

Title 63: Landmarks Preservation Commission

Chapter 1: Practice and Procedure – Public Hearings and Meetings of the Commission

§ 1-01 Quorum.

A quorum of the Landmarks Preservation Commission shall consist of six Commissioners. Public hearings and public meetings may be conducted without a quorum.

§ 1-02 Calendaring.

The Landmarks Preservation Commission may, upon the adoption of a motion, calendar an item to be considered for landmark designation. A motion to calendar must be approved by the majority of the Commissioners present in order to be adopted. The date of the public hearing on the proposed designation may be set by the motion to calendar or it may be set at some later time by the Chairman, acting at his or her discretion.

§ 1-03 Withdrawing and Laying Over Certificate of Appropriateness Items.

Once an application has been included on a Certificate of Appropriateness public hearing calendar, it may be withdrawn or laid-over as follows:

(a) *Lay-Overs (requests prior to being heard)*. If an application has been included on a Certificate of Appropriateness calendar and the hearing has not yet occurred, the applicant may request that the application be laid-over to a subsequent public hearing. The applicant must send the Landmarks Preservation Commission a letter indicating that he or she would prefer to be heard on a subsequent hearing and stating that the Commission's time to act on the matter is being extended for an equivalent length of time. Upon receipt of this request staff will withdraw the item and hold it for the following month's hearing. Where the application concerns, in whole or in part, the legalization or curing of a violation, the applicant shall be allowed to lay over the item only once as of right. If the applicant requests a subsequent lay-over, the Chair may at his or her own discretion consider the request a request for withdrawal and may withdraw the item pursuant to the procedure set forth in subsection (b)(1) of this section, or, if the application seeks to legalize a violation, the Chair may keep the item on the calendar and the Commission may act on it at the public hearing. Withdrawal of an application to legalize or cure a violation, in whole or in part, shall be deemed a disapproval for purposes of service of a second or subsequent notice of violation pursuant to Administrative Code § 25-317.1(b)(4)(a)(ii).

(b) *Withdrawals (requests prior to being heard)*. If an application has been included on a Certificate of Appropriateness public hearing calendar and the hearing has not yet occurred, the application may be withdrawn from the calendar as follows:

(1) by the applicant if the applicant sends a letter to the Landmarks Preservation Commission indicating that he or she wishes to abandon the application as proposed. Staff withdraws the item and generates the "Withdrawn at Staff Level" number from "Permit Application Tracking System", a withdrawal letter is sent to the applicant and the application is closed.

(2) by the staff if new information or design modifications are provided that enable the staff to issue a staff-level permit. Staff withdraws the item from the calendar and issues a staff permit to close the application.

(3) by the staff at the direction of the Director of Preservation if the status of the application changes with respect to scope and completeness.

(c) *Withdrawals from calendar (after having been heard)*. If an application has been included on a Certificate of Appropriateness public hearing calendar and the hearing has taken place, the application can only be withdrawn by the applicant if he or she sends a letter to the Landmarks Preservation Commission indicating that the application is being abandoned as proposed. Upon receipt of this request staff will withdraw the item from the calendar, generate a "Withdrawn at Staff Level" number from "Permit Application Tracking System" and send the applicant a withdrawal letter to close the application. Where the application concerns, in whole or in part, the legalization of a violation, the Chair may, at his or her own discretion, reject the applicant's request to withdraw and the Commission may continue to consider and act on the application as submitted. Withdrawal of an application to legalize or cure a violation, in whole or in part, shall be deemed a disapproval for purposes of service of a second or subsequent notice of violation pursuant to Administrative Code § 25-317.1(b)(4)(a)(ii).

§ 1-04 Final Actions.

No final determination or action will be made or taken except by concurring vote of at least six Commissioners.

§ 1-05 Submissions to the Record.

The Commission may, upon the adoption of a motion, close the hearing and leave the Record open on a particular item until a stated date to allow for the submission of additional written information. Submissions received after the stated date will be included in the Record provided they are received prior to the Commission's determination or action on the item. The Commission will neither make a final determination nor take any final action on an item while the Record is open on that item.