



PREPARED FOR THE LANDMARKS ORDINANCE REVIEW COMMITTEE

Legistar File ID # [56918](#), Draft Historic Preservation Ordinance, Parking Lot Issues
Memo #2: Period of Significance, Visible from the Street, Spectrum of Standards for Review

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Background

At its January 23, 2020, meeting, LORC asked staff to gather information on how other preservation commissions handled period of significance and also asked staff to prepare items for a discussion about two other items on the discussion “parking lot” list: visible from the street and spectrum of standards for review.

Period of Significance

Madison utilizes the period of significance for each historic district to determine what are considered historic resources within that district. While many other local preservation commissions use this same system, some utilize the contributing/non-contributing resource model, which comes from the National Register of Historic Places. A property could be considered non-contributing to a historic district for a variety of reasons: outside the period of significance, too many alterations to the structure, not associated with the area of significance for the district (such as a specific style of architecture), etc.

LORC discussed possible ways to handle the period of significance for our local historic districts at its June 25, 2019, meeting and wanted to know how other localities handled this matter. Staff sent an inquiry to the National Alliance of Preservation Commission’s listserv and received several responses. Some of that information has been brought before the committee in its discussions of the ordinance drafting. Below is a summary of the responses to that inquiry and additional research staff conducted:

Austin, TX: Standards are only advisory for non-contributing resources

Boulder, CO: Non-contributing structures should not detract from the district and blend with the architectural style of the existing structure, with more substantial additions following standards for new construction.

Dallas, TX: Same process for all properties, but don’t make non-contributing structures more non-contributing

Grand Rapids, MI: Structures outside the period of significance are evaluated by their impact on adjacent historic resources and the district as a whole.

Fredericksburg, VA: All properties follow the same Secretary of the Interior’s process

Little Rock, AR: Non-historic resources follow new construction guidelines. Anything over 40 years is considered historic.

Minneapolis, MN: Non-contributing structures treated like new construction. Separate design guidelines to ensure non-contributing resources are compatible with the district.

Milwaukee, WI: Treat all properties the same. Each project is evaluated on its own merits.

New York State: All properties within a historic district follow the same process. Alterations to non-contributing resources must be compatible with the district, not necessarily to the structure itself.

Raleigh, NC: All properties within a historic district and individual landmark properties follow the same process and standards.

St. Paul, MN: Noncontributing and contemporary buildings comply with standards for new construction.

Oklahoma City, OK: Recent construction (last 25 years) should utilize guidelines for new construction & additions.

For the “same process for evaluating all properties within a historic district” used by many commissions, they largely adopt the Secretary of the Interior’s (SOI) Standards for Rehabilitation (10 simple standards) for review of their landmarks and historic districts. They then adopt more detailed design guidelines to shape how those standards are implemented. The design guidelines tend to pull from the Secretary of the Interior’s Guidelines for Treatment of Historic Properties with local visuals to show how that language would look in a given historic district. These documents are largely text, with the visuals as supplemental.

For instance, the 2017 update for *the Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* notes:

“These Standards and Guidelines provide a critical part of the framework of the national preservation program. They are widely used at the federal, state, and local levels to guide work on historic buildings, and they also have been adopted by Certified Local Governments and historic preservation commissions across the nation.” (p. VII)

While the original expectation for the National Park Service was that the SOI would largely be used for Federal undertakings only, the trend over the past 50 years has been for the SOI to be the baseline standard for preservation practice at all levels of government. In the last 15 years there has been an increased trend towards localities adopting the SOI as their standards and having the period of significance or contributing status of structures within the local historic district be what shapes either the preservation commission’s application of the SOI or the crafting of which of the SOI guidelines should go in to their local design guidelines (which are then often used as development standards even though they are called “guidelines”).

Included as an attachment to this discussion are the *Design Guidelines for Raleigh Historic Districts and Landmarks*, where the guidelines are considered development standards. The language in their guidelines/standards will be recognizable to LORC because they have incorporated the language from the SOI Guidelines that most pertains to their historic resources just as the LORC working draft ordinance does. A discussion of historic resources in the Raleigh document only comes into play for compatibility of new construction and additions.

From previous staff experience and discussions with other preservation professionals, there is a concern that a period of significance can be a constantly moving target. Little Rock has a unique solution by specifying that anything older than 40 years is historic. Other localities state a period of significance and then include language about how other properties may have achieved significance in their own right (a reference to SOI standard 4 applied to a historic district rather than an individual property). Another solution is to periodically investigate if the period of significance for a district needs to be updated to include a different range of buildings. Shifting to a contributing/non-contributing model would potentially create confusion between what is considered contributing locally vs. what is contributing per the National Register. Most preservation commissions simply apply their standards to all properties, regardless of their age, with a practice of focusing on the overall character of a historic district rather than developing different standards for non-historic structures.

At this point, staff would like some direction from LORC about how to treat structures outside of the period of significance. The dates of the period of significance for each district in the current ordinance should be discussed after the historic district ordinance draft is complete.

Visible from the Street

A focus of any preservation program is maintaining the character of the resources that make a place a cultural asset to the public while balancing the need for ongoing growth and reinvestment necessary to keep a place vibrant. Current preservation practice tends to focus on limiting changes to the primary façade of a structure (which may or may not face a street), minimal to moderate changes visible to the public (secondary elevations and parts of the building visible from the street or public right-of-way), and more latitude for areas that the general public would not be seeing (more extensive changes to the back of a building, on a rooftop outside of the line of sight from the pedestrian right-of-way). Currently our historic district ordinances approach this process in different ways, which reflect the state of preservation practice at the time of their creation.

Examples from current historic district ordinances:

Mansion Hill 41.22(4)(b): “All **street facades** shall blend with other structures via directional expression.

When adjacent structures have a dominant vertical or horizontal expression, this expression should be carried over and reflected.”

Third Lake Ridge 41.23(6)(b): “Alterations of **street façade(s)** shall retain the original or existing historical proportion and rhythm of solids to voids.”

University Heights 41.24(5)(f): “Alterations **Visible from the Street** and Alterations to **Street Facades**.

Alterations **visible from the street**, including alterations to the top of structures, and alterations to **street facades** shall be compatible with the existing structure in architectural design, scale, color, texture, proportion and rhythm of solids to voids and proportion of widths to heights of doors and windows. Materials used in such alterations shall duplicate in texture and appearance, and architectural details used therein shall duplicate in design, the materials and details used in the original construction of the existing structure or of other structures in University Heights of similar materials, age and architectural style, unless the Landmarks Commission approves duplication of the texture and appearance of materials and the design of architectural details used in the existing structure where the existing building materials and architectural details differ from the original. Alterations that exactly duplicate the original materials in composition are encouraged. Alterations that destroy significant architectural features are prohibited. **Side alterations** shall not detract from the design composition of the **original facade**.”

University Heights 41.24(5)(f): “Additions and Exterior Alterations **Not Visible from the Street**. Additions and exterior alterations that are **not visible from any streets** contiguous to the lot lines upon which the structure is located will be approved by the Landmarks Commission if their design is compatible with the scale of the existing structure and, further, if the materials used are compatible with the existing materials in texture, color and architectural details. Additions and alterations shall harmonize with the architectural design of the structure rather than contrast with it.”

Marquette Bungalows 41.25(5)(f)2: “**Street Facades**. Windows and doors on the **front or street facade** of the structure and on side faces within ten (10) feet of the **front facade** of the structure shall retain their original or existing appearance, including true muntins where they exist. Replacement windows and doors may be approved if they match the original appearance.”

Marquette Bungalows 41.25(5)(f)3: “**Non-Street Side Facades**. Retention of the original appearance of windows and doors on the sides of the structure is encouraged. However, if replacement or new windows are proposed, the muntin design of the original windows on the structure may either be replicated with true-divided lights or with exterior or interior applied grids or with grids applied between the panes of glass. New windows shall either be casement windows or double-hung windows. Sash on new windows over four (4) feet square shall be divided by muntins or mullions. Bay windows may be approved if they have sides perpendicular to the wall and if they do not extend beyond the eaves of the roof.”

Marquette Bungalows 41.25(5)(f)4: “**Rear Facade**. Replacement, remodeling or installation of new doors and windows on the **rear facade** will not be restricted except as discussed under “General Standards” above.”

First Settlement 41.26(4)(e): “Façade Design. **Street facades** shall be modulated with setbacks incorporated into the design at the first floor level. The entrance shall either be inset or projecting from the plane of the **main facade**. Porches on main entrances are encouraged. **Street facades** shall reflect the rhythm and directional expression of pre-1930 structures within two hundred (200) feet of the subject property.”

Examples from current Historic Preservation Ordinance working draft:

Repairs (4)(a)2: “Repair may include the limited replacement in kind, or with a compatible substitute material, of missing materials (such as wood shingles, slates, or tiles) on a roof **visible from the street**.”

Alterations (1)(b)1.b: “The removal of historic features on elevations **visible from the street** is prohibited.”

Alterations (5)(a)1.a: “Historic/original openings in walls above the foundation level **visible from the street** shall not be filled”

Alterations (7)(b)2.a: “Air conditioning compressors and other mechanical equipment should be substantially set back from the **front wall** of the structure. Screening, including landscaping, can help obscure the **view from the street**.”

Alterations (7)(b)2.c: “Grilles (mechanical air intake, exhaust, etc.), vents (plumbing stack, mechanical air intake or exhaust, etc.), electrical and communications equipment (transformers, cabinets, mobile service boosters, security cameras, etc.), and utility meters (water, gas, electric, etc.) should not be placed in the **front yard** or on the **front elevation**.”

Additions (1)(a)1.f: “Rooftop additions, decks, terraces, and mechanical and service equipment shall be located to be set back from **elevations visible from the street** in order to minimize its visibility and impact on the historic character of the building”

Additions (4)(f)1.b: “Dormer additions **visible from the street** are prohibited except for side roof slopes where the **front edge of the dormer** is no less than twelve (12) feet from the **front edge of the roof**.”

New Structures (1)(b)1.b: “Minimally **visible from the street**, or for corner lots be **minimally visible from the front of the property**”

New Structures (4)(b)1.b: “Any roofing material shall be permitted on flat or slightly pitched roofs not **visible from the street**”

We do have circumstances where buildings may have a secondary elevation be what faces the street, so the application of the ordinance standards has an emphasis on what is essentially the side of the building, when what is the character-defining part of the building is the primary façade/main entrance. Even in University Heights where the language has an emphasis on the street façade first followed by a secondary emphasis on elevations visible from the street, there are circumstances where the significant elevation is not the street elevation. Current preservation practice tends to create the hierarchy of:

1. Front elevation
2. Elevations visible from the street
3. Elevations and rooftops not visible from the street or pedestrian line of sight

Spectrum of Standards for Review

The original recommendations from the consultant were:

“Applications that are for identifying, retaining, and preserving; protecting and maintaining; or repairing may be reviewed and approved by staff as delegated by the Landmarks Commission per 41.05, which should approve the overall timeliness of the process. However, staff shall have the discretion to forward applications on to Landmarks Commission if they see fit, and property owners can appeal a staff decision to the Landmarks Commission. Applications for replacement, new additions, and new construction must be reviewed and approved by Landmarks Commission.

The above recommendations for the Standards for Review shall be studied further, within the framework of a hierarchy of standards in which properties constructed during the period of significance shall be more stringent than properties constructed outside of the period of significance, new additions,

or new structures. Similarly, Standards for Review for elevations visible from the street shall be more stringent than elevations not visible from the street.”

For the spectrum of standards for review for Certificates of Appropriateness, staff recommends:

1. Maintenance standards not require a Certificate of Appropriateness and shall serve as a standard for the Building Inspection Division to use for compliance complaints in the historic districts
2. Repairs would require a Certificate of Appropriateness with staff review and approval
3. Alterations would require a Certificate of Appropriateness with review and approval by the Landmarks Commission, with possible exceptions for staff approval detailed in the *Landmarks Commission Policy Manual*
4. Additions and New Structures would require a Certificate of Appropriateness with review and approval by the Landmarks Commission

For the other components of a spectrum of standards for review, staff recommends:

1. Retain historic materials on the primary façade of a structure
2. Retain character on elevations visible from the street
3. Alterations and additions not visible from the street be subordinate and compatible with the character of the structure
4. Alterations and additions to structures outside of the period of significance be in keeping with the character of the existing structure and compatible with the district