



Martha Lauer <mlauer@rhdc.org>

Recommended Revisions and Modifications to RHDC Guidelines - OCPA

Paula S. Huot <pshuot@gmail.com>

Sat, Sep 27, 2014 at 4:49 PM

To: Martha Lauer <mlauer@rhdc.org>

Cc: Mary Iverson <maiverso@cisco.com>, Tania Georgiou Tully <ttully@rhdc.org>

Dear Martha,

Attached is the position paper of Oak City Preservation Alliance. It supports all the recommended language changes submitted by the Society for the Preservation of Historic Oakwood and contains additional proposed modifications to the RHDC Guidelines.

Thank you for the leadership you provide the RHDC and for the excellent endeavor in gaining community input to the revision of the Guidelines.

If you have any questions or if the facilitator needs any clarification, please feel free to have her contact Mary Iverson or me.

Sincerely,

Mary Iverson
E. Lane St.

Paula S. Huot
E. Jones St.

On Sep 26, 2014, at 2:45 PM, Tania Georgiou Tully <ttully@rhdc.org> wrote:

> Hi Paula -

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> Please send it to Martha Lauer (copied here). She will forward it to the
> consultant and post it on the website (<http://rhdc.org/DG-2014>).

>

> Tania

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> Tania Georgiou Tully, Preservation Planner
> Raleigh Historic Development Commission
> PO Box 829 Century Station
> Raleigh NC 27602

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> Design Guidelines are online here.

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> -----Original Message-----

> From: Paula S. Huot [mailto:pshuot@gmail.com]

> Sent: Friday, September 26, 2014 12:20 PM

> To: Tania Georgiou Tully

> Cc: Mary Iverson

> Subject: Input to RHDC re Guidelines

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> Hi Tania,

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> Hope all is well with you. Thank you so much for all the effort you and
> others are putting into the Guidelines revision process. I am confident
> that this process RHDC has implemented will have a positive outcome.

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> We didn't know about the process change which offered individual and group
> input until a few days before the first session. We spoke to Andy the
> facilitator on Monday evening and he said we could have a week extension for
> submitting recommended changes to the Guidelines. Please advise to whom we
> send that input.

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> Thanks so much.

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> Paula S. Huot

> E. Jones St.

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Position of OCPA to RHDC FINAL.pdf

385K



Date: September 22, 2014
To: RHDC
From: Oak City Preservation Alliance
Subject: Proposed Changes of RHDC Guidelines

The Oak City Preservation Alliance is a group of Raleigh citizens dedicated to preserving the integrity of what makes Raleigh's historic neighborhoods some of the most sought after places to live and visit in the country.

The Oak City Preservation Alliance rolls into one organization several important roles previously not fully met in Raleigh:

- ⤴ Advocating for the preservation of historic neighborhoods and structures with an important heritage.
- ⤴ Contributing our voice to the history and philosophy of preservation efforts.
- ⤴ Serving as an ombudsman with city officials, residents, developers and others to ensure that the established rules for historic preservation are taken seriously and fairly executed.

Before we provide specific language modifications, we believe it is important to provide context. The RHDC Guidelines have served the community well for many years. There have been more than forty homes built prior to 2010 that were congruous and in harmony with the Oakwood Historic District. Additions were added that complimented their existing structures and blended well. This type of infill and additions took a marked turn the past two years in two concrete examples; an addition built onto a 1906 home on Linden and new construction on Euclid.

This surely gives us pause as to why the pendulum swung so far. Many theories have been put forth. Suffice to say, we cannot know why these projects were approved when each was pushing the very outside limits of the Guidelines. In any event, we strongly believe that the Guidelines need more specificity, greater clarity and less room for individual interpretation.

We clearly do not want these projects to set any precedent for future development and therefore, want these excluded as precedent setting.

While many organizations claim to support historic preservation, Oak City Preservation Alliance believes that the surroundings of an historic structure are just as important as the structure itself. We understand the desire for modern living and functionality but feel there is a strong need to protect the character of our historic neighborhoods. With this primary goal in mind, we respectfully submit the following modifications to the Guidelines. These proposed language changes were developed and submitted by the Society of the Preservation of Historic Oakwood. We fully support these recommended language changes. We are also proposing additional improvements and modifications to the guidelines.

Current RHDC Guidelines do not reflect key elements of state law.

Architectural Style is explicitly stated in NC statute but not evident in Guidelines. **NC Gen. Stat. 160A-400.9** states that **“architectural style shall be considered”**.

§ 160A-400.9. Certificate of appropriateness required.

(a) **From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure** (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign **shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the preservation commission.** The municipality shall require such a certificate to be issued by the commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness shall be required whether or not a building or other permit is required.

For purposes of this Part, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area. Please note that emphasis was added.

Proposed Modifications and Clarifications:

We support that the following three subsections be added to *Guidelines*.

Section 4.3 New Construction

- ⤴ .12 Design new construction so that it preserves and maintains the historic character of the district.
- ⤴ .13 Design new construction to reflect a single architectural style within the period of significance of the district.
- ⤴ .14 It is not appropriate to construct a new building that is notably or conspicuously different from nearby buildings that contribute to the special character of the historic district, in terms of architectural style, materials, form, size, massing, proportion, roof shape, or overall appearance.

One of our concerns regarding the recent newly constructed home is that discreet elements of a number of homes were used as justification but were combined into a single home. *Sanchez v. Beaufort* (NC Court of Appeals) addresses the process of comparing the proposed design to the **total built environment** as opposed to “cherry picking” elements from subsets of structures.

We support that the following subsection be added to *Guidelines*.

Section 4.2 Additions to Historic Buildings:

- ⤴ .10 It is not appropriate to construct an addition that is notably or conspicuously different from the original building in terms of architectural style, materials, form, proportion, or roof shape.

We also request that in all instances, **congruity** should replace compatibility, a term used by courts.

- ⤴ *A-S-P v. Raleigh* (NC Supreme Court) defining “incongruous – also notes the Court expressly references the importance of procedural safeguards, appeals, to offset potential problems inherent in the historic commission's discretion in making COA approvals/denials.

This language is slightly different from what was proposed by the SPHO in that it suggested wherever the word “**compatible**” appears in *Guidelines* Sections 4.2 and 4.3, it be replaced with “**compatible and consistent**.” We support this proposed change if it conveys more clarity than the word **congruity**.

New Sections or Added Language

- ⤴ Add language that all parts in Historic Oakwood are to be treated equally. In other words, whether additions or new construction, all lots are to be treated equally regardless of which street they are located in the district. RHDC staff has stated that Euclid and Linden were on the outer border of the district which was taken into account in the COA process.
- ⤴ Add special section which states that garages and accessory buildings must be detached from the home and built on the rear of the lot. The historic character of Oakwood does not include attached garages or even garages that sit to the front of the lot.

Direct Tie to Individual Character Essays

We recognize that not all historic districts are the same. Each has its unique characteristics. There are critical elements found in Historic Oakwood, for example, front porches, front doors facing street, detached outbuildings and so forth. We believe there should be a strong and essential tie between the Guidelines and the character essay which describes each district. We are not as conversant with all districts as we are with Historic Oakwood. The current character essay written for Historic Oakwood has some inaccuracies. We would like to submit a revised character essay for consideration.

Precedent Setting

Only homes built in the period of significance or those homes or additions which are clearly congruous and in harmony with the historic character of the district shall be used as precedents in future COAs.

Period of Significance

There has been a suggestion to expand the period of significance. We strongly disagree with this suggestion. The critical issue is that if the period of significance is expanded, then any changes done in the 1950s to historic houses cannot be undone. It has been the policy of the RHDC that changes made during the period of significance are historic, so houses with these changes cannot be restored to their original appearance. This would have prevented much of the important restoration work done in the last forty years.

Finally, we believe that building permits should not be issued until after the appeal period has expired. Perhaps, the appeal period needs to be shortened but in any event, the unfortunate incident of the Euclid house should be an important lesson to RHDC and the City of Raleigh. Regardless of the outcome of the recent court hearing, much ado and national press would have been avoided.

We are excited that the Guidelines are undergoing review and revision. It is long past due and we appreciate the effort required on behalf of the RHDC. We also acknowledge that there are differing opinions on how best to revise the Guidelines. We believe it is important to note that on different occasions, the Oakwood community spoke in favor of strengthening the guidelines and/or opposed infill with styles incongruous with the historic character of Oakwood.

We believe that the vote of the SPHO Board (8 in favor, 5 opposed and 2 abstentions) approving the recommended language, did not proportionally reflect the vote of community members who were present and taken at that same meeting -- 27 members voted in favor of strengthening the guidelines, 5 opposed. In other words, 84% supported the recommended language revisions. The SPHO also held a community forum in April and 80% of the neighbors supported strengthening the Guidelines and opposed infill and additions which are incongruous with the historic character of Oakwood. These results suggest more support than the recent SPHO vote indicates. We cannot truly know why the vote changed except to venture that the unfortunate spectacle created over the past months via local and national media was a contributing factor.

We all want the same thing; that is to regain the harmony and peace we shared prior to recent COA decisions. We sincerely believe that by strengthening the guidelines, providing greater transparency to the process, broadening the membership of the COA Committee to include diversity of profession, and honoring the historic character of these great districts, this will be achieved.

Respectfully Submitted,

Oak City Preservation Alliance Officers and Steering Committee

Don Becom
Terri Becom
Darcia Black
Susan Bray
Paula S. Huot
Mary Iverson
Manish Lamba
Rex Michaels
Suzy Newsom
Heather Scott
Ray Stephens