



DESIGNED FOR

- historic property owners
- new members of district commissions
- community officials
- design professionals
- architects and developers

Bringing preservation “home” What do some 2,300 local historic districts have in common? In each one, a majority of its residents have decided they want to keep the look and feel of the place they call “home” by adopting a local preservation ordinance, then creating a local preservation commission to administer it. Local legislation is one of the best ways to protect the historic character of buildings, streetscapes, neighborhoods, and special landmarks from inappropriate alterations, new construction, and other poorly conceived work, as well as outright demolition.

PEOPLE PROTECTING COMMUNITY RESOURCES

Defining Historic Districts

" Local historic districts are areas in which historic buildings and their settings are protected by public review. Historic district ordinances are local laws that are adopted by communities using powers granted by the state. Historic districts comprise the city's significant historic and architectural resources. Inclusion in a historic district signifies that a property contributes to an ensemble that is worth protecting by virtue of its historic importance or architectural quality..." *City of Cambridge, Massachusetts.*

What is a local historic district? Beyond a general description, it's best to go directly to the source—the local governments and communities that create and care for historic districts. Although there are many legal and administrative similarities to historic districts, at the heart of it, each historic district defines itself differently—and should! Each district across the country has a special story and unique personality. Consider these examples:

***In Seattle, Washington, Pike's Place Market Historical District** was rescued from an urban renewal project in 1971 and subsequently listed as both a local and National Register Historic District. "Today, it is a healthy, bustling community of merchants and residents."*

Raleigh, North Carolina designated Oakwood as its first “local historic district” in 1975 to ensure the long-term protection of this diverse collection of 19th and early 20th century residences. As part of the local historic district designation, the design of all proposed exterior change is reviewed by the Raleigh Historic Districts Commission.

***In San Diego, California, the Gaslamp Quarter Historic District** retains the unique turn of the century architectural character of the area, encouraging pedestrian-oriented uses, such as shops, restaurants, galleries, street vendors, and cultural facilities. Preserving the richness of the past and providing continuity with current and future development are dual planning goals of the local historic district. It is also listed in the National Register of Historic Places.*

Why local design review? Many towns, cities, and counties nationwide have already said “yes” to local historic district designation. More than 2,300 districts have historic preservation commissions that conduct design review and many such commissions work with multiple districts in their local jurisdictions! Why are the number of historic districts growing yearly? Residents know that their historic districts are far more than attractive places for tourists to visit, shop, and perhaps have lunch. Residents know that one of the best ways to keep the look and feel of the place they call “home” is through a local design review process.

This is the National Register definition: “A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.”. (How to Apply the National Register Criteria for Evaluation, p. 5)

PEOPLE PROTECTING COMMUNITY RESOURCES

Early Models

Local historic districts are one of the oldest and strongest forms of protection for historic properties. The historic district movement began in the United States in 1931, when the **City of Charleston, South Carolina**, enacted a local ordinance designating an "**Old and Historic District**" administered by a Board of Architectural Review. This early ordinance said that no changes could be made to exterior architectural features that were subject to view from a public street or way.

Following a 1936 amendment to the Louisiana Constitution, the Vieux Carre Commission was created in 1937 to protect and preserve the **French Quarter in New Orleans**. The City passed a local ordinance that set standards to regulate changes there.

*In 1939, **San Antonio, Texas** adopted an ordinance to protect **La Villita**, the original Mexican village marketplace. In 1950 the U.S. Congress enacted legislation to protect the Georgetown neighborhood in Washington, D.C. . By 1965, 51 communities nationwide had enacted preservation ordinances.*

Today, some 60 years later, over 2,300 U.S. communities have adopted preservation ordinances and the list is growing. These are just a few of the earliest models for local protection of historic areas. They represent those pioneering preservationists who led the movement that is now mainstream.

Excerpts from A Guidebook for Historic District Commissions, Massachusetts Historical Commission, 1998, and Design Review in Historic Districts, Rachel S. Cox, National Trust for Historic Preservation, 1997.

PEOPLE PROTECTING COMMUNITY RESOURCES

Strengths of Local Listing

"Experienced preservationists know that historic districts are preserved and enhanced through small steps, carefully taken. They know that the collective integrity of individual buildings imparts a distinct local identity, especially if they are complemented by street trees and landscaping, intact sidewalks, and flexible zoning that respects the historic geometry and function of existing neighborhoods... To achieve this goal, however, they must do more than rely on state and federal preservation laws...Historic district preservation usually occurs locally, beyond the scope of state and federal legislation. Erik Nelson, Senior Preservation Planner, City of Fredericksburg, VA

"The primary strength of a local designation is that it can be tailored to specific community needs and provides greater protection for local resources." City of Prescott, Arizona, Master Plan, 1997.

Does listing in the National Register mean that your house and neighborhood or city's main street will be protected from time and change—forever preserved? Many people think so, and this is a common misunderstanding. While National Register listing is a tremendous honor and carries some financial opportunities as well, "Under federal law, owners of private property listed in the National Register are free to maintain, manage, or dispose of their property as they choose, provided that there is no Federal involvement." *Quote from the National Register of Historic Places.*

As opposed to the more honorary National Register listing and federal or state law, local designation can be a first step toward legally preserving historic landmarks, neighborhoods and downtown areas in your community. So, although private property owners do have rights under any type of listing or designation, it's important to be aware of what those rights really are—and how effectively administered local laws, in particular, may work to protect the character of your neighborhood.

NOTE the basic differences in protection and requirements between local designation and National Register listing:

Local Designation (as part of a historic preservation ordinance)

- Designates historic properties on the basis of *local criteria and local procedures*.
- Sets boundaries based on the distribution pattern of *historic properties, and other community considerations*.
- Provides recognition of a *community's significant properties*.
- Coupled with a design review process, such as a historic preservation commission or architectural review board, *provides protection of character-defining exterior features* of a property, but, in many cases, not historic interiors or archaeological sites.
- *May qualify a property for a form of financial assistance*, such as a local tax incentive for historic preservation, if the local government has passed a tax incentives ordinance.

- *Can provide for review of proposed demolitions within the district*, and provide delays to allow for preservation alternatives to be considered.

- *Can require local commission review and approval* for all changes to the exterior appearance of historic properties, and review approval for all new construction, such as infill, e.g., adjacent new buildings on a site or on vacant parcels.

National Register Listing (as an honorary status with some federal financial incentives)

- Designates historic properties based on uniform national criteria and procedures.

- *Sets boundaries for historic districts based on the actual distribution pattern* of intact historic properties in the area.

- *Provides recognition by the federal government* that an area has historical or archeological significance.

- Requires the effects of federally assisted work projects (actions) on historic properties be considered prior to the commencement of work. Makes available *federal tax incentives* for qualified rehabilitation projects. Requires conformance to the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67).

- *Makes a property eligible for HPF pre-development planning grants* (such as plans and specs) and also "bricks and mortar" repair grants, if selected by the SHPO for grant assistance. Work projects require conformance to the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68).

PEOPLE PROTECTING COMMUNITY RESOURCES

Summary of Benefits

"Development that enhances the character of our historic districts is encouraged. We recognize that change is an important element in the city's evolution, an indicator of a healthy, vital neighborhood, and reflects the pride of residents in their community." Dan Becker, Executive Director Raleigh Historic Districts Commission, Raleigh, North Carolina.

Benefits of Local Historic Districts

- Local districts protect the investments of owners and residents. Buyers know that the aspects that make a particular area attractive will be protected over a period of time. Real estate agents in many cities use historic district status as a marketing tool to sell properties.

- Local districts encourage better design. It has been shown through comparative studies that there is a greater sense of relatedness, more innovative use of materials, and greater public appeal within historic districts than in areas without historic designations.

- Local districts help the environment. Historic district revitalization can, and should, be part of a comprehensive environmental policy.

- The educational benefits of creating local districts are the same as those derived from any historic preservation effort. Districts help explain the development of a place, the source of inspiration, and technological advances. They are a record of ourselves and our communities.

- A local district can result in a positive economic impact from tourism. A historic district that is aesthetically cohesive and well promoted can be a community's most important attraction. The retention of historic areas as a way to attract tourist dollars makes good economic sense.

- The protection of local historic districts can enhance business recruitment potential. Companies continually re-locate to communities that offer their workers a higher quality of life, which is greatly enhanced by successful local preservation programs and stable historic districts.

- Local districts provide social and psychological benefits. A sense of empowerment and confidence develops when community decisions are made through a structured participatory process rather than behind closed doors or without public comment.

Excerpted and adapted from *Maintaining Community Character: How to Establish a Local Historic District* by Pratt Cassity. National Trust for Historic Preservation. 2000.



SECTION B

LOCAL LAWS AS NEIGHBORHOOD GUARDIANS

Need a Neighborhood Guardian?

Do you live in an older or historic community that is not a designated “historic district”? A community, such as yours, represents a unique collection of resources, connected by time, place and feeling. Neighboring buildings and yards, streets, trees, sidewalks, alleys, public spaces, views, and vistas are all part of the “ensemble” you call home. This “collection” needs to be considered as important as each individual component, if the community character is going to remain for future generations to appreciate. Inappropriate changes that occur down the street or across town can ultimately affect an entire area.

Is any of this happening in your community?

- Inappropriate alterations to buildings and sites, such as removal of distinctive later features (“earlying up”); removal or alteration of windows; application of aluminum, vinyl, or concrete siding where the use of wood is traditional; construction of highly visible rooftop additions or other out-of-scale additions to commercial and residential structures; installation of new parking lots and driveways in residential yards; radical changes to traditional planting schemes; or incompatible accessibility solutions.
- Inappropriate alterations to the streetscape, such as installation of oversize signs or inappropriate awnings; brick sidewalks where they never existed historically; use of stock items from a product catalog to “revitalize” a public space; installation of “fake-historic” benches, lighting and signage; and planting out-of-scale decorative street trees.
- Construction of out-of-character houses and businesses, such as “monster new homes” in residential neighborhoods or out-of-scale commercial buildings—or even entire new subdivisions of large-scale houses within or adjacent to a neighborhood of smaller houses.

What can your community do now?

Inform your local elected officials about the features that make your neighborhood special and that these are important to keep. Tell them how you feel about loss and change “where you live.”

Write a local newspaper for the “letters-to-the-editor” column and get several signatures.

Become a local historic district. Adopt a local preservation ordinance with provisions for designating historic resources, creating a local review board, and writing local design review guidelines.

Check into National Register of Historic Places designation. The best combination is local historic district designation as well as federal National Register designation. While local designation creates an opportunity for local design review, federal designation provides additional potential for federal grant-in-aid funds and tax credits.

LOCAL LAWS AS NEIGHBORHOOD GUARDIANS

Need a Neighborhood Guardian?

The preservation ordinance is a law. And, since the notion of a law may seem somewhat overwhelming at first, here is what a national expert says:

“The preservation ordinance is nothing more than local legislation enacted to protect buildings and neighborhoods from destruction or insensitive rehabilitation...” *Pratt Cassity, Maintaining Community Character: How to Establish a Local Historic District. National Trust for Historic Preservation, 2000.*

When it comes to preserving private property in a historic district, most people are surprised to learn that a local law is generally stronger than a federal law—that only sharp local teeth are able to guard the historic character of a community.

Whereas federal historic preservation law is applied specifically to individual work projects when federal grants-in-aid or the federal rehabilitation tax credit are involved, a local historic preservation ordinance controls inappropriate "exterior remodeling," and demolition within an entire historic district.

This superior legal strength is derived from the combined voice of residents. It means that the majority of a community—after discussion and debate—has agreed to use local laws as a tool to preserve the historic character of their residences, commercial businesses, and streetscapes for long-term public benefit. And best of all, the local laws can be enforced locally.

Note that if your local government wants to become—or has already become—an official member of the national historic preservation partnership, there are some federal and state requirements for the local ordinance. [See the page on Certified Local Governments (CLG) for more information.]

LOCAL LAWS AS NEIGHBORHOOD GUARDIANS

Need a Neighborhood Guardian?

A Preservation Ordinance DOES

- Provide a municipal policy for the protection of historic properties
- Establish an objective and democratic process for designating historic properties
- Protect the integrity of designated historic properties within a design review requirement
- Authorize design guidelines for new development within historic districts to ensure that it is not destructive to the area's historic character
- Stabilize declining neighborhoods and protect and enhance property values.

A Preservation Ordinance DOES NOT

- Require that historic properties be open for tours
- Restrict the sale of the property
- Require improvements, changes, or restoration of the property
- Require approval of interior changes or alterations
- Prevent new construction within historic areas Require approval for ordinary repair or maintenance

Georgia Alliance of Preservation Commissions, University of Georgia School of Environmental Design, Athens, Georgia, 1999.

LOCAL LAWS AS NEIGHBORHOOD GUARDIANS

Legal Basis in Land-Use Regulations

"The legal framework in each state must be carefully considered before a local preservation ordinance is adopted...The case law interpreting that legal basis also varies somewhat from state to state. It, too, must be researched and considered to determine the constitutional basis of historic preservation in each state and the substantive and procedural points that must be addressed in a preservation ordinance..." Richard J. Roddewig, *Preparing a Historic Preservation Ordinance*, American Planning Association, 1983.

Legal basis in land-use regulations. Because local historic districts have direct impacts on private property, the question of their legal basis and constitutionality often arises. Historic district controls exist within the broader context of land use regulations that have been extensively reviewed and examined by the courts. The basic origin for historic preservation controls lies with the development of municipal land use and zoning controls in the early twentieth century. In 1926, the U.S.

Supreme Court decision in *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926), upheld the constitutionality of local zoning ordinances and established the ability of municipalities to regulate land use through the exercise of their police powers.

As land use controls evolved, they eventually began to encompass aesthetic considerations and the desire of communities to protect and preserve the character of their historic and architectural resources. In 1954, the U.S. Supreme Court affirmed the constitutionality of "aesthetic" zoning in the case of *Berman v. Parker*, 348 U.S. 26 (1954) (USSC+). With the development of historic district controls, state judicial opinions supported the use of such regulation as a valid exercise of the state's power to promote the general welfare.

It was not until 1978, when the U.S. Supreme Court decided *Penn Central Transportation v. City of New York*, 438 U.S. 104 (1978), that the constitutionality of local controls to further historic preservation was affirmed. In this landmark case, the Court considered whether historic preservation controls constituted a taking in violation of the Constitution's Fifth Amendment, which provides that private property shall not be taken for public use without just compensation. The Court found that historic preservation is a valid public purpose, and that the City of New York's landmark restrictions on Grand Central Station did not constitute a "taking," because the controls did not prevent a reasonable economic use of the property.

Although the courts have recognized the basic constitutionality of local historic preservation controls, they are still subject to legal challenge, often involving the claim of a taking. However, unless the regulation is found not to advance a legitimate public interest, or the restrictions on designated property are so severe as to deprive the owner of any reasonable economic use, historic preservation controls will remain solidly within the broad spectrum of constitutional land use controls.

Excerpt from *A Guidebook for Historic District Commissions*, Massachusetts Historical Commission, 1998.

LOCAL LAWS AS NEIGHBORHOOD GUARDIANS

Contents of the Ordinance Package

"A municipal process for creating a local historic district and providing a regulatory method to protect a community's historic character is one of the strongest mechanisms to ensure that preservation occurs." Constance E. Beaumont, from *A Citizen's Guide to Protecting Historic Places: Local Preservation Ordinances*, 1992. National Trust for Historic Preservation.

Typical Provisions of the Ordinance

It is important to remember that a typical preservation ordinance "package" does all of these things: states a public purpose; creates a local preservation commission; designates historic districts and landmarks; sets out design criteria that govern commission design review; establishes a process for enforcing design review; and also establishes an appeal process for owners who are denied a "certificate of appropriateness." These components have been summarized below. Note that there are special rules for a Certified Local Government's ordinance.

Public Purposes. The ordinance lists the public purposes served by the adoption of the preservation ordinance, including the promotion of aesthetic and architectural values, civic-mindedness or cultural education; the safeguarding of historical and cultural heritage; the improvement or stabilizing of property values; the enhancement of tourism or other types of business; the strengthening of the local economy; the encouragement of cultural diversity, or the provision of recreational amenities. The purposes section is important because it provides general direction for the implementation of the law. When an unforeseen situation arises and specific requirements do not exist or do not seem applicable, look to the purpose section for general guidance.

Creation of the Local Preservation Commission. The ordinance creates a local preservation commission (often described as a landmarks commission, historic district commission, or board of architectural review) to administer the preservation ordinance. Commission members may be required to provide expertise within the diversity of professions bearing upon preservation concerns, such as law, architecture, history, archaeology, real estate, and engineering. Some ordinances have district residency requirements, and many specify an odd number of members to avoid the risk of a tie in voting. The ordinance outlines the scope of the commission's powers, including its power to adopt procedural rules (e.g., open meetings, conflicts of interest, etc.), its authority to hire staff, and possibly its opportunity to receive funding from non-government sources. Ordinances often require the commission to record minutes of its meetings and provide annual reports. Ordinances also usually describe the process for appointing commission members and the duration of the term of appointment.

Designation of Historic Districts and Landmarks. The ordinance requires the commission to conduct a "study and survey" of local historic (and sometimes prehistoric) resources and to maintain an inventory of the survey results. The ordinance also requires the maintenance of a list of those surveyed properties that the local government has chosen to designate with all of the associated benefits and restrictions. It also specifies the designation procedures for historic districts and landmarks, as well as boundary descriptions relating to that selection, and lists significance criteria a property or district must meet in order to be designated. The ordinance then describes the mechanics of designation, including application procedure, provision for notification of owners or other interested persons, public hearings prior to the designation decision, and notification of the ultimate decision. Because a careful evaluation of significance takes time, the ordinance may also impose a moratorium on applications for alteration or demolition while the application for designation is pending. Establishing common criteria for historic resource evaluation is a central objective. Local officials are therefore encouraged to ensure that preservation ordinances incorporate these criteria and standards. Many local ordinances contain criteria of significance that are based on those used for the National Register of Historic Places. In some instances, official local designation involves an amendment to the local ordinance specifically mentioning the historic district. Other kinds of ordinances just describe the mechanism for local designation.

Certificates of Appropriateness. The ordinance requires that prior to material changes or major alterations to a designated historic resource, the commission or other local entity (such as a planning commission or city council) must approve a certificate of appropriateness. Maintenance, such as painting, caulking, and other minor repairs and targeted replacement in kind, usually does not require such a certificate). To make the ordinance understandable to property owners, it should carefully define the term or terms that trigger the need for the certificate, e.g., building/landscape alterations, new construction, etc.; the criteria for design review employed for the issuance of a certificate; the opportunity for a public hearing; and notification to the owner of the reviewing body's decision. To defuse potential takings and due process problems, ordinances should provide owners with an opportunity to claim economic hardship, and to require the reviewing body to prepare detailed findings supporting its decision on a certificate of appropriateness.

Demolition Applications. Preservation ordinances vary in their descriptions of a commission's ability to participate in the process for reviewing an application to demolish a locally designated historic resource. The strongest ordinances provide the authority for outright denial of demolition applications. Many others authorize the commission to impose a delay of proposed demolitions to facilitate additional study and public review, while a weaker type of ordinance simply authorizes a commission to make comments prior to demolition. Even where the ordinance only authorizes delay rather than denial of a demolition permit, that commission "discretion" is likely to be sufficient to provide enough time to consider economically feasible alternatives to demolition. Open and informed decisionmaking is what is being sought here, as well as for every instance of design review.

Some ordinances require consideration of post-demolition plans for the same site before the granting of a demolition permit. Some of the same considerations discussed in connection with certificates of appropriateness also apply to review of demolition applications, including the need for careful specification of review criteria, economic hardship provisions, and detailed findings.

Government-Owned Property. Some ordinances also require commissions to develop and maintain registers of significant government-owned properties, including those that are designated landmarks or within historic districts. These ordinances may require the agency owning the property to seek the advice of the commission before approving significant alteration, demolition of the property, or any other action that might have an impact on the historic district.

Maintenance of Historic Properties. The preservation ordinance often includes some requirement of minimum maintenance for designated historic resources, designed to control deterioration that leads to "demolition by neglect." Minimum maintenance provisions need to clearly specify what is required of property owners. In addition, ordinary maintenance of historic properties is often exempted from the requirement for a certificate of appropriateness. This and other consequences of local designation should become a part of the property's title information, so that new owners have adequate notice of their responsibility.

Enforcement. Enforcement provisions are needed to ensure that a commission's authority (whatever it is) under a preservation ordinance is binding. In other words, the ordinance should describe the consequences of failure to follow the law or legal decisions made pursuant to the law. The ordinance may establish specific penalties for violation or provide for civil remedies. Although these provisions may appear within the preservation ordinance, the ordinance is sometimes part of a larger zoning code that contains enforcement provisions. Local governments and landowners should be aware that in extreme cases the courts have validated a sanction requiring unauthorized demolitions to be rebuilt.

Appeal. In many cases, the ordinance allows a property owner to appeal to another local decision-making body a decision denying a certificate of appropriateness or a demolition application, with the final determination generally provided by the elected city council or county board of supervisors. The ordinance should specify the procedures and timing governing the appeal, and whether the entity deciding the appeal should be allowed to consider new evidence. The ordinance should clearly indicate what constitutes a final decision, so that interested parties will know when a decision is appropriate for judicial review.

Moratoria and Emergency Measures. Because time is often required before a local preservation commission or appeal body can carefully complete its review of a designation decision or a demolition application, a problem arises if the owner seeks to destroy or materially alter the property at issue while that determination is still pending. Moratoria are imposed to provide a period in which the consideration of designation or demolition application can occur free of concern about potential damage to the property. In addition, local jurisdictions sometimes specify a defined time period in which the commission is authorized to delay demolition and therefore permit further study. In general, preservation moratoria are likely to be upheld where they are of definite duration. By contrast, moratoria that fail to provide reasonable time limits are likely to be invalidated as violating due process requirements.

Severability Clause. Many ordinances have a severability clause, which allows the ordinance as a whole to remain in effect even if a court has problems with a specific provision.

Excerpted from a summary by Antonio Rossman of Stephen Dennis' Appendix A: Recommended Model Provisions for a Preservation Ordinance, With Annotations, pp. Ai-A127, in C. Duerksen, ed., A Handbook on Historic Preservation Law (1983, National Trust for Historic Preservation). Adapted for this learning web site by Susan Henry Renaud and John Renaud, Heritage Preservation Services, National Park Service.



SECTION C

CREATING AND USING DESIGN GUIDELINES

Role They Play

Design guidelines provide:

- A basis for making fair decisions
- Consistency in design review Incentives for investment
- Property value enhancement
- A tool for education

The above is an excerpt from the "Benefits of Design Review" by Noré Winter. Alliance Review, July/August 2001.

Local review of work proposals. In the design review process, owners of locally designated landmarks and districts must get approval from a locally appointed historic preservation commission or architectural review board for major exterior alterations, additions, and new construction. Commission approval is in the form of a "certificate of appropriateness." To be approved, an application for must meet the design review criteria within the preservation ordinance that a community has adopted. Both the terminology and process may vary somewhat, depending upon the ordinance.

Clarifying the role of the guidelines. The topic of local design guidelines always needs to be understood within its relationship to the local preservation ordinance. The ordinance is a law and the design review criteria are part of the law. Design guidelines are not, in and of themselves, mandatory like the ordinance and should not be confused with the ordinance. In most cases, guidelines are just that—helpful, interpretive, explanatory recommendations. Consisting of written and graphic information in a printed, book format, they are key support materials for administering design review and may be used to advantage by commissions, boards, and applicants alike in the review process.

The philosophical principles in *The Secretary of Interior's Standards for the Treatment of Historic Properties* have been proven to be important in the successful administration of historic districts. Sometimes they are cited within a preservation ordinance as part of the design review criteria. Sometimes they are referenced in the ordinance as the required basis for development of a local design guideline. While some preservation ordinances state that design guidelines "shall be adopted," others state that design guidelines "may be adopted." A few districts may use the Standards for Rehabilitation by themselves—as a general guideline—without creating a specific local design guideline. It can be confusing. The ordinance can remove confusion by specifying which categories of information must be used (e.g., review criteria) and which are only advisory (e.g., guidelines).

PLEASE NOTE note if you plan to apply for Federal income tax incentives for historic preservation: Following a local ordinance and local design guidelines--especially if the goal in your historic district is to "restore" historic buildings to an earlier appearance--may be in conflict with the federal "Secretary of the Interior's Standards for Rehabilitation" (36 CFR 67) used to review federal tax credit applications. The expressed goal of rehabilitation is to update historic buildings for continuing and new uses while preserving character-defining features. Be sure to ask your State Historic Preservation Office for guidance early in the planning stages of any Federal income tax incentives project.

CREATING AND USING DESIGN GUIDELINES

What They Can and Cannot Do

Although it is very important to develop and use design guidelines to help administer the local preservation ordinance, understanding their usefulness and limitations at the outset can help prevent misunderstandings down the road. Take this summary to heart!

Guidelines CAN

- Explain, expand, and interpret general design criteria in the local preservation ordinance.
- Help reinforce the character of a historic area and protect its visual aspects.
- Protect the value of public and private investment, which might otherwise be threatened by the undesirable consequences of poorly managed growth.

- Indicate which approaches to design a community encourages, as well as which it discourages.
- Serve as a tool for designers and their clients to use in making preliminary design decisions.
- Increase public awareness of design issues and options.

Guidelines CANNOT

- Serve the same legal purpose as the design review provisions of the ordinance. An ordinance is a law, but local design guidelines are typically not laws.
- Limit growth, or regulate where growth takes place. Guidelines address only the visual impact of individual work projects on the character of a local historic district. Growth itself is a separate issue that must be separately addressed through zoning ordinances and preservation planning.
- Control how space within a building is used. They usually deal only with the exterior, publicly visible portions of buildings, not with how interior space is laid out or used.
- Guarantee that all new construction will be compatible with a historic area or the guarantee creativity that is essential to the best sorts of sensitive design.
- Guarantee "high quality" construction. Since materials are generally not specified in the design guidelines, the final visual results, again, cannot be guaranteed.

What Guidelines Can and Cannot Do For Your Historic District. Excerpted and adapted from Design Review for South Carolina Historic District Commissions by Winter & Co., 1988.

This is SECTION "c"

CREATING AND USING DESIGN GUIDELINES

Accepted Principles & Practices

"Accepted practices of historic preservation provide the theoretical foundation for the guidelines." *Noré V. Winter, Developing Design Guidelines for Historic Districts, 1993*

A firm foundation. The work we do today in our historic neighborhoods and on local landmarks is firmly connected to accepted historic preservation principles and practices of 19th century Europe. From the past, we inherit the idea of a hierarchy for work, from the "least intervention to the greatest." These are a few of the well-known ideas. We "maintain rather than repair." We "repair rather than replace." We "preserve rather than restore." We "restore rather than reconstruct."

Development of Federal Standards in the '70s. Based on accepted principles and practices, the National Park Service created The Secretary of the Interior's Standards for Historic Preservation Projects. This document contained general Standards for all projects and specific Standards for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction. The early Standards were used to measure the appropriateness of project work where federal grant-in-aid funds were sought. Also in the 70s, the Standards for Rehabilitation were singled out as requirements for a brand new federal program that offered a 20% tax credit for certified rehabilitation work—the Federal Preservation Tax Incentives Program. By adopting the Standards in regulation, the federal government made them requirements for those programs.

Ongoing use in the '80s and '90s. During two decades of ongoing use within the NPS' Federal Preservation Tax Incentives and Grant-in-Aid Programs, the Secretary's Standards were updated with public input to keep pace with the times. The Standards for Rehabilitation were revised in 1990 through their adoption in regulation (36 CFR 67) for the Tax Incentives Program. The Secretary of the Interior's Standards for Historic Preservation Projects were revised in 1983 and again 1992, when they were re-named *The Secretary of the Interior's Standards for the Treatment of Historic Properties* through their adoption in regulation as 36 CFR 68. They remain in use today within the HPF Grant-in-Aid Program.

Into the 2000s. Without a doubt, Rehabilitation is the most frequently applied approach to work in our nation's communities today and the Federal Preservation Tax Incentives Program is as popular as ever. But the Standards for Rehabilitation have tended to overshadow the more inclusive conceptual package, *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. The Standards for Rehabilitation are often applied where the project goal is Preservation or Restoration. If a historic district applies work other than Rehabilitation—in particular, Restoration—then other Standards should be considered, adopted, and applied as well. Read on to learn more about the basic differences between the four treatments

and the importance of choosing the best approach for work in your historic district or on a local landmark!

CREATING AND USING DESIGN GUIDELINES

The Secretary's Standards and Local Guidelines

Until fairly recently, historic district commissions and review boards adopted the Secretary of the Interior's Standards for Rehabilitation to administer the local preservation ordinance without local design guidelines. If yours is one of them, please consider two important points:

Why you need specific local design guidelines. The Secretary's Standards for Rehabilitation are very broad, general philosophical principles developed by the federal government for reviewing project work on individual buildings receiving federal grant funds and tax credits. But a historic district is a collection of buildings, sites, and settings that share a common history, appearance and special meaning in time and place. Typical work projects in historic districts have a visual impact on the distinctive character of adjacent structures, streetscapes, and the larger setting. It makes better administrative sense to create a local—specific—design guideline based on principles of the Standards than use the Standards by themselves to review a work proposal for a Certificate of Appropriateness.

Better still, include all four approaches to work in your guidelines. A second, even more important, issue is calling all work in historic districts "rehabilitation" when the work is, in fact, preservation or restoration—or even reconstruction. **It can't all be rehab, can it? The answer is "no."** For instance, if project work is proposed to restore a landmark building for public interpretation, then the Standards for Restoration should be used from start to finish.

If work in your district is not all rehabilitation, then your ordinance should reflect broader criteria and the local design guideline you develop should include additional interpretive guidelines. The model you can easily use locally is *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*.

CREATING AND USING DESIGN GUIDELINES

Steps in Writing Local Guidelines

"Local Design Guidelines are a part of a longstanding tradition of balancing the welfare of the general public and the interests of individual property owners. Local preservation ordinances, zoning laws, and building codes are other tools traditionally used to maintain this balance. They are not intended to prevent property owners from making changes to their property. They are meant to ensure that those changes enhance the historic qualities that are enjoyed by all members of the community and which make an area a special place in which to live and work. Depending on the powers outlined in the ordinance and the particular needs of the district, design guidelines can range from recommended design approaches to compulsory standards. Of course, there are many intermediate levels in between..." ***This web page adapted from an Information Sheet: Historic District Design Guidelines, Georgia Department of Natural Resources, 1985.***

First, think about how you are going to use the design guidelines. Remember—the ordinance is a law and the design review criteria are part of the law. Design guidelines are not, in and of themselves, mandatory like the ordinance and should not be confused with the ordinance. In most cases, guidelines are just that—helpful, interpretive, explanatory recommendations. Recognize that if you call it a "guideline," you should not deny a work proposal just for failing to meet the guideline. A guideline is advisory. If you wish to describe a basis for denying an application, call it a criterion, standard, or some other term that makes clear that it is a requirement and make it part of your ordinance.

Who should be on your writing team? The first order of business is to put together a *team* to draft your local design guidelines. Be sure to engage knowledgeable and committed people in your guidelines work group, e.g., preservationists, district residents, policy setting officials, and code inspectors. Architects, preservation consultants, urban planners, lawyers, and other professionals should be consulted and can provide invaluable ideas on the substance and effect of the proposed language.

ONE / Analyze your district's character. It is essential to have a clear understanding of the history of the district and how that history is reflected by its physical characteristics, such as the architecture, landscape, and street plan. Ideally, the buildings, streetscapes, and setting should be identified in the district's nomination package. Has the district evolved over time or does it represent one period in time? Decide exactly what it is that needs to be protected!

TWO / Identify historic preservation goals and district needs. Will buildings in the district be preserved, as is; or rehabilitated for new uses; or restored to an earlier appearance? Will different approaches to work be applied, depending upon the significance, use, and interpretation? In this section, identify the approach or approaches to work that will protect the

historical value and significant features of the district, e.g., preservation, rehabilitation, or restoration. Include general Standards or principles for all treatments for which guidelines will be written. Guidelines, however, should be custom-tailored to the particular history and characteristics of the district. For example, if a town has six districts and they differ in appearance and the kinds of work needed to protect them, then each one should have a specific set of guidelines.

THREE / *Review other district guidelines.* See how other historic districts have developed design guidelines in order to prevent "reinventing the wheel." Choose basic elements that apply to your own historic district and adapt them to yours. Especially note successful methods of illustrating preservation concepts.

FOUR / *Write specific guidelines for your district.* Design guidelines should address the special character of your district and the work needed to protect it. Draft an illustrated history that identifies significant characteristics and features of the district, such as buildings, streetscapes, and landscapes. The use of photos and drawings throughout to reinforce key points is strongly recommended. Information on materials maintenance, repair and replacement should be included, as well as guidance on new construction in the district. If restoration is a recommended treatment for the district, guidelines on those approaches should be included. Make guidance on the treatment of streetscape (including signage) and landscape features an integral part of the publication.

FIVE / *Review your design guidelines.* While in final draft, review the guidelines, asking a number of questions: Are they consistent with the provisions of the local ordinance? Do they achieve the original goals? Are there administrative problems? Do they conflict with the ordinance and other codes? If the Secretary of the Interior's Standards are used, do your guidelines agree with the principles in the Standards? Are they consistent with the particular needs of the district? Will the guidelines meet with community support? How do we want to use the guidelines? Are they truly advisory in nature or should we call them "standards" or "criteria" because we want to make them requirements? Answering questions like these can prevent problems that might otherwise arise later.

CREATING AND USING DESIGN GUIDELINES

Conducting a Successful Design Review Meeting

There are four basic factors that influence the quality of the review process:

- **The clarity of the design guidelines**
- **The operating style of the review committee**
- **Consistent review procedures**
- **Documentation of decisions and their rationale**

Within that framework, here are some excellent tips—presented as a series of steps—for making sure the meeting is clearly presented and that the design criteria in the ordinance and local design guidelines that have been adopted are precisely followed.

1. Remember that the purpose of the meeting is to make a decision! Keep this objective paramount. Not only that, the decision should be made in a timely manner, and it should be stated clearly. The commission or review board should enter the review meeting with a willingness to discuss, but always within the context of the design review criteria and guidelines.

2. Focus on the big issues, not on personal biases or petty details. This means that reviewers must distinguish between a design concept that they may dislike personally, but that meets the design criteria and guidelines, and a design that is objectively inappropriate because it clearly violates the design criteria and guidelines.

3. Remember that the ordinance and guidelines that were adopted represent a consensus of residents, professionals, and political leaders, and that the commission's role is to administer them, not to draft new guidelines at every meeting.

4. Listen to the presentation by the applicant and his representatives. This provides the applicant with the opportunity to describe the project objectives and to show the intended design.

5. Ask for clarity of presentation content. Withhold design criticisms. First determine that everyone understands what has been presented. Ask questions about what the drawings mean, if necessary. Don't be embarrassed if technical information is not clear. It is your responsibility to be certain that you understand what has been presented.

6. Check to see that documentation for the proposal is complete. If important drawings, models, or photographs are missing that are essential for the commission to make a determination, cut the review short before getting into design

criticism. Reviewing an incomplete application is a waste of time for everyone. It may also be a disservice to an applicant if a proposal is denied, simply because it is misunderstood.

7. If the documentation is complete, critique the proposal following the design criteria and guidelines. USE A CHECKLIST to see that you covered all the items, and ask for public comments as well. You should allow open discussion among the commission, applicant, and public, but keep it on track and avoid tangential issues that may be emotionally charged, but do not have direct bearing on the appropriateness of the design in terms of the criteria and guidelines.

8. When the discussions seem to be over, ask these questions of yourselves. First: "Have the criteria and guidelines been sufficiently met to merit an approval? You have two choices for an answer: "Yes" or "No." Second: "Which criteria and guidelines give you the basis for making this decision?" An approval or disapproval should be based on specific criteria in the ordinance, and you should be able to identify the critical ones. If you can answer these questions, you are ready for a vote!

9. Once you have voted, summarize the outcome clearly. Remember, you are not finished until you have a summary! Do not let the applicant leave without understanding what you have decided—approval, denial, a conditional approval, re-submission of a new design, etc.

10. Finally, thank the applicant for participating in the process. A successful design review meeting means that you have treated the applicant fairly by basing your decision—either way—squarely on the ordinance's design criteria, and the design guidelines written and adopted by your community.

Adapted from Making Judgments in the Review Process: A Guide for the Design Review Committee by Noré V. Winter, 1986.

CREATING AND USING DESIGN GUIDELINES

Problems Facing Historic District Commissions

Despite a rapidly growing body of law dealing with the powers of local historic preservation commissions, there are troubling hints that in many communities existing commissions do not (because they cannot) do an adequate job of protecting local resources. There may be several reasons for such a problem:

ONE / A weak local preservation ordinance, which prevents the commission from protecting local resources adequately. This weakness may be of two primary types: ambiguity in language (often resulting from a failure to define key terms) or unnecessary restrictions in basic commission powers. Although there are now several published "model" preservation ordinances, review of an existing local preservation ordinance should always be undertaken by someone familiar with the body of existing case law in a specific state but also aware of national trends in local historic preservation programs.

TWO / Lack of staff support for the commission, which makes it difficult for the commission to issue suitable minutes, to draft certificates of appropriateness and to monitor work on approved projects. Adequate local staff is essential in order for a commission to produce the routine administrative paperwork that any responsible local governmental agency needs to prepare as evidence that it has followed required procedures and reached a clear decision.

THREE / An inadequate budget for the commission's work, which prevents staff and commission members from attending training workshops, national or regional or statewide preservation conferences, and makes subscribing to basic materials which might help the commission in its work difficult or impossible. The National Park Service and National Alliance of Preservation Commission have sponsored helpful statewide and regional training conferences, and the National Trust for Historic Preservation routinely includes in the program for its annual preservation conference several sessions for preservation commission members.

FOUR / Lack of support from a city or county attorney, meaning that challenges to the commission are weakly defended and that basic legal advice to the commission chairman, members and staff about the commission's powers and proper procedures for conducting hearings is unavailable. In extreme cases, a local attorney may have a personal bias that makes it impossible for this individual to provide objective advice, which accurately reflects existing case law.

FIVE / Political interference with the operations of the commission, perhaps taking the form of poor appointments to the commission or a tendency for the city council to overrule the commission almost automatically whenever an owner files an appeal to the council from a commission decision.

SIX/ The failure of commission members to understand the local preservation ordinance they administer and the appropriate role of the commission on which they serve.

What can be done about these problems?

The first approach to a solution is for local preservation leaders to assess the situation and try to identify the basic problem. (Some unfortunate commissions may exhibit all of the symptoms listed above, and help for these commissions will require some careful political groundwork over a period of many months or even years.)

- If a local ordinance is weak, it may be very difficult to strengthen the ordinance until the commission has shown that it can be a helpful player on the local scene. A city council is not likely to give additional powers casually to a commission, which has not yet proved its worth. Advice from the state Certified Local Government Coordinator can be extremely useful in alerting a commission to areas in which its ordinance is weak when compared to other ordinances in its state.
- Contacting a state Certified Local Government coordinator may also be a good way to learn about staffing and budgets for typical preservation commissions across a state. This statistical information can then be used locally to argue for stronger staffing and a more adequate budget for a commission.
- Commission members, local preservation leaders and representatives of the press should be aware that in many smaller communities the city or county attorney fills this role on a part-time basis and may work on a contract arrangement. Political leaders may be reluctant to permit an expensive outside consultant to devote scarce time to preservation questions until they understand the risks of not providing necessary legal advice to the local commission.
- A beginning preservation commission must bear in mind the importance of its educational activities. Local property owners, the city attorney, and members of the city council must be reminded frequently of the purposes of the new preservation ordinance and the importance to the community as a whole of identifying and protecting its cultural resources. The commission must learn not to be shy about emphasizing its good work and pointing to obvious achievements.
- Each new member of a local preservation commission should be given basic materials to help that member do a better job as a commission member. Some commissions develop notebooks containing copies of state enabling legislation, the local preservation ordinance and any rules of procedure or design guidelines the commission may have adopted. A set of minutes from the commission's previous year may help orient a new commission member. Every effort should be made to convince a new commission member that he or she has serious responsibilities that will need to be addressed in a thoroughly professional manner.

By Stephen Neal Dennis, Washington, DC. This material is based in part on a "Preservation Law Update" issued by the National Center for Preservation Law in 1989 (Update 1989-47, December 7, 1989).



SECTION D

FITTING YOUR WORK TO TIME AND PLACE

It Can't All be Rehab, Can It?

"Before any historic preservation project is begun, a number of fundamental decisions need to be made. How will the property be used? Will the property be restored to its original condition or rehabilitated for contemporary use? How can the significant architectural and historical features of the building be preserved? What steps need to be taken...Although 'rehabilitation' and 'restoration' might sound alike, the end result is quite different." From *Downtown Moultrie Design Guidelines, Moultrie Georgia, Moultrie-Colquitt Historic Preservation Commission, The Jaeger Company, May, 2000.*

Rehabilitation is one of four work approaches in *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.*

Without question, rehabilitation—the only approach that includes alterations and additions for a contemporary use—is most frequently applied to commercial and residential buildings in historic districts. Having said that, here is an important question.

Is it all rehab? The answer is "no." If a historic building will be preserved, restored, or reconstructed, you want to be sure your work fits time and place by applying the most appropriate set of Standards, not simply using the Standards for Rehabilitation as a "catch-all." Each of the four treatments has a different relationship to the historical timeline and a different scope of work, as explained here:

For example, if you want to **stabilize and preserve** a historic building to keep it the way it looks now, you use the Standards for Preservation.

If you want to **update** a building for a continuing or new use through repair, alterations, and additions you use the Standards for Rehabilitation.

If you want to **backdate** it consistently to an earlier period by removing later features, you use the Standards for Restoration.

If you want to **re-establish** a historic building in time that has vanished, you use the Standards for Reconstruction.

FITTING YOUR WORK TO TIME AND PLACE

FOCUS ON: The Historical Model

The Historical Model? "Chrisfield." Note: The house and all names and dates in the historical model are fictitious. The house is large only to make a convincing point about loss and change over time, not to indicate "landmark" status. Most places change over time, irrespective of size, construction type, use, or ownership.

What the model shows The historical model presented here as a learning tool illustrates how the same house changes in appearance over a 200-year period as new owners alter it or add to it. The house is also changed by uncontrollable environmental conditions, i.e., the weather.

See Chrisfield from 1790 to 1993

PLEASE NOTE: This is a graphic comparison of the fictitious house, "Chrisfield," in different stages of its evolution over almost 200 years. In order to experience the idea of growth, change, and loss--visually--you will need to view it *online*.

Four Approaches to Work for Chrisfield

NEXT, through a series of graphics, let's see what happens to Chrisfield when four hypothetical owners acquire it in 1994, each of whom has different plans for its use. By applying each of four work approaches, Preservation, Rehabilitation, Restoration, and Reconstruction, note the resulting differences in the appearance of the house and site, i.e., the "property" after work. These examples are intended to make broad, general points about the four work approaches. Other work scenarios could very well take place.

1 Preservation

2 Rehabilitation

3 Restoration

4 Reconstruction

Each of these treatments and their effect on Chrisfield will be explained below, but without graphics:

1. Choosing Preservation as a Treatment

What happens to the house?

Chrisfield is protected, stabilized, and repaired—with its changes over time—as a county historical society library. The later additions are used as office space. A lift to accommodate individuals with disabilities is located behind the garden wall.

How the Work Fits Time and Place

Preserving Chrisfield Historic materials from 1790 to 1993 are retained and, as a result, all occupancies are represented.

Preservation places a high premium on the retention of all historic fabric through conservation, maintenance and repair. It reflects a property's continuum over time, and those changes that are made through successive occupancies.

Key Ideas in the Standards for Preservation

- Use the property as it was used historically or find a new use that maximizes retention of distinctive features.
- Preserve the historic character (with its changes over time).
- Stabilize, consolidate, and conserve existing historic materials.
- Replace minimum amount of fabric necessary and in kind (matching materials).

2. Choosing Rehabilitation as a Treatment

What happens to the house? Chrisfield is given a compatible new use as an office complex. An elevator tower addition is constructed and a missing brick chimney replaced. The historic character is preserved.

How the Work Fits Time and Place

Rehabilitating Chrisfield Historic materials from 1790 to 1993 are retained and preserved; however, a missing chimney is replaced and a new addition is constructed. All occupancies are represented.

Rehabilitation reflects a property's continuum over time. While emphasizing the retention and repair of historic materials, more latitude is provided for the replacement of deteriorated and missing features. Alterations and additions for an updated use are acceptable so long as they are compatible with the historic character.

Key Ideas in the Standards for Rehabilitation

- Use the property as it was used historically or find a new use that requires minimal change to distinctive features.

- Preserve the historic character (with its changes over time).
- Do not make changes that falsify the history of the property.
- Repair deteriorated historic materials and features. Replace a severely deteriorated or missing feature using the same material or visually compatible material.
- Do not destroy distinctive materials and features when constructing a new addition or making alterations. New work should be compatible with the old, but not try to imitate it. Work should also be reversible, that is, it could be removed in the future, if necessary.

3. Choosing Restoration as a Treatment

What happens to the house? Chrisfield is used as a house museum to interpret Dr. Merriwether's life and distinguished career. Based on documentary and physical evidence, the building is restored to its appearance in 1850. The chimney lost in the 1938 storm is replaced. New windows matching those in Merriwether's 1850 addition are installed. The roof balustrades are re-created. All later changes to the house are removed so that only one period is interpreted. A lift to accommodate individuals with disabilities is added.

How the Work Fits Time and Place

Restoring Chrisfield Only the historic materials from the 1850 period are retained. Materials that represent other occupancies over time are demolished. Features from the restoration period are re-built in new material.

Restoration focuses on the retention of materials from the most significant time in a property's history. It permits the removal of materials from all other periods. This treatment is generally selected for interpretive purposes.

Key Ideas in the Standards for Restoration

Use the property as it was used historically or find a new use that reflects the property's period of greatest historical significance (called the restoration period).

- Remove features from other periods, but document them first.
- Stabilize, consolidate, and conserve features from the restoration period.
- Replace a severely deteriorated feature from the restoration period with a matching feature (limited substitute materials may be used).
- Replace missing features from the restoration period based only on pictorial documentation and physical evidence. Do not make changes that mix periods to create a "hybrid" building that never existed historically.

4. Choosing Reconstruction as a Treatment

In this scenario, Chrisfield—closed in 1993—remains boarded up and vacant for several years. In 1999, a fire set by vandals destroys everything but the stone foundation of the main house, the garden wall and portions of the garage.

What happens to the house? In 2020, historians re-evaluate Colonel Chrisfield's involvement in the important Battle of Rockford Creek. They determine that the 1790s period of the property is highly significant and merits reconstruction. Based on the remaining physical remnants, pictorial evidence, and thorough archaeological investigations, Chrisfield is re-built to its 1790s appearance and opened to the public. Only Colonel Chrisfield's life is interpreted. A lift to accommodate individuals with disabilities is added.

How the Work Fits Time and Place

Reconstructing Chrisfield After the fire in 1999, only remnants of above-ground historic materials are present. The re-built version of the house representing the 1790 occupancy of the original builder is entirely a "depiction" of the 1790s house.

Reconstruction establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials for interpretive purposes. It is rarely recommended.

Key Ideas in the Standards for Reconstruction

- Do not reconstruct vanished portions of a property unless the reconstruction is essential to the public understanding.
- Reconstruct to one period of significance based on documentary and physical evidence.
- Precede reconstruction with thorough archeological investigation.
- Preserve any remaining historic features.
- Re-create the appearance of the property (substitute materials may be used).
- Identify the reconstructed property as a contemporary re-creation.
- Do not execute a design that was never built.

FITTING YOUR WORK TO TIME AND PLACE

Historic Preservation Talk

Historic Preservation "Talk." What do our words really mean? Do you ever hear someone say they're "restoring" a historic building or landscape when they're really doing something else? The words used to describe work on historic places would seem fairly interchangeable, but there are important distinctions between Preservation, Rehabilitation, Restoration, and Reconstruction.

The importance of historic materials. American historic preservation philosophy puts a value on authenticity—"real" historic building materials and craftsmanship. When you choose a work approach, you are—in part—determining how much historic material will be left after work and how the building will be interpreted historically. In the absence of written, graphic, or spoken explanation, what we choose to repair, replace or demolish ultimately shapes how the property's history exists in time and is perceived by today's and tomorrow's viewers.

In *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, the four treatment options—or approaches to work—were designed in a clear hierarchical framework, with Preservation as the preferred option.

Preservation, the first treatment, places a high premium on the retention of all historic fabric through conservation, maintenance and repair. It reflects a property's continuum over time, and the respectful changes and alterations that are made through successive occupancies.

Rehabilitation, the second treatment, also reflects a property's continuum over time. While emphasizing the retention and repair of historic materials, more latitude is provided for their replacement because it is assumed the property is more deteriorated prior to work. Alterations and additions for an updated use are acceptable.

Restoration, the third treatment, focuses on the retention of materials from the most significant time in a property's history. It permits the removal of materials from all other periods. This treatment is generally selected for interpretive purposes.

Reconstruction, the fourth treatment, establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials for interpretive purposes. It is rarely recommended.

The choices we make. When choosing a treatment, STOP TO ASK YOURSELF THESE QUESTIONS: "How *real*--or historically authentic--will the property be after my work?" "How much new material will be introduced?" "How much will be added or changed?" "If I restore, how much authentic historic material from later periods will be lost trying to recover the original appearance?"

FITTING YOUR WORK TO TIME AND PLACE

Selecting a Treatment

Do you ever hear someone say they're "restoring" a building when they're really rehabilitating or preserving it? It would seem to be a simple difference in labeling, but it's really an important distinction in historic preservation. Why? As seen in Chrisfield, following each approach achieves a very different end "product." To help get it right, here are some suggestions:

1. Become familiar with the four approaches to work—or treatment—and how and why they differ.

In the Secretary of the Interior's Standards for the Treatment of Historic Properties, the National Park Service identifies four approaches to work and provides four separate sets of principles or standards as guides. These brief descriptions characterize the major differences between approaches:

Preservation keeps a building and its site the way it looked historically, with all the respectful changes and alterations that were made to it over time.

Rehabilitation updates a building and its site through alterations and additions while preserving its historic character.

Restoration creates the appearance of a building and its site as it existed during its period of greatest significance while removing evidence of other periods.

Reconstruction re-creates a non-surviving site, landscape, building, structure, or object in new materials for interpretive purposes.

2. Become familiar with some general questions you need to ask—and answer—as background for choosing a work approach.

First, what is the *relative historical significance* of the building in the community? Is the building an individual local landmark? Or is it a commercial or residential building that contributes to the significance of the historic district? Rehabilitation is more commonly applied to commercial and residential buildings in historic districts. Preservation, Restoration, and Reconstruction are more often selected for local landmarks that are being interpreted to the public. Reconstruction is rarely recommended.

What is the *current condition of historic materials and features*? If the distinctive materials and features of the building need minor repairs, very limited replacement, or stabilization and no alterations or additions are planned, then Preservation should be considered as a work approach. But, if the building's distinctive features are extensively deteriorated or missing and need to be replaced—or if alterations or additions to the building and site are part of the work, consider Rehabilitation. If sufficient original materials exist and the goal is to systematically re-create the appearance of the building as it appeared during its period of greatest significance by removing all materials that are outside the period, then consider Restoration.

Very important, what is the proposed use of the historic building? Do you plan to update, add to, or alter the building for a new commercial use or ongoing residential use? Do you plan to preserve it, as is, and interpret its history to the public? Do you plan to restore it to an earlier appearance and interpret its history to the public? You want to fit the new use to the building. If not, you will destroy valuable historic materials in the process.

What are the mandated code requirements? This is always an essential consideration that can affect materials and features. They may include seismic upgrading, lead paint or asbestos abatement, and ADA requirements—accessibility to individuals with disabilities.

3. Get specific! Make a list of work items for your historic building, then determine a final *Scope of Work*. This "planning" exercise can help you make the right treatment choice for your historic building and site based on the specific work you are planning to do. It fits your work into one of four categories (Preservation, Rehabilitation, Restoration, or Reconstruction) so you can use the appropriate standards and guidelines.

Make a list of all the work items proposed for the building, such as painting, re-pointing, repairing, replacing, altering, adding on, etc. If only the exterior is subject to design review, the list will involve only the exterior. If the building will be open to the public—and the district review commission or board has review authority over the interior—broaden the list to include proposed work on the interior.

Compare your completed work list to the **Scope of Work** provided below for each of the four work approaches in the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Note: There are overlaps of work in the four historic preservation approaches, but important limitations. Your work list can include any or all of the items in the Scope of Work, below, but should not exceed it.

Check carefully to make sure your list of work items falls within the appropriate Scope of Work for a particular treatment (see below).

Hint: Be flexible! For example, if you initially thought your project would be Restoration, but you see that your work items don't correspond with the suggested Scope of Work (i.e., you plan to build a new addition), then change the work approach to Rehabilitation. That means you would use the Standards for Rehabilitation and accompanying Guidelines to frame your work, or—better still—as the basis for formulating specific rehabilitation design guidelines for your historic district.

Scope of Work for Preservation, Rehabilitation, Restoration, and Reconstruction

Preservation

When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, **Preservation** may be considered as a treatment. Prior to undertaking work, a documentation plan for Preservation should be developed.

Structural reinforcement, temporary stabilization, weatherization, or correcting unsafe conditions.

Rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures.

Strengthening fragile materials through consolidation, and repointing with mortar of an appropriate strength. Repairing masonry as well as wood and architectural metal features, including patching, splicing, or otherwise reinforcing using recognized preservation methods.

Limited replacement in kind of extensively deteriorated or missing parts of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, or portions of slate or tile roofing). The replacement material needs to match the old both physically and visually, i.e., wood with wood, etc.

Rehabilitation

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, **Rehabilitation** may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.

Rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures.

Repair of historic materials, such as masonry, wood, and architectural metals, by patching, piecing-in, splicing, consolidating, or otherwise reinforcing, or upgrading according to recognized preservation methods.

Limited replacement in kind—or with compatible substitute material—of extensively deteriorated or missing parts of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, or portions of slate or tile roofing).

Replacement of an entire character-defining feature with new material because the level of deterioration or damage of materials precludes repair (for example, an exterior cornice; an interior staircase; or a complete porch or storefront).

Replacement of a missing feature based on physical and pictorial documentation. Or replacement of a missing feature with a new design based on the remaining character-defining features of the building.

Alterations, such as additional parking space on an existing historic building site; cutting new entrances or windows on secondary elevations; inserting an additional floor; installing an entirely new mechanical system; or creating an atrium or light well. Selectively removing buildings or other features of the environment or building site that are intrusive and therefore detract from the overall historic character.

Attaching a new exterior addition that is compatible in size, scale, massing, proportion, etc.; is clearly differentiated from the historic building; and is reversible, that is, it could be removed in the future without impairing the integrity of the historic building.

Restoration

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

Rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures. Apply measures to restoration period materials and features only.

Strengthening of fragile materials through consolidation; repointing with mortar of an appropriate strength. Repairing masonry as well as wood and architectural metals by patching, splicing, or otherwise reinforcing them using recognized preservation methods. Reinforcing portions of a historic structural system using contemporary material such as steel rods. Apply measures to restoration period materials and features only.

Limited replacement in kind—or with compatible substitute material—of extensively deteriorated or missing parts of existing features when there are surviving prototypes to use as a model, such as terra-cotta brackets, wood balusters, or cast iron fencing. Apply measures to restoration period materials and features only.

Replacement of an entire feature from the restoration period (i.e., a cornice, balustrade, column, or stairway) that is too deteriorated to repair based on documentary and physical evidence. Using the same kind of material is preferred; however, compatible substitute material may be used.

Following documentation of existing historic features that do not represent the restoration period, such as windows, entrances and doors, roof dormers, or landscape features, alter non-restoration features by removing them.

Re-create restoration period features that are now missing, such as a stone balustrade, a porch, or cast iron storefront. The same or compatible substitute material may be used.

Reconstruction

When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment. Prior to undertaking work, a documentation plan for Reconstruction should be developed.

Research and document the building's historical significance to ascertain that its re-creation is essential to the public understanding of the property.

Investigate archeological resources to identify features of the building and site that are essential to an accurate re-creation and must be reconstructed.

Retain historic materials and features, such as remnants of a foundation or chimney and site features, such as a walkway or path—when practicable—and incorporate into the reconstruction.

Duplicate exterior (and interior) features to re-create the appearance of the historic building for interpretive purposes. Use traditional materials and finishes when possible; in some instances, substitute materials may be used if they are able to convey the same visual appearance.

Identify the reconstruction as a contemporary re-creation.

4. You are now ready to select the most appropriate approach to work!

Finally, based on the Scope of Work for your project, select one of four work approaches provided in the Secretary of the Interior's Standards for the Treatment of Historic Properties . Only after you have identified all the work items for your project, then made sure you have an appropriate Scope of Work, can you say with any assurance that you are undertaking a particular treatment, such as Preservation, Rehabilitation, Restoration, or Reconstruction.

FITTING YOUR WORK TO TIME AND PLACE

Illustrating Four Treatments in Oregon

NOTE: This print-only version of the Oregon case-study examples of four treatments has--of necessity--been abbreviated to focus on the project work explanations. The web version is heavily illustrated and includes histories of the communities and historic buildings. It is most important that users access the web site to understand the entire process of applying the most appropriate treatments in different communities.

The illustrated examples of successful projects in Oregon make a strong case for applying different sets of Standards, depending upon the significance of a particular resource, its importance to the district, its intended use, and any interpretive goals. The organizations and owners involved in these diverse projects—as well as historians, planners, architects, conservators, and reviewers—all asked the same basic questions prior to work: “What is the history of the place and how will the work protect it, or explain it?” In each instance, the answer led to selection of the most appropriate treatment and helped create a specific scope of work that was consistent with the treatment goal.

Jacksonville National Historic District/Jackson County Courthouse/Jacksonville, Oregon

Choosing Preservation

*When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment. **From the Standards and Guidelines.***

The Jackson County Courthouse is a key structure of the National Landmark Historic District and an excellent example of the treatment, Preservation. From 1947 to the present, the building has been preserved, “as is” by the Southern Oregon Historical Society. Since alterations and additions are not a part of this treatment, the focus is primarily on maintaining and preserving existing historic features. This included repainting the historic wood cornice; repairing the cupola; and re-glazing windows.

As noted, possibly the most significant change over time to the Jacksonville County Courthouse was alteration of the original 1884 front porch. Functional and decorative elements of the original porch — balusters, corner posts, terminal orbs, and flat roof — were all replaced with an unadorned shallow-pitched gable roof in 1946. In Restoration, the *appearance* of the early front porch would be re-created, but in Preservation, the later front porch is retained. This is a primary distinction between the treatments, and is clearly illustrated in this Oregon project example.

Centennial celebration. On February 11, 1884, court convened in the new Jackson County Courthouse in Jacksonville, Oregon. On February 11, 1984, the Southern Oregon Historical Society hosted a celebration, and completed a special commemorative coin designed in honor of the celebration.

Baker City Historic District/Geiser Grand Hotel/Baker, Oregon

Choosing Rehabilitation

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment. **From the Standards and Guidelines.**

In 1993, Oregon residents Dwight and Barbara Sidway purchased the Geiser Grand Hotel. Its condition was so precarious that a long-term goal was postponed in favor of emergency roof and foundation stabilization. Then, following a careful

assessment of the building's history, materials, features and levels of deterioration, the decision was made to rehabilitate the hotel for continuing use.

The initial phase of the rehabilitation was to repair two major areas of structural damage and install a temporary roof to stop further water intrusion into the interior of the structure.

The Geiser Grand Hotel's Main Street facade required particular care because one of the 1889 storefronts had been "modernized" in the 1930s, and it was important to preserve these later changes in the rehabilitation. In Restoration, the 1930s alterations would have been removed and the storefront backdated to an appearance of the late 19th century. Because this "backdating" approach to treatment can result in the loss of important materials and history, it is recommended much less frequently than Preservation or Rehabilitation.

The cupola clock tower had been removed from the building sometime between 1929 and 1931. Nothing remained of the cupola other than a lower section of metal skirting. The remaining decorative tinwork below the metal base of the clock tower was intact, although heavily damaged. Utilizing historic photographs for scale, material and design, a replica clock tower was fabricated. A tubular steel framework with tin roofing, copper spires, and a flagpole were incorporated.

Exterior Rehabilitation Highlights

- Structural repairs with wall section on NE corner replaced.
- Foundation underpinned and reinforced with interior steel frame.
- Ornamental tin detail salvaged and replicated.
- Roof surface and decking replaced.
- Window frames modified to accept insulated replacement glass.
- Early and later storefronts repaired and retained.
- Cupola and clock tower replicated using photo documentation.
- Historic chimney caps salvaged and replicated.
- Exterior stucco finish repaired and repainted.

The Oregon State Historic Preservation Office and the National Park Service's Western Regional Office reviewed the project proposal prior to commencement of work. The rehabilitation ultimately received the federal tax credit for historic rehabilitation as well as a prestigious National Trust award. Completed work at the Geiser Grand Hotel is shown at the time of the grand re-opening in 1998.

The success of this project has stimulated the rehabilitation of other commercial buildings in Baker Historic District.

Ladd's Addition Historic District/1927 SE Elliot Avenue/Portland, Oregon

REHABILITATION and NEW RESIDENTIAL INFILL

When the vacant lot on Elliott Avenue became the future site for a new residence with detached alleyway garage, it was essential that any new construction "fit in" precisely with existing buildings on the block. This was no small task, given the range of styles in the vicinity—from mission style to bungalow to postwar cottages. The site was additionally sensitive, as it was the last remaining lot visible from the central landscape feature of the district, Ladd's Circle.

To achieve the compatibility goal within this eclectic mix, the design philosophy for the project was based on New Construction Guidelines for Ladd's Addition Conservation District. These district Guidelines cite the Secretary of the Interior's Standards for Rehabilitation, then provide clear and specific recommendations for siting, landscaping, fences and retaining walls, parking, building height, foundations, exterior siding materials, roof form, front façade detailing, windows and doors, and color.

"...structures remaining from this era form an architectural vocabulary which can be used in designing new buildings which will be compatible within the district. The guidelines are intended to insure maximum compatibility of new buildings with historic buildings, not to build new old buildings, or exact duplicates of older styles."

Designer/Builder Loren Waxman's new house is based on the traditional Arts and Crafts style bungalow in form, but is actually a somewhat larger and longer modern version. Using "scale tricks," such as a broken roofline—a shed dormer and cantilevered bays—as well as an exaggerated front porch overhang, the new house is in harmony with other buildings on

Elliot Avenue. Clear-varnished amber color wood, off-the-shelf lumber, and simplified decorative elements, such as the porch columns, further distinguish it as a product of the times. Finally, the new garage respects the “alley access only” pattern of the district.

The project was approved by the Ladd's Addition Historic District Advisory Board in 1995, with formal City approval by the Portland Historic Landmarks Commission in 1996.

Monteith Historic District/Monteith House/Albany, Oregon

Choosing Restoration

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment.

Just a year after their arrival, the Monteith brothers began construction of the first wood frame house in Albany. Completed in 1850, it was two-stories, five bays, with a full length two-storied porch across the front and a story and a half kitchen wing at the rear with wood shed and a timber sill foundation on stone footings. There were nine rooms, with three interior end chimneys, and two fireplaces.

Change Over Time. After a fire in 1855, the one-story rear kitchen wing became two stories. In 1880, the Monteith House underwent more extensive changes. In 1922, the distinctive two-story front porch was removed and the roofline altered. An entrance portico took the place of the earlier porch. Fixed shutters and exterior chimneys were added. By the early 20th century, the Monteith House looked startlingly different than it did in its period of greatest significance in the mid-to-late the 19th century.

What happens in Restoration? In this treatment, materials that can be authenticated to the period of significance are carefully retained and preserved, while later materials and features are removed. Restoration is generally recommended less frequently than Preservation or Rehabilitation because of the potential for loss of historic materials from other periods and falsification of the record.

At best, Restoration is a painstaking, scholarly process that involves backdating a structure to a particular time for interpretive purposes—based on physical and pictorial evidence. Because the Monteith brothers were pivotal in the early history and settlement of Albany, Oregon, the decision was made to return the house to its original configuration through Restoration. In 1975, after the City bought it for conversion to a museum, project work began. With its emphasis on the discovery and conservation of original mid-19th century materials, the Monteith House restoration was just such an exemplary project. Both the exterior and interior were restored and the house opened as a museum to interpret its “story” to the public.

Going backward in time. The conservation of original materials and features was paramount; however, a parallel task was to remove all later features and re-build missing original features to depict the appearance of the house at an earlier time. The house was gradually transformed from a 1920s residence to an 1850s residence, through a series of carefully planned restoration activities. The house's original wood siding and windows were carefully preserved. The foundation was leveled to repair rotten beams. The roofline was restored to its original appearance. The two-story porch was re-created. The original wood windows were repaired and preserved. The original wood siding was scraped, sanded, and repainted. The later chimney and shutters were removed. The two-story rear kitchen addition was removed and a one-story kitchen re-built. When completed, the Monteith House was a thoughtful depiction of the structure at its most significant time in history. It was opened to the public in 1982.

Oswald West Coastal Retreat/West/Bouvy Log House, Cannon Beach, Oregon/

Significant History. Oswald West was born in Guelph, Ontario, Canada on May 20, 1873 to John and Sarah West. His family moved when he was four years old and West attended public schools in Salem, Oregon. In 1889 he began work at a

Salem bank, becoming teller in 1892 and continuing in the job until 1899. Following a six-month stint searching for gold in Alaska, West worked for three years in a bank in Astoria.

Governor Chamberlain appointed him to be State Land Agent in 1903, and in that capacity, he was responsible for the recovery of some 900,000 acres of Oregon school lands fraudulently obtained by land speculators. In 1907 he was appointed to a four-year term on the Oregon Railroad Commission. Having gained a reputation as an effective reformer, West won the primary election and became the Democratic candidate for governor in 1910.

“Os” West won the general election and was governor of Oregon between 1911 and 1915. He was noted for urging an array of progressive legislation during his tenure, much of it relating to the conservation of natural resources. For conservationists, the governor’s defining action was taken in 1913, when he blocked the further sale of the Oregon tidelands by declaring the wet sands area a public highway based on the customary use of beaches as wagons and mail routes. The 1913 Legislative Assembly supported his Executive Order and laid the groundwork for additional legislation of the 1960s that affirmed the public’s right to access to, and use of the beaches.

West's Coastal Retreat The source of Governor West’s inspiration for protecting the tidelands can be traced directly to his retreat on the Oregon coast south of Cannon Beach. In 1911, West acquired a tract opposite Haystack Rock that was backed by a fine stand of timber.

By the summer of 1913, his family was in residence in the new log house sited on a bench of land above the dry sand. The house, in a modified Adirondack design, was oriented with a view to the ocean and had a wide covered front porch, exposed log construction, and shingle roof with two patios, one in concrete and another in flagstone. A spring house, carriage house and barn were also on the site.

Exterior materials and construction. As would be expected for a weekend residence, the Oswald West house had a simple, straightforward appearance. The form was basic—a broad, rectangular, one-story space roughly 40 x 48 feet. The ocean façade was inset 11 feet, forming a broad porch the length of the house.

A one-story shed roof entry porch was attached to the northeast corner. A pitched, split cedar shingle roof spanned the entire length of the house. An upper floor tucked within this broad roof. Wide shed dormers lifted up from the middle of each side. Stone chimneys rose above each dormer. Initially, the walls were chinked with okra and pecora. The outer walls were untreated and weathered to a silver gray. The wood windows and french doors, painted red, added an accent of color.

House interior. Although the exterior is the focus here, the historic Oswald West log house interior included an entry, living room, sunroom, dining area, and kitchen on the first floor. A terraced system of stairs led to the upper level, which included four bedrooms, and two bathrooms. Finish Materials were rustic, in keeping with the house. Floors were lightly varnished wood. Walls were exposed fir boards with fir battens and unfinished ceilings of tongue and groove fir. The living room was by far the major space in the house, some 18 x 32 feet in size. A massive 9-foot fireplace constructed of rounded beach stones dominated the center of the Western Wall, and built-in cabinetry was also prominently featured.

Time passes...continuing occupancies and a devastating fire. Except for the felling of timber, distinguishing characteristics of the site remained little changed over the years. The Wests sold their retreat in 1926. In 1936, Dr. and Mrs. Harry M. Bouvy acquired the property and, by 1939, had made a few improvements in keeping with the Rustic mode, such as changing the log ground course of the original spring house to native rock.

After the Bouvy’s occupancy, Franklin and Harriet Bouvy Drake became owners of the seaside house. In late May of 1991, as they made plans with the Oregon State Historic Preservation Office to nominate the property to the National Register of Historic Places, the house burned down. Because of the extent of damage, it proved infeasible to re-build the house using original fabric.

The nomination went forward, however, and in February of 1992, the site, with its ancillary buildings—without the house—was listed in the National Register. The nominated area included all of the property held by Governor Oswald West at Cannon beach in the years 1911-1926 associated with the main developed features of the historic coastal retreat, e.g., the site of the burned log house slated for reconstruction, spring house, carriage house, and system of native boulder retaining walls and stairs and pathways.

Choosing Reconstruction

When a contemporary depiction is required to understand and interpret a property’s historic value (including the re-creation

of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.

A vanished building re-appears in time. As emphasized in this learning site, Reconstruction re-creates a non-surviving site, landscape, building, structure, or object in new materials for interpretive purposes. It is rarely recommended and the least-used of the four treatments because of the intrinsic capacity for historical error.

In this case, however, because of the importance of Oswald West's life in relationship to the log house at Cannon Beach and the presence of documentary evidence, the treatment was considered appropriate.

Project overview. Following the fire, the architectural firm of Fletcher, Farr, Ayotte was asked by other Bouvy descendants—the Neupert family—to continue efforts to measure and record the ruined building with an eye to exact replication. David Wark, a historical architect for the firm, documented existing conditions, conducted research, and served as project manager.

Historic photographs of the site served as the basis for the reconstruction work as did original materials that were salvaged, where possible. Landscaping on the site had remained much as it was. The location of the house was set precisely where it had existed historically, which was a key aspect of the historic landscape plan, and the materials and craftsmanship were identical to the original design.

New Construction. The Oswald West house, as reconstructed, is a simple—almost square—plan, roughly 46 x 50 feet. During the documentation and field measurements, the corners of the house were located and recorded in reference to newly established survey points. The house was then reconstructed in its exact location.

A new basement with concrete retaining walls and footings was constructed below the house. The basement was necessary to provide the owners with adequate storage space in an inconspicuous manner. Because there was little storage space in the original house, a basement was a preferred alternative to making any changes to the exterior. The basement also accommodates the mechanical equipment. Since the log walls are the primary load-bearing system in the house, they had to meet current codes. As a result, they are internally reinforced with continuous vertical steel rods that run the entire height of the wall, tying the logs together and anchoring them to the concrete basement walls.

The primary wall is composed of Sitka Spruce logs, as was the original house. After an exhaustive search for logs, which included Washington and Alaska, suitable logs were located near the coast in Tillamook, Oregon, south of the site. While all of the exterior logs appear to be “full” logs, the second story gable walls at the north and south elevations are actually log veneer, installed over a 2 x 6 frame wall. This detail was recorded during field documentation and repeated in the reconstruction.

Re-creation of the interior. The livingroom fireplace in the west wall was considered the most important feature of interior; in the reconstruction, the quality of stone work, including a Roman-arched fireplace opening and overmantel, was painstakingly reproduced. To meet code requirements and improve circulation, the placement and run of stairs to the upper story were slightly modified. Otherwise, the historic organization of interior space was retained in the reconstruction. Details such as hand-forged steel hardware and a built-in china cabinet were faithfully reproduced, together with the original interior wall joint dimensions and finishes, e.g., varnished logs with plaster-coated chinking.

Chronology of the house

Original construction: 1913

Bouvy improvements: 1936-1939

Fire: 1991

Reconstruction: 1993-1995

Occupied: February 10, 1995

Documentation: Field measurements, Material testing and salvage, historic and family photographs

Codes: Life/safety; seismic/structural, mechanical/electrical/plumbing

Completed Reconstruction

Inclusion in the National Register. As stated in the March 1996 National Register nomination supporting inclusion of the reconstructed main house as a contributing resource within the property, “The re-created house replaces a one-of-a-kind

feature having the capacity to evoke significant associations that are not conveyed elsewhere...the West-Bouvy log house now is counted as a building, as opposed to the site of a ruin.”

As summarized, the reconstruction work met the criteria consideration requirements set forth in National Register Bulletin 15.

- The work was “accurately executed,” based upon sound historical data and construction techniques.
- The house was reconstructed in the exact location as the original house.
- The property is the best extant site associated with Oswald West and his connections to coastal Oregon.
- The West-Bouvy log house is open to the public on a special day once a year.

FITTING YOUR WORK TO TIME AND PLACE

Working on the Past...QUIZ

This quiz is offered as a quick review of information contained in the various sections of the web site, with a focus on the four treatment approaches in The Secretary of the Interior's Standards for the Treatment of Historic Properties.

NOTE: This has been included for interest's sake only. Sorry, no answers provided in the print-only version!

1. Of the three types of historic districts that can be created (federal, state or local), National Register designation offers the greatest legal protection to private property against actions such as inappropriate exterior alterations and demolition. True or False?

True
False

2. A local preservation ordinance does NOT: (Choose one)

- Provide a municipal policy for the protection of historic properties
- Require improvements, changes, or restoration of the property
- Establish an objective and democratic process for designating historic properties
- Protect the integrity of designated historic properties within a design review requirement

3. The ordinance is a law and the design review criteria are part of the law. Local district design guidelines are generally illustrated recommendations that interpret and expand upon the criteria, but are not mandatory. True or False?

TRUE
FALSE

4. In the Secretary of the Interior's Standards for the Treatment of Historic Properties, the four treatment options are presented in a hierarchical framework, with Restoration and Reconstruction as the least preferred. True or False?

TRUE
FALSE

5. Which one of the four work options in the Secretary of the Interior's Standards for the Treatment of Historic Properties deals with "compatibility" between old and new?

Preservation
Rehabilitation
Restoration
Reconstruction

6. The scope of work for a 19th century residence includes painting, masonry repointing, and replacement of a deteriorated wood shingle roof with new wood shingles. What is the treatment?

Preservation
Rehabilitation
Restoration
Reconstruction

7. A large 1830s property has evolved over time-with many later additions and alterations. Recently, a thorough historical and physical assessment by a professional team has indicated that its earliest significance outweighs all later changes. A documentation plan is being developed that will alter the later historic features, e.g., windows, entrances, doors, roof dormers, and landscape features by removing them. New replacement features will be constructed to convey the appearance of one period of time for interpretive purposes. The treatment is:

Preservation
Rehabilitation
Restoration
Reconstruction

8. This statement is an excerpt from the Secretary of the Interior's Standards for the Treatment of Historic Properties: "...The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate." Does this statement apply to both Preservation and Restoration projects?

YES
NO

9. The character-defining materials and features of a historic house are essentially intact, so will not require extensive repair or replacement. No alterations and additions are planned. The house will not be backdated to depict an earlier period. What treatment are the owners considering?

Preservation
Rehabilitation
Restoration
Reconstruction

10. A storefront on a late 19th century commercial building was removed a number of years ago during an insensitive remodeling. The new storefront may be based on physical or pictorial documentation or, if that is not possible, it may be replaced with a compatible new design based on the remaining character-defining features of the building. What is the treatment?

Preservation
Rehabilitation
Restoration
Reconstruction



SECTION E

TOOLBOX

In Answer to Your Questions About...

QUESTION ONE: What Can I Do to Help Protect My Historic Property?

ANSWER:

Use these tools when available in your community

- Master plan
- Land use mechanisms, such as zoning, downzoning, cluster zoning, transfer of development rights, etc.
- Local preservation ordinances
- Subdivision ordinances
- Historic district commissions
- Easements donated in perpetuity
- Protective covenants
- Financial assistance

Use these tools when available at the state level

- State laws that help preserve historic properties or environmental quality
- Easement programs
- Financial assistance such as grants or loans
- Tax abatements or reductions

Use applicable federal tools

- Advisory Council Historic Preservation review and comment on Federal Projects
- Certified Local Government status
- Historic Preservation Fund matching grants
- Tax incentives for the certified rehabilitation of income-producing properties listed in the National Register
- Tax incentives for charitable contributions for conservation purposes

Adapted from: My Property Is Important To America's Heritage: What Does That Mean? Answers to Questions for Owners of Historic Properties. The National Register of Historic Places

Question TWO: I am confused about what kind of historic preservation activities may be carried out by local governments, as opposed to the state and federal government. Are local government activities fairly limited in nature?

Answer. No, local communities can carry out a wide variety of historic preservation activities, as you can see from this summary, below:

- Conducting surveys and maintaining an inventory of historic and cultural resources.
- Developing a preservation plan or preservation element of the local master plan.
- Developing a local preservation ordinance.
- Developing regulations, standards, guidelines, and procedures for complying with the ordinance (including specific design guidelines for a historic district).
- Designating properties, landmarks, and districts under the local ordinance.

- Reviewing proposals and applications for alterations, new construction, demolition, certificates of appropriateness, and design review.
- Reviewing local zoning amendments, subdivision proposals, and development projects not specifically related to historic districts.
- Reviewing federal undertakings under Section 106 of the National Historic Preservation Act as an interested party or as an “in house expert” for a fellow agency in the same local government (e.g., local commission review of a state/federal highway project or a local Community Block Development Grant project).
- For Certified Local Governments (CLGs), official, required authority for reviewing and commenting on National Register nominations, and recommendations to the SHPO.
- Carrying out preservation, rehabilitation, and restoration projects; monitoring covenants and easements
- Creating broad-based public education programs and heritage tourism activities, including brochures, walking tours, lectures, publications, marker programs, preservation award programs, etc.
- Assuring public participation in various areas, including open meetings of the historic preservation commission or review board, public hearings on National Register nominations, and soliciting public reviews on preservation issues (e.g., in developing plans or ordinances).

The web page content is by Susan Henry Renaud, Preservation Initiatives Branch, Heritage Preservation Services Division, National Center for Cultural Resources, National Park Service.

Question THREE: What are the benefits of becoming a CLG? If they are partially financial, how can funds be used?

Answer: Becoming a Certified Local Government (CLG) is recognition that a community’s municipal historic preservation program meets certain state and federal standards. We’ll give you the benefits first, then tell you what the steps and requirements are.

- Eligibility to compete for at least 10% of the federal funds annually allocated to the SHPO to support local historic preservation projects. CLG funds may be used for a wide variety of projects such as historic site survey work, National Register nomination development, community planning, local design guidelines, public education and archeology.
- Direct participation in the review and approval of nominations to the National Register of Historic Places.
- Technical training and assistance specifically targeted to their needs.
- Formal recognition by the state and federal government of local preservation efforts.

To become certified, a local government applies to the SHPO and agrees to meet these minimum federal requirements:

- Enforce State or local legislation for the designation and protection of historic properties
- Establish and maintain a qualified historic preservation commission
- Maintain a system for the survey and inventory of historic properties in coordination with its State Historic Preservation Office
- Provide for public participation in its activities, and perform other agreed upon functions delegated to it by its State Historic Preservation Officer.

Finalizing the Agreement. Upon approval of a CLG’s application for certification, the chief elected local official (or designee) and the SHPO sign a certification agreement that specifies the responsibilities of each party. The SHPO generally requires the CLG to submit an annual report summarizing its activities and accomplishments. At least once every four years, the SHPO conducts an evaluation of the CLG’s performance of its duties as outlined in the certification agreement.

Your State’s procedures detail specific requirements for certification, such as: The kinds of legislation that local governments seeking certification must enact and enforce, e.g., a local historic preservation ordinance; the expertise and background of

members to serve on the local historic preservation commission; the frequency with which the commission meets; and the methods necessary to satisfy the requirement for public participation in the local preservation program.

Question FOUR: I am interested in learning more about creating a historic district—and as quickly as possible. Can you provide me with information on how to do this?

Answer: It is possible to establish a historic district under Federal, State, or local law, but the designation process should not be rushed. The appropriate amount of information must be compiled and analyzed in order to make cogent arguments for significance, and the public process (a legal one!) needs to play itself out so that everyone has adequate time to hear about the designation proposal and provide comment, if they choose.

The State Historic Preservation Office (SHPO) has expertise in all three types of historic districts, so is the appropriate starting place. Each approach has its own limitations and benefits. The SHPO staff will either know the answers to your questions or know the person who does have the answers. Depending upon the details of a particular situation and the options available in each state, there are one, two, or three general approaches to creating a historic district:

Establishing a historic district under Federal law usually involves nominating the district for listing on the National Register of Historic Places. Listing on the National Register gives official recognition of the district's significance, and is a prerequisite for receiving various kinds of Federal benefits (e.g., Federal grants, tax incentives, etc.). However, National Register listing or eligibility for listing provides protection—of a procedural sort—only when there is a Federal involvement (e.g., Federal dollars, permits, etc.) in an action that may threaten the resources in the district. If there is no Federal involvement, the Federal designation of the district as historic doesn't help to protect the resources aside from the fact that the Federal Government has officially agreed that the district is significant and thus worthy of preservation.

Many States have a State Register process through which a historic district can be recognized as significant under State law. In most cases, this State law “designation” will have benefits and limitations that parallel a Federal designation. The SHPO is the place to find out whether your State has this sort of program.

Quite often, creating a historic district under local law can provide more protection to historic resources than either Federal or State level designation. This is because most land-use decisions are made under the authority of local law. The prerequisites for a local government creation of a historic district depend upon the language of each State's Constitution and/or enabling legislation. The SHPO will be familiar with what is possible for local governments in your State. At the local level, the designation of historic districts is usually linked to a review process designed to protect the historic appearance of buildings in the district.

This question and answer was adapted from a response to a broader question raised by a person in a community development office of a small town. John Renaud, State, Tribal, and Local Programs Branch, and Susan Henry Renaud, Preservation Initiatives Branch, Heritage Preservation Services Division, National Center for Cultural Resources, National Park Service

Question FIVE: Can you please help me understand the steps I need to take in creating a local historic district?

Answer: The order of the steps will depend upon whether the local government already has a process in place for creating a local historic district.

1. Find out if the local government has a system for creating local districts. If it does, go to step 3. If it doesn't, go to step 2.
2. Ask the State Historic Preservation Office what the State authorizing statutes have to say about establishing local historic preservation programs and local districts. Go to step 3.
3. Find out the eligibility criteria for becoming a local district and what the benefits/consequences are for being located in a historic district. Go to step 4.
4. Given the answers to the issues in step 3, find out from community members whether or not they think that this is worth while at least investigating. If you don't have community support, you probably will have difficulty in getting the local political support necessary to move the process along. If you are successful, go to step 5.
5. Find someone with the requisite expertise to help you determine whether the community meets the eligibility criteria. If it does, go to step

6. Hold a community meeting or survey community members to get a more formal expression of support to pursue local designation as a local district. If successful, go to step 7.

7. Approach the local government a) entity responsible for historic preservation at the local level or b) if there is no local historic preservation program, the entity that State law requires to initiate the process for establishing a local program. Go to step 8.

8. Assist and encourage the local government a) to follow its certification procedures to designate the community as a local historic district or b) to take the steps necessary to establish a local historic preservation program and then use that system to designate the community as a local historic district.

Question SIX: Can my State Historic Preservation Office give financial and other assistance to us while we're trying to create a historic district?

Answer: Yes, it can. Through technical assistance and matching grants, the SHPO helps communities build successful preservation programs to protect historic buildings, structures, and archaeological sites.

Preservation Planning

With preservation planning, communities integrate preservation into other plans and policies, such as transportation, subdivision regulations, housing and economic development. The development or update of a local comprehensive or master plan is a great opportunity to consider the future of a community's historic resources.

Created with citizen input, a preservation plan:

- Reviews the current inventory and conditions of historic resources
- Describes the desired future for these resources
- Outlines action steps

Communities may apply for matching grants from the SHPO for preservation planning. Some states may provide planning grants for comprehensive plans that include historic properties.

Surveys of Historic and Prehistoric Resources

Surveys help local governments and preservation groups identify and evaluate historic properties. This information helps communities plan how to protect and benefit from historic and cultural resources.

A survey:

- Identifies historic buildings, structures, and landscapes, and archaeological sites
- Records physical characteristics and locations on maps
- Evaluates significance in local and State history
- Determines if properties or areas are eligible for listing in the National Register of Historic Places.

Local governments and non-profit organizations may apply for matching grants from the SHPO to conduct surveys. The SHPO also helps plan and administer surveys. The local government—and the SHPO—keeps completed survey records for future research and planning needs, including GIS systems (Geographic Information System).

Zoning Ordinances

For many states, state law allows communities to adopt and enact zoning ordinances that protect historic and architecturally valuable districts and neighborhoods by restricting or placing conditions on exterior alterations, additions, demolitions or relocations of structures in those areas. Studies across the nation have shown that having local preservation overlay zoning in place not only protects the historic properties, it protects the value of those properties. Thus owners of historic buildings in these protected districts see the value of their investments increase.

Preservation Ordinance. A preservation ordinance protects historic properties by officially recognizing historic areas, buildings and sites as local historic districts and landmarks. Owners of these locally designated properties get approval from a locally appointed board for exterior changes, additions, new construction, relocation or demolition, so that changes complement the historic appearance of the building and its surroundings. This approval process is called design review.

Communities may apply for matching grants from the SHPO to develop or revise a preservation ordinance. Many SHPOs have a sample preservation ordinance and staff will review drafts. The SHPO offers training for members and staff of historic preservation commissions and architectural review boards and responds to special information requests.

Design Guidelines

Design guidelines are both written and graphic advice for preservation commissions and property owners to use when considering the appropriateness of exterior alterations, additions, demolitions, and new construction for local historic districts. Design guidelines are key support materials for administering the preservation overlay zoning ordinance. Guidelines may also be created and used on a voluntary basis, before local historic districts and design review are in place.

Communities may apply for matching grants from the SHPO to create or update design guidelines, which give property owners and historic preservation commissions and design review boards guidance on alterations and new designs that are appropriate for the local historic properties and districts.

Question SEVEN: I was told I would have to get a "Certificate of Appropriateness" from our historic preservation commission before starting exterior work on my house. What is the certificate, and what should I do?

Answer: Some local communities—historic districts—have preservation ordinances requiring that proposed work on designated historic properties be reviewed by a local historic preservation commission or design review board. These commissions and boards are comprised of local citizens appointed by the city government.

Generally, when they review and approve proposed changes to a historic building they issue a "Certificate of Appropriateness." A Certificate of Appropriateness is simply a document stating that the proposed work is appropriate for the historic district and meets criteria in the local code. Usually, the certificate is required before most exterior work begins and before a building permit can be issued. Work completed without a Certificate of Appropriateness creates a legal risk of fines and having to reverse any work done for failing to follow procedures.

You need to contact your city government's preservation official for specific information about what is needed for a Certificate of Appropriateness, the design review process, and to obtain an application for proposed exterior work. The completed application is submitted to the city's preservation official, who forwards it to the historic preservation commission or design review board. Property owners usually attend the commission's regularly scheduled public meeting to present their work proposal and answer any questions the commission or other citizens in the community may have about it. The commission discusses the project, measures it against criteria in the code, then votes on the proposal. If approved, the applicant receives the "Certificate of Appropriateness" in the mail. If denied, the applicant has an opportunity to make changes to the proposal and re-submit it. For a particularly complex construction project, the citizen commission or board may consult with the State Historic Preservation Office, but its review and decision is completely independent of the State.

Question EIGHT: We just moved in to a local historic district with many wood frame houses from the late 19th and early 20th century. We have a 1970s utility shed in back of our historic house. The wood siding on it is rotting and needs to be replaced. We want to use a synthetic (concrete) siding. Do we need permission to change materials on the shed?

Answer: First, unless there is federal money involved, this would not be a federal decision. You will probably have to take your proposal to the local review board or historic preservation commission to get permission.

The board weighs it against criteria in the preservation ordinance your city or county has adopted. Even though the review board may use the Secretary of the Interior's Standards developed by the National Park Service, this is still a local project, not subject to federal review. Since the outbuilding is not historic and not visible from the public way, we would find your proposal acceptable, but your municipality may not. If the district has written a local design guideline, there may be specific information on the topic.