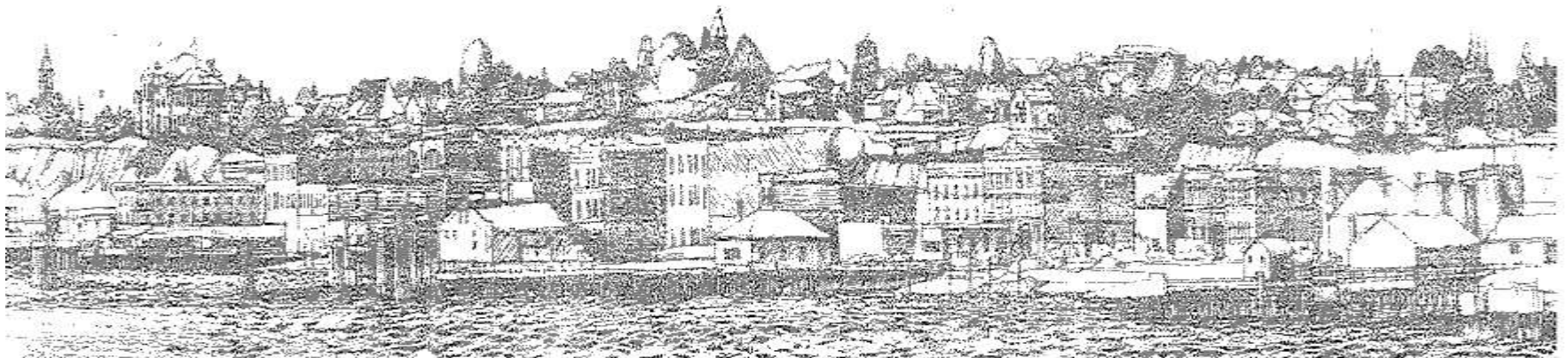


WA-APA Planning Law Conference Historic Preservation Laws and Local Planning

Local Level Historic Preservation Design Review

City of Port Townsend
Development Services Department



A NATIONAL MAIN STREET COMMUNITY

WASHINGTON'S HISTORIC VICTORIAN SEAPORT

Why do Design Review?

- Many reasons including:
 - Ensure compatibility of new development with existing character, particularly with historic properties.
 - Enhance pedestrian characteristics and streetscape aesthetics.
 - Avoid monotony in new construction.
 - Design review is sometimes used to create an identity or a special physical character in an area of new development.

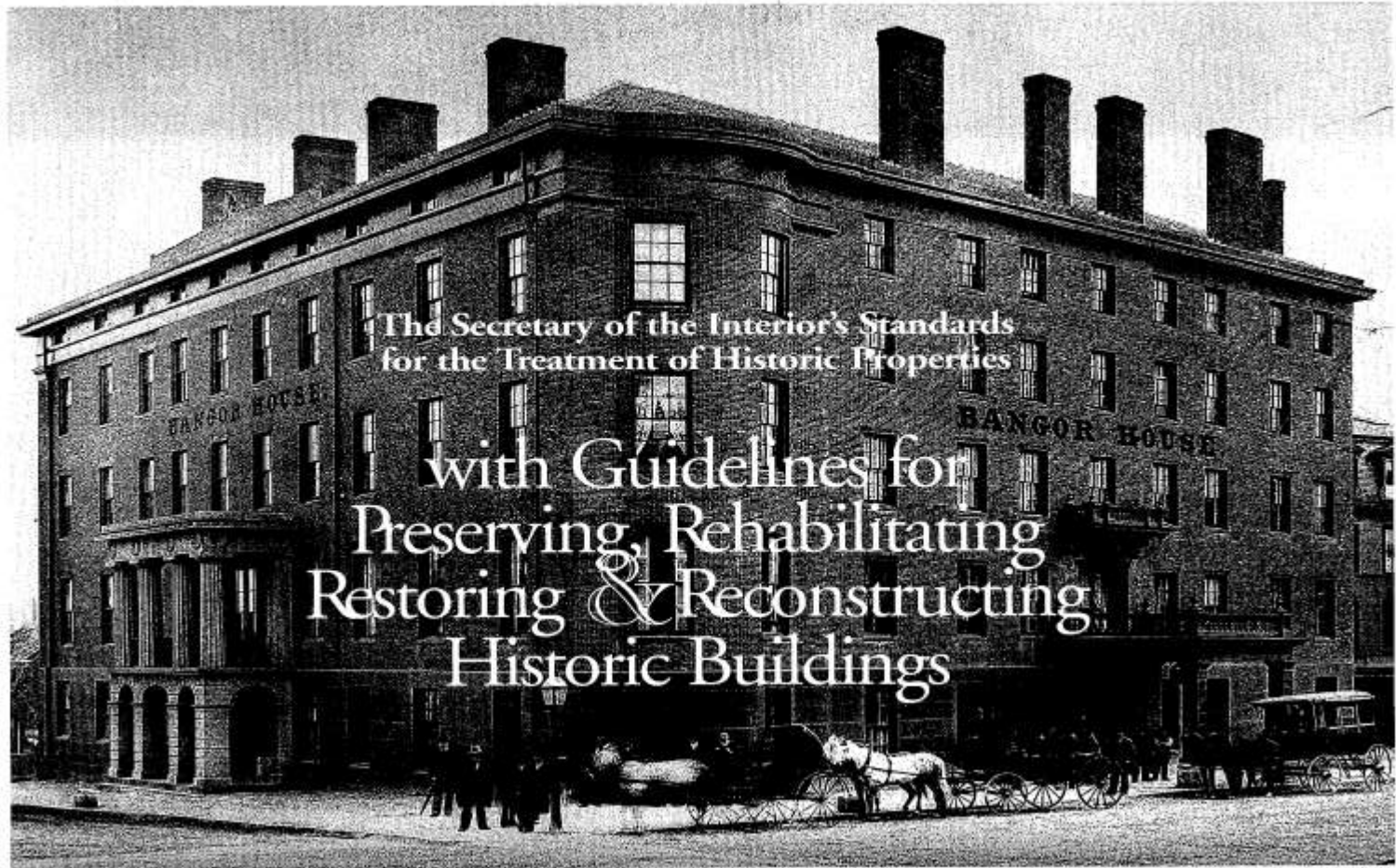
How does Design Review work?

- Historic Design Review is governed by “design guidelines” or “design standards” adopted into development regulations.
- How the standards or guidelines are worded determine how flexibly they can be applied. Remember - “Shall” is mandatory; “Should” is discretionary.
- For every “shall” guideline you’d think should be absolute, there are situations where relief may be appropriate. Example: “All new buildings shall be located no more than 25 feet from the primary street frontage.”
- To anticipate this, many codes provide for some form of “departure” from certain prescriptive guidelines.

Why are “Standards” or “Guidelines” so important?

- In 1993, the Washington State Court of Appeals decided in *Anderson v. Issaquah* 70 Wn. App. 64, 82 (1993) that Issaquah's design review regulations were invalid due to vagueness.
- The issue of how far a city may go in regulating design is far from settled, but the courts have clearly supported the right for “States and cities may enact land use restrictions or controls to enhance the quality of life by preserving the character and desirable aesthetic features of a city’.” *Penn Cent. Transp. Co. v. New York*, 438 U.S. 104 (1978).
- Therefore, it’s important for communities to develop meaningful and definitive design standards in order to perform Design Review. Consult your attorney!!

Secretary of the Interior's Standards



Four Standard Treatments

- Preservation
 - Focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- Rehabilitation
 - Acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the properties historic character.

Four Standard Treatments (cont.)

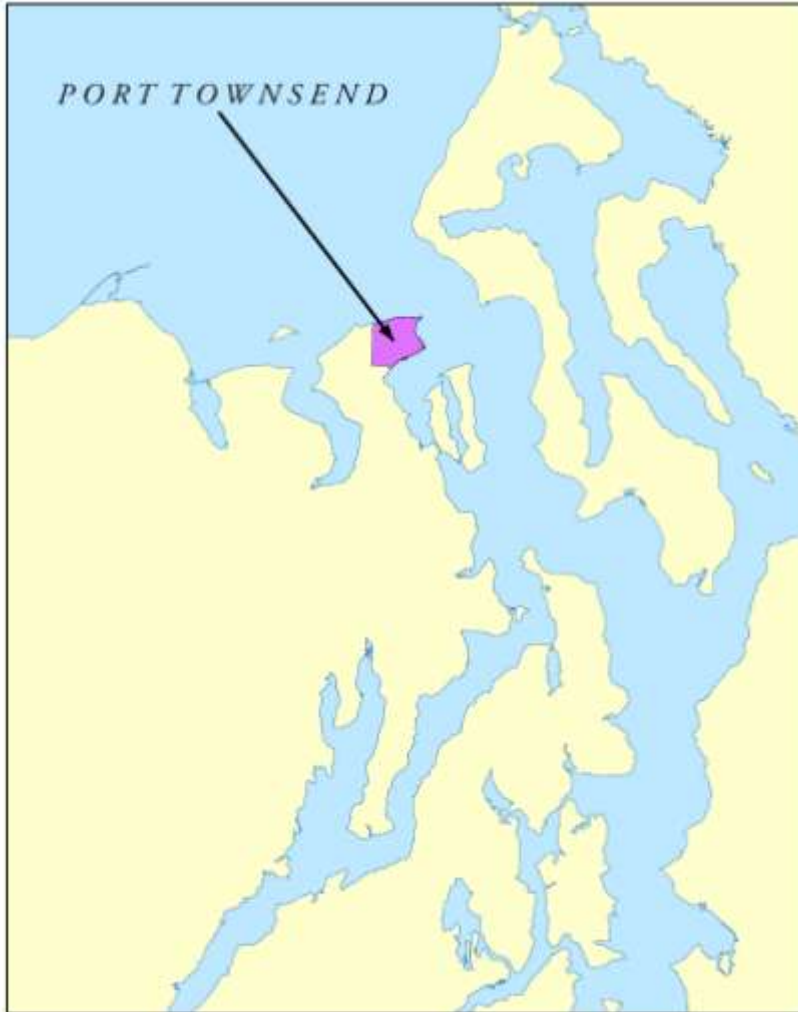
- Restoration
 - Depicts a property at a particular period of time in its history, while removing evidence of other periods.
- Reconstruction
 - Re-creates vanished or non-surviving portions of a property for interpretive purposes.

Design Review Process

The process for ensuring compliance with design guidelines can:

- Be done administratively (i.e. staff level reviews, decision by Director).
- Utilize a citizens committee (i.e. a Design Review Board), which can make recommendation or be the decision-maker.
- Combine the 2 approaches (i.e. some minor things done by staff; other major projects utilize the Design Review Board).

Port Townsend NHLD's



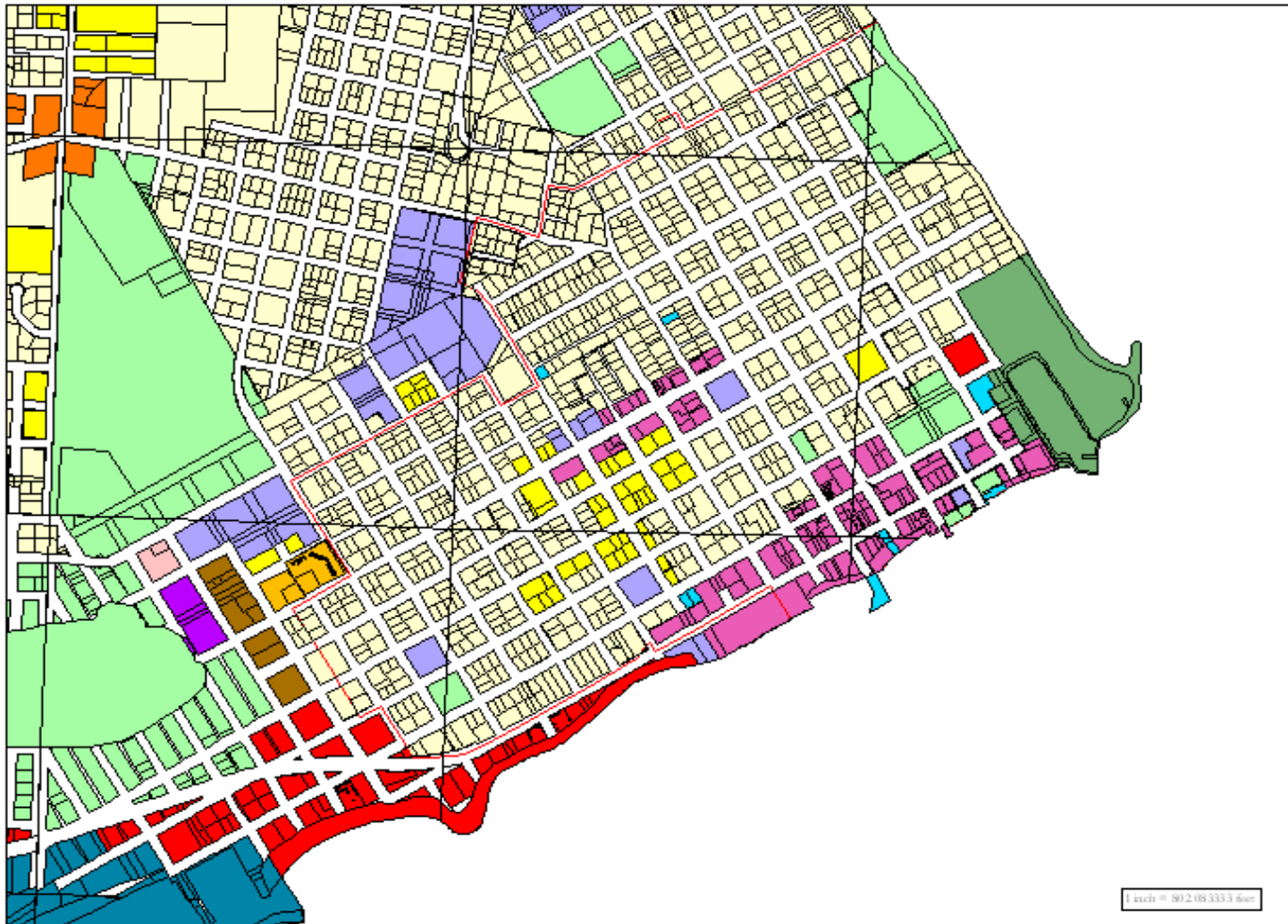
Historic Design Review in Port Townsend

- Originated from 1976 effort by the National Park Service that established a National Historic Landmark District (NHLD).
- Port Townsend has a second NHLD - Ft. Worden State Park!! Only town of its size in the country with two NHLD's.
- Many believe there are two Historic Districts – the Uptown and Downtown commercial areas - BUT, its actually one large district that includes commercial, maritime, government, religious, and residential properties.

Historic Design Review

- In Port Townsend, Historic Design Review places an emphasis on preserving building elements, features and materials that help define character.
- Historic buildings are not “frozen in time.” They may be altered, remodeled, and adapted for re-use, so long as important historic characteristics are preserved.

Port Townsend NHLD



Historic Design Guidelines

- Local guidelines supplement the Secretary's with Overall Design Guidelines and specific standards for features such as:
 - New Additions
 - Paint colors (commercial buildings and signs) and Fonts (for signage)
 - Murals and Awnings
 - Streetscape and Exterior Mechanical Systems

New Additions

- Many people mistakenly think that Historic Design Review means that new buildings and additions need to look “Victorian” – NOT TRUE!!!
- Historic DR works to make new buildings and additions “compatible but differentiated”.

Good In-Fill Project



Garage addition made to “look old”



“Compatible but Different” Addition

□



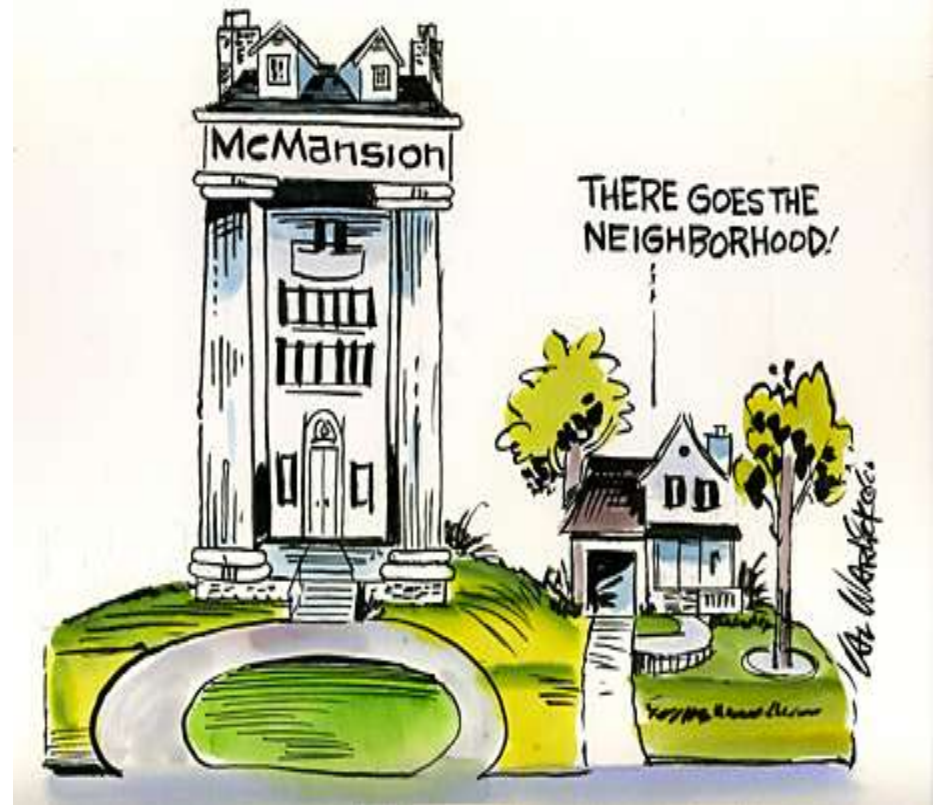
Historic Design Review in Port Townsend (cont.)

- Since 1997, design review has focused on commercial, maritime and publicly zoned properties. Residential design review has previously only been done for B&B's.
- Protections for historic buildings, even within an NHLD, are drafted, adopted and enforced locally by the communities they serve. The Federal and State government do not regulate changes to historic buildings (unless they receive Federal or State monies).

Recent Developments in PT Historic Design Review

- In recent years, communities across the nation have begun to see historic homes demolished to make way for bigger, out of scale homes (i.e. McMansions).

New, oversized construction next to historic home

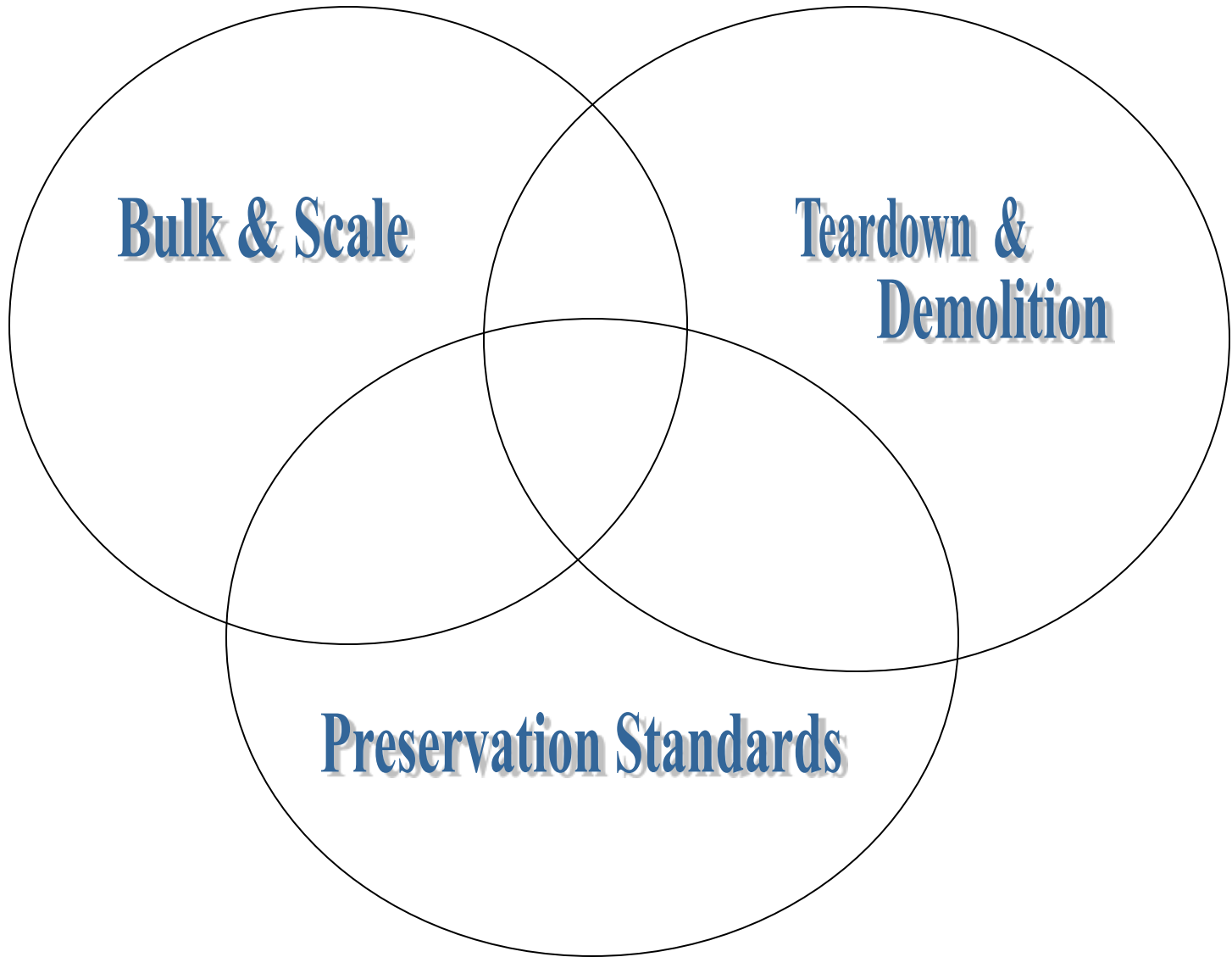


Teardown in Colorado



Recent Trends

- In 2007, Council recognized this type of threat could easily happen here. Interim protections were adopted and a task force formed to draft permanent regulations.
- In the Summer 2009, City staff was directed to
 - Draft demolition standards for historic homes;
 - Inventory which homes warrant protection, starting with the NHLD; and,
 - Draft Bulk & Scale standards for new construction.



Bulk & Scale

**Teardown &
Demolition**

Preservation Standards

Demolition Standards

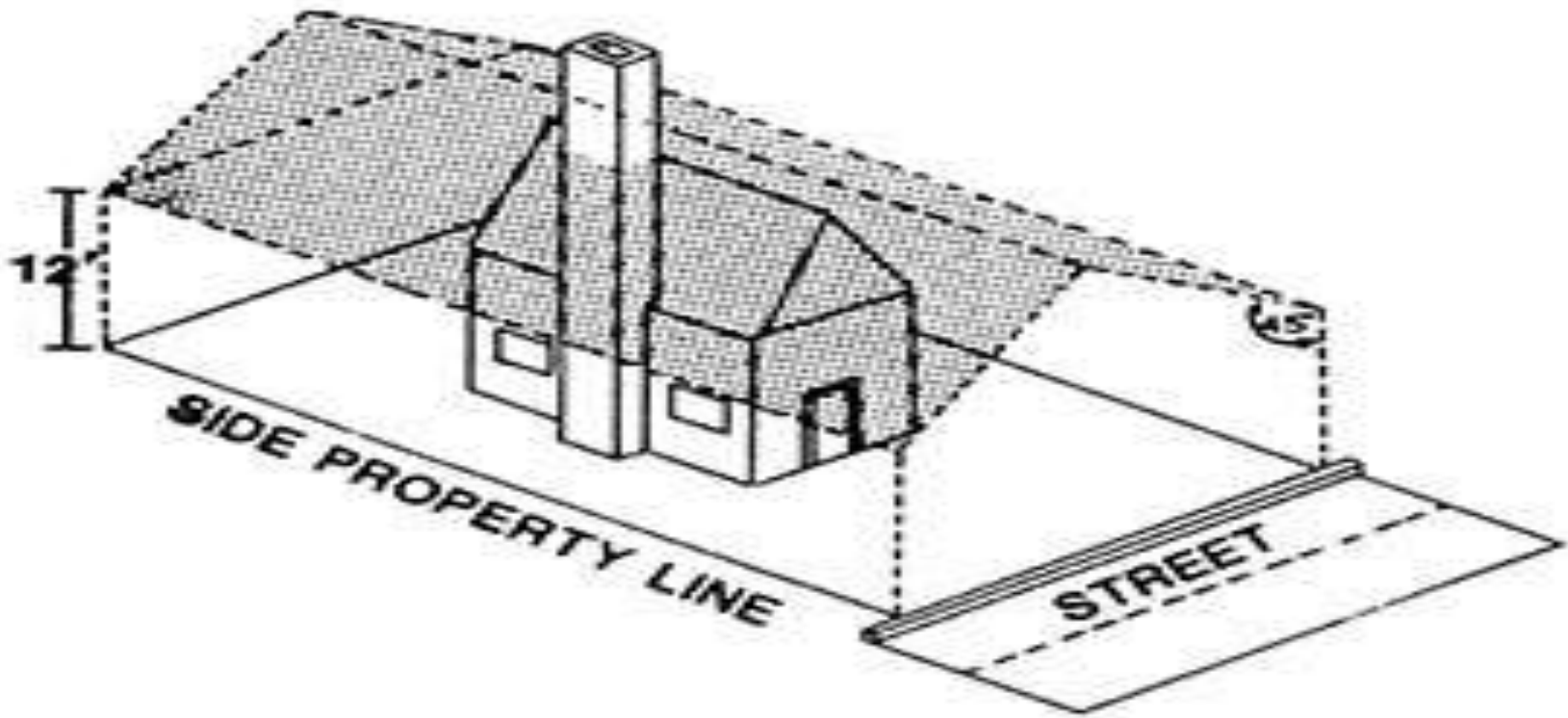
- Regulated buildings not “frozen in time.” Additions allowed so long as significant historic features are retained.
- Demolition prohibited unless a showing of structural and/or economic hardship is made (i.e. Reasonable Use).
- Included “Demolition by Neglect” provisions with hardship safety clause.

Bulk & Scale Highlights

- Increased side-yard setbacks.
- Require conformance with a “daylight plane” for all structures.
- Require modulation on principal facades facing streets.
- Allow departure from daylight plane and modulation requirements through Design Review.
- Allow departures from front setback requirements to match existing neighborhood patterns.

Daylight Plane

THE DAYLIGHT PLANE

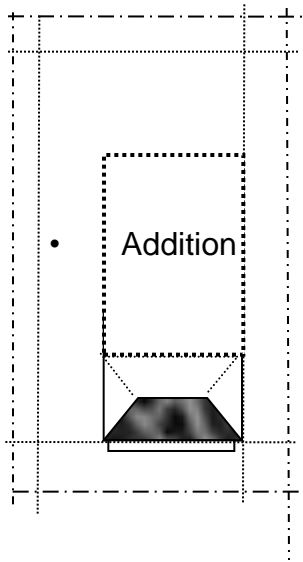


Daylight Plane

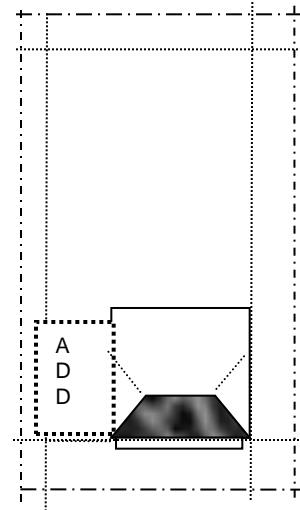
- Exceptions to the daylight plane include:
 - TV and radio antennas, chimneys, flues, eaves or skylights;
 - Dormers, provided total length <15 feet on each side;
 - Gables, provided total length <18 feet on each side

Sample Departure 1

- Location of proposed addition



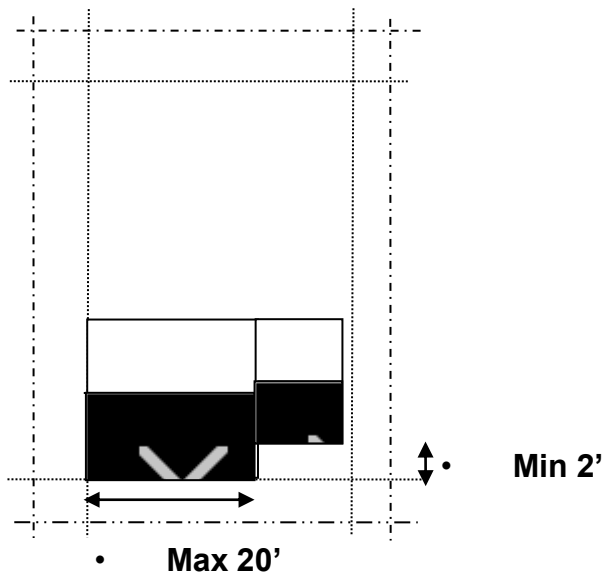
Permitted by Ordinance



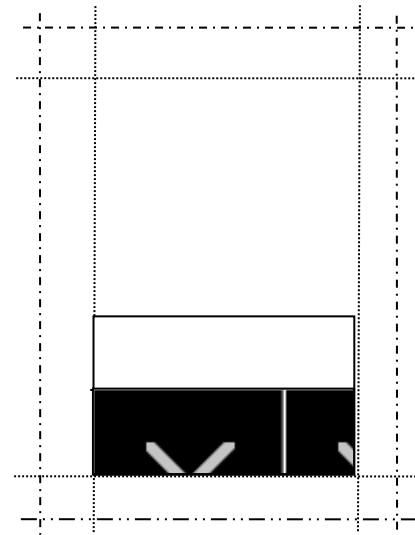
Departure required

Sample Departure 2

- Modulation Requirements



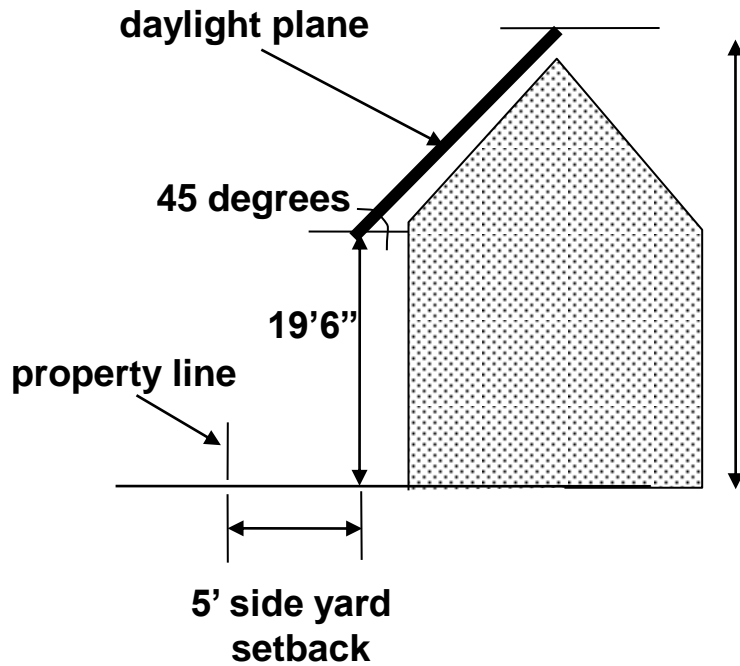
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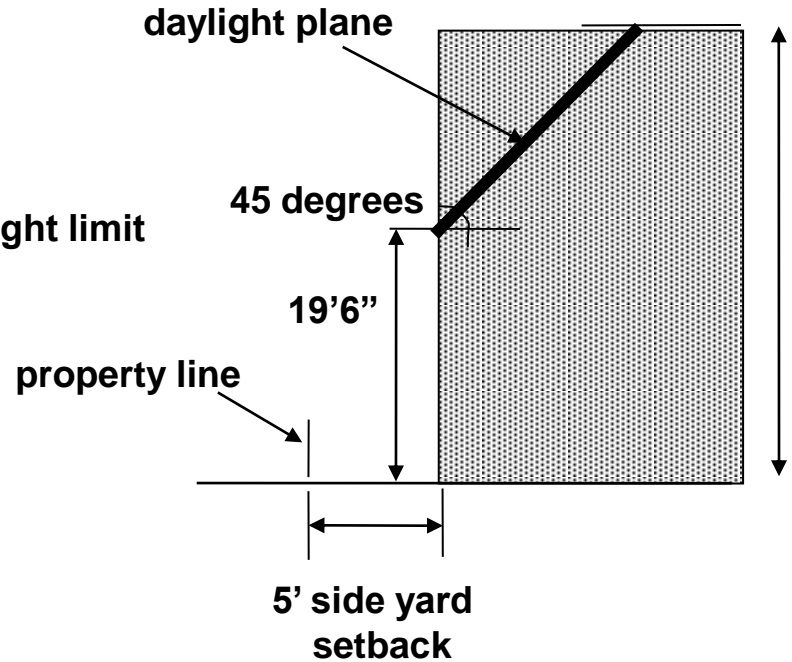
Departure required

Sample Departure 3

- Daylight Plane Requirements



Permitted by Ordinance



Departure required

Inventory Highlights

- Started with 1976 National Park Service (NPS) data
- Heavily utilized database prepared by the Jefferson County Historical Society to verify age, alterations, etc.
- Developed scoring system to evaluate how a residential structure “contributes”, creating 3 tiers.
- Photographed each residence.
- Initial peer review done by Architectural Historian, Chair of the City’s HPC, and city staff with preservation training. Follow up peer review was done by DAHP and Washington Trust.

2010 Historic Residence Inventory



Inventory by the numbers

- Total of 689 residences within the NHLD
- 374 of these were found to be contributing by scoring into 1 of 3 tiers
 - 13 were Pivotal
 - 48 were Primary
 - 313 were Secondary

Scoring Sheets

City of Port Townsend

Landmark District Residential Property Survey

Checklist and Form



Summer 2009

Property Address: _____

Historic Block ID: _____

Parcel Tax ID: _____

Survey Checklist

I. Building Exterior

a. Originality

- i. Excellent
- ii. Good
- iii. Fair
- iv. Poor

b. Overall Visual Quality

- i. Excellent
- ii. Good
- iii. Fair
- iv. Poor

c. Craftsmanship

- i. Excellent
- ii. Good
- iii. Fair
- iv. Poor



II. Style

a. Significance as an example of a particular architectural style, type, or convention

- i. Excellent
- ii. Good
- iii. Fair
- iv. Poor

III. Age

a. Of particular age in relationship to the period of significant for the district (1870-1920)

- i. Excellent (Pre-1920)
- ii. Good (1920-1959)
- iii. Poor

Contributing Buildings

- Pivotal – buildings which are landmarks of the NHLD. They strongly define the NHLD character through their architectural style, craftsmanship, details and retention of these features.

313 Walker – Old German Consulate



Contributing Buildings (cont).

- Primary - buildings which have strong architectural qualities & features but lack the level of detailing, style and craftsmanship seen in Pivotal buildings.

1232 Van Ness



Contributing Buildings (cont).

- Secondary – buildings which have moderate architectural qualities and features, which have maintained good (but not perfect) integrity. These buildings contribute to the NHLD primarily through their generally smaller scale and massing. They may also have been built after the period of significance for the NHLD (1870 – 1920).

342 Harrison



What changes can I make to my Contributing Building?

- Generally, the demolition of “contributing” historic structures is prohibited.
- Historic homes, however, are not “frozen in time.” They may be altered, remodeled, and adapted for re-use, so long as important historic characteristics are preserved.
- An exception to “No demolition” is where the structure is so deteriorated as to be unsafe. Then demolition may be allowed out of safety considerations.

Standards for Altering a Contributing Building

- The Secretary of Interior's Standards (National Park Service) would apply to alteration of historic residential structures, just as they do to alteration of historic commercial buildings.
- Local standards supplement the Secretary's Standards. Different standards apply depending on the classification of the structure. Stricter standards apply to Pivotal structures than to Primary or Secondary structures.

Alterations/Additions to a Historic Residence

- In general, they are allowed to the side or rear of the structure.
- Standards for each classification specify materials, modulation, etc. Again, departures may be sought.
- Review of alterations or additions to Pivotal and Primary homes are done by the HPC (as a recommendation to DSD Director).
- Alterations or additions to Secondary homes done by staff.

