construction materials, including methods of construction, textures, and patterns.
  - (d) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, flashing materials, and any other details as may be necessary for the complete review of the project.
  - (e) Roof shapes, forms, and materials.
  - (f) Proportions, shapes, positioning and locations, patterns, and sizes of any elements of fenestration.
  - (g) General form and proportions of buildings and structures.
  - (h) Appurtenant fixtures and other features such as fences and paving materials.
  - (i) Structural condition and soundness.
  - (j) Landscape design.
  - (k) Other elements.
2. Design guidelines shall be developed by the Review Board specific to the historical and cultural environment of each designated historic district. The guidelines shall list those items which are not historically relevant and do not require a CoA, if any. In the absence of approved design guidelines for a given district, the Review Board shall consider *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.
  3. Per Section 15.7.2 of the ACZO, the Review Board may authorize the HPP staff to issue CoAs that meet certain standards. Staff may issue Administrative Certificates of Appropriateness (ACoAs) where the Review Board has specified the:
    - (a) Properties eligible for designee action;
    - (b) Category of modifications for which the designee may grant an ACoA;



and

- (c) Standards the designee must use in deciding whether to issue the ACoA.

#### D. CONSIDERATION OF APPLICATIONS

1. The Chair or a designee may ask that public testimony be limited to issues which are material and relevant to the application pending.
2. Only completed applications with all required attachments and materials will be considered.
3. Any request not discussed in full in the application will not be considered.
4. The Applicant and other persons providing testimony on a pending application may be represented by counsel; the Chair or a designee may appoint a spokesperson to summarize and speak on behalf of persons whose interest or testimony is substantially the same to expedite the hearing as may be necessary.
5. The Review Board shall utilize the approved design guidelines relevant to the specific historic district under consideration and/or *The Secretary of the Interior's Standards for the Treatment of Historic Properties* during review of any application for alterations to an exterior feature and make a decision in accordance therewith. Such standards will guide and inform the decisions of the Review Board with regard to these exterior alterations. The design guidelines are for the benefit of the applicant as well as the Review Board.
6. For districts without approved design guidelines, *The Secretary of the Interior's Standards for Rehabilitation*, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, or *The Secretary of the Interior's Standards and Guidelines for Archaeological Documentation* shall be used to guide the CoA review process.
7. Decisions of the Review Board shall be supported by appropriate findings and may be accompanied by such conditions and/or recommendations as the Review Board may determine to be reasonable.
8. In considering applications, the Review Board may call witnesses and receive factual information, but the Review Board shall not be limited to consideration of such evidence as would be admissible in a court of law.

#### E. PUBLIC HEARING PROCEDURES

1. The Chair or a designee shall preside and has the right to limit the time for

each witness testifying, assure that decorum is maintained, and that all interested persons or parties are given a reasonable opportunity to testify.

2. The consent agenda shall consist of: (1) those CoA applications for which the DRC and HPP staff have recommended approval as submitted; and (2) those CoA applications for which the applicant has made changes to the application to comply with the recommendations of the DRC and staff such that the DRC and staff would recommend approval. Upon request by either a member of the Review Board or the public, an application may be removed from the consent agenda and placed on the discussion agenda.
3. The Review Board will vote on the approval of CoAs on the consent agenda before consideration of other CoA applications on the discussion agenda.
4. The order of business for consideration of CoA applications shall be as follows:
  - (a) The Chair, or a designee, shall introduce the application.
  - (b) The HPP staff will summarize the project, review the appropriate design guidelines or *The Secretary of the Interior's Standards*, and provide a staff recommendation.
  - (c) The Applicant, or an authorized representative, will be invited to make a statement on the proposed modifications described in the application.
  - (d) The DRC shall present its findings and recommendations.
  - (e) Statements or arguments submitted by any official, commission, or department of Arlington County, or any state agency, or any local historical, preservation, or neighborhood association may be presented.
  - (f) Other public testimony shall be presented.
  - (g) The Chair, or a designee, may summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.
  - (h) Following all testimony, the Chair shall close the public hearing and open discussion of the pending application to the Review Board.
5. In the event that additional testimony or information is desired or required, the Chair shall continue the public hearing at a later date provided such continuation of the public hearing is announced. Under these circumstances, additional advertisement of the continued public hearing is not required.

#### D. POST-HEARING PROCEDURES

1. The Review Board may choose to enter into its deliberations on the pending application immediately upon the close of the public hearing and deliver a decision to the applicant at such time.
2. The Review Board, or its designee, shall provide a written notice of its decision to the applicant expeditiously.
3. In the event that the Review Board does not issue a decision immediately upon conclusion of the scheduled hearing on the application, the Review Board may reconvene to reach a decision at a time set by the Board.
4. Applicants denied the CoA may appeal the decision to the County Board in accordance with Section 15.7.10 of the ACZO.
5. A CoA shall be valid for a period of one year from the date of approval by the Review Board. Commencement of work and/or active pursuit of a County building permit shall constitute implementation of the CoA. In cases where work has not commenced within one year from date of issuance of the CoA, the CoA shall be null and void. Before expiration of an approved CoA, an applicant may apply to the Review Board for a one (1) year extension provided that nothing in the application has been modified; otherwise, a new CoA application shall be required.

#### E. MODIFICATION OF APPLICATIONS

An applicant may apply to the Review Board to modify an approved CoA application through the regular CoA process as described herein. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans, or sketches, as necessary. The Review Board will consider the amended request in the same manner as any other CoA application as outlined herein.

#### VII. AMENDMENTS

These Rules may be amended at any time by an affirmative vote of not less than the majority of the membership of the Review Board provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. An emergency amendment to the Rules may be proposed if a majority of the members vote in favor of it, but it shall lapse after the meeting at which it is adopted unless it is advertised and readopted by a majority vote at the next regular meeting of the Review Board.