



*Town of Herndon, Virginia*

# HERITAGE PRESERVATION REVIEW BOARD REFERENCE MANUAL



*Prepared by:*

EHT ||| TRACERIES

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*Unless otherwise noted, all photos are by EHT Traceries, 2016*



*One of Herndon's oldest buildings, the Railway Depot was constructed in 1857*

*Cover Photos (clockwise from top left): Volunteer Fire Department (1930), Chamblin's Pharmacy (1910), View from the Water Tower (1924), Family Posed on Front Porch of House (1900), Station Street (1900), Grain Elevator Beside Washington and Old Dominion Railway Tracks (1900). All photos from Fairfax County Public Library.*

# Chapter 1: WHY ARE WE HERE?

## A. Introduction

Incorporated in 1879, Herndon is the home of many historic buildings and homes that give the town unique charm. Although Herndon is not as old or as large as some historic Virginia towns, it is still historically significant and has many valuable historic resources that are worthy of protection. The Herndon Historic District was established locally in 1987 and was listed on the National Register of Historic Places in 1991. It is both a commercial and residential historic district with a variety of building types. Additionally, Herndon has three other heritage preservation districts of local significance. Herndon's historic resources are important community landmarks that recall Herndon's past as a 19th century railroad depot, a Victorian weekend retreat, and an early twentieth-century town.



*The former Wilkins and Bros. Herndon Bargain Store (left), seen in 1900, today houses local institution Jimmy's Old Town Tavern (right). Historic photo from Fairfax County Public Library.*

## B. Why Do We Preserve Historic Resources?

We preserve historic resources because they represent the history of the community. Historic resources distinguish one community from the next and serve as points of reference for community identity. Additionally, historic structures have intrinsic value since they often incorporate high-quality materials, many of which are no longer available. Finally, we preserve because once a building is demolished, it is gone forever.

## C. What Does Historic Preservation Mean?

Historic Preservation refers to the effort to maintain and protect historic built resources, including structures, objects, landscapes, and other landmarks.

## D. Is There a Difference Between Heritage and Historic Preservation?

Practically, there is no difference between "heritage" and "historic" in the context of historic districts versus heritage districts. The term "heritage conservation" is often used instead of "historic preservation" in the United Kingdom and former Commonwealth countries. Some communities in the United States also choose to use the term "heritage" instead of "historic" to describe their historic districts, but these terms mean essentially the same thing.

### **E. What Are the Goals of Preservation?**

Historic preservation seeks to establish guidelines and best practices for communities and property owners to act as stewards of historic resources. These guidelines and best practices assist them to effectively face changing trends and technologies in building design and construction. The aims of the guidelines and best practices are to retain historic structures that are significant for their architecture and/or their ties to community history and to maintain these structures and their historic features in good condition over time. Preservation also seeks to prevent demolition of historic structures and instead find ways to adapt and reuse them while keeping the features that make them historic and unique.

### **F. Role of the Heritage Preservation Review Board**

The role of the Heritage Preservation Review Board is to guide the community and building owners within the preservation district in making appropriate decisions for historic properties and buildings. It is also to educate the community about the importance of historic preservation and to help the community understand why certain guidelines and rules are in place and serve to benefit the community.

### **G. Preservation Incentives and Benefits**

Preservation has many benefits in addition to protecting a community's unique history. Studies indicate that people are drawn to historic neighborhoods and that such neighborhoods can impart a sense of contentment and well-being. Preservation is also a smart choice for environmental sustainability, since reusing buildings uses less energy than demolition and new construction. Finally, preservation has a number of documented economic benefits. Studies have shown that the existence of historic districts positively impact property values. Small businesses are also drawn to historic buildings, which can boost the local economy and create jobs.

Moreover, properties that are designated historic at the national or state level are often eligible for historic preservation tax credits and grants. These programs are explored further in section 2-C.

## Chapter 2: LEGAL FOUNDATIONS

### A. How Do We Decide What is Historically Significant?

We decide what is historically significant based on certain criteria that may vary slightly depending on what level of recognition is involved, whether local, state, or federal. In general, though, properties are labelled historic for one of four reasons laid out in the criteria for the National Register of Historic Places. These are:

- A) Sites that are associated with significant events or broad patterns of history.
- B) Sites that are associated with significant persons.
- C) Sites that are architecturally significant: embodying the characteristics of a particular style, period, or method of construction; or being an unusual or unique in design, or having a noteworthy designer.
- D) Sites that have yielded or are likely to yield important information on history or prehistory.

Criterion D is most often associated with sites that are historic for archeological reasons, but Criteria A, B, and C are commonly applied to buildings—from a single family home to an entire historic district. Because it normally takes time for the historical significance of a property under these criteria to become apparent and documented within an historic context, the usual rule of thumb is that a building must be at least fifty years old to be considered historically significant.

Buildings may also be deemed historically significant for their contribution to a historic district that is organized around one of these criteria. A historic or heritage district is a collection of historic buildings that are related to each other geographically, temporally, or thematically. Although they may not have outstanding individual histories or architectural features, buildings that belong to a historic district are historically and/or architecturally significant when considered as part of a group with other buildings in the district. It is their collective impact that makes these buildings worthy of recognition and protection (see section B for more information).

Herndon's Downtown Historic District is significant under criterion A for Herndon's association with local railroad history, and criterion C for its architectural assets.



**Contributing vs. Noncontributing:** The former Herndon Town Hall (1931), left, is a historic building and contributing structure to the Herndon downtown Heritage District. The new fire station, right, is a noncontributing building, but is still subject to some restrictions since it is within the Heritage District.

## **B. How Are Properties Officially Recognized as Properties of Historic Significance?**

Properties are officially recognized as being of historic significance when they are added to a local, state, or national register of historic places. These registers are essentially lists of buildings that are deemed historic. Buildings can be nominated for inclusion in a register because of their architectural significance or because they are associated with a famous person or event. An individual building may be listed on multiple registers at the local, state, and national levels.

Properties may also be officially recognized as having historic significance by being classified as a contributing structure to a historic district that is listed at the local, state, or national level. The label “contributing” indicates that the building is one of several that defines the historic character of the district. Contributing structures may or may not be individually listed on the register, but they are significant when considered in conjunction with other historic buildings. They are distinct from “noncontributing” buildings, which may be located within a historic district (and subject to certain restrictions as a result) but are not character-defining because of their age or lack of integrity.

## **C. What Is the Difference Between Federal, State, and Local Designation?**

Federal, state, and local designations come with different benefits and restrictions. At the national level, properties listed on the National Register of Historic Places are not protected via listing from demolition or alterations. They are eligible for the federal and state Historic Preservation Tax Credits and owners may apply for federal preservation grant money if their projects meet certain requirements. Listing as a contributing structure to a National Register historic district confers the same benefits as individual listing. Herndon’s Downtown Historic District is listed at this level.

The outcomes of listing in a state register vary by state. In Virginia, listing in the Virginia Landmarks Register does not protect properties from demolition or alteration. Owners of state-registered properties in Virginia may donate preservation easements<sup>1</sup>, qualify for state tax credits, receive technical assistance from department staff for maintenance and rehabilitation projects, and purchase plaques that mark the property’s significance. Listing as a contributing structure to a state historic district confers the same benefits as individual listing.

Listing at the local level is usually where restrictions come into play, through the building permit or zoning process. Herndon has a local designation; like in many other places with local designations, property owners in the Herndon Downtown Historic District must apply for approval before they can alter or demolish a structure. Local historic designation may also require that property owners follow design guidelines that determine what changes they are allowed to make to their structure. These restrictions are enforceable whether the property is contributing or noncontributing, although requirements are generally stricter for contributing buildings.

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1. A preservation easement is a voluntary legal agreement that protects a historic property from demolition or significant alteration in perpetuity. It allows a property owner to ensure that the property is protected even after it passes out of their hands.

## Chapter 3: DESIGNATING PROPERTIES

### A. Designating Historic Properties

Properties are designated historic through nomination to the appropriate regulatory body, which will decide whether or not the property is eligible for designation. At the state and national level, nominations are reviewed by the State Historic Preservation Office (SHPO). In Virginia, this body is known as the Virginia Department of Historic Resources (VDHR). At the local level, listings are determined by local bodies. In Herndon, landmarks or preservation districts are designated by the Town Council upon the recommendation of the Planning Commission.

### B. Period of Significance

Period of significance refers to the date or range of dates that are most significant in the history of a building. In most cases, the period of significance will be the years that the building was originally constructed and occupied. However, in some cases, the period of significance can span a longer period of time. This is true if the building was associated with later events that are historically notable. It can also be true if changes or additions were made to the building after construction that are now old enough to be considered historic in their own right. In general, changes must be at least fifty years old to be considered historic, regardless of the age of the original building. Periods of significance are also applicable to historic districts as a whole and will usually span a range of dates that encompasses the individual periods of significance for the contributing structures.

The period of significance for the Herndon downtown Heritage District is 1855-1940. This period covers the build dates for all of the contributing structures for the district, even though the majority of contributing structures were built between 1890 and 1920. The beginning of the period of significance is marked by the construction of the Herndon Depot in 1855. The end of the period of significance, 1940, was chosen because it was fifty years before the Herndon Historic District was listed in the National Register of Historic Places in 1990.

### C. Inventories

An inventory (sometimes called a survey or historic resources survey) of historic resources is a documentation tool that records information about a group of structures. Inventories may record information such as dates of construction, materials, local significance, building type, or other data. The purpose of assembling an inventory is to gain an understanding of the historic structures located within a particular geographic area. Inventories can be used to establish design guidelines, to create historic districts, or simply for study. It is advisable to periodically update inventories as building conditions and appearances may change over time and some buildings may even be demolished. An accurate and up-to-date inventory enables informed decision-making in the face of new trends in development and construction.

An inventory of historic properties in Herndon was conducted in 1987. Of the 245 properties surveyed, 83% were determined to contribute to the historic character of the community. This inventory became the basis for the four local Heritage Preservation Districts, established in 1989.



#### D. Types of Historic Properties

Constructions and locations eligible for listing in a register of historic places are referred to broadly as historic properties. The National Register of Historic Places divides historic properties into five categories:

**1) Building** – A construction created to shelter any form of human activity. Includes houses, barns, churches, hotels, or stores.

**2) Structure** – A construction created for purposes other than sheltering human activity. Includes silos, bridges, dams, railroad grades, and even vehicles.

**3) Object** – A construction created for purposes that are primarily nonfunctional or artistic, including fountains, statues, monuments, and boundary markers.

**4) Site** – A location that is historically significant independent of any buildings, structures, or objects that may stand upon it. Examples include battlefields or parks.

**5) District** – A concentration of sites, buildings, structures, or objects that are linked historically or aesthetically by plan or physical development.

In practice, the words property, building, and structure are often used interchangeably, but it is important to remember that they have specific technical definitions in some contexts. Other categories are sometimes employed for unique resources, including cultural landscape, archeological site, or maritime site.



*Photos (clockwise from top left): Building -Herndon Masonic Lodge, 1881; Structure - Herndon Acetylene Gas Generating Station, 1900; Object - Washington Monument ([www.nps.gov](http://www.nps.gov)); Site - Manassas National Battlefield Park ([www.nationalparks.org](http://www.nationalparks.org)), District - Herndon Downtown Heritage District.*

## E. Significance of Integrity

When we say a building has “integrity,” what we mean is that it has retained the features that identify it as a historic property. In order to have integrity, a building must be recognizably historic. If a building is no longer recognizable as historic, we say that its integrity has been compromised or lost. A building that has lost its integrity will no longer contribute to the historic district and will degrade the district’s overall quality. For example, a building where historic materials have been replaced with inappropriate modern materials has lost part of its integrity, since these materials were an important part of what marked the building as historic.

The National Park Service provides seven aspects to consider when evaluating integrity. They are:

**1) Location** – The current location is the original location of the structure, or is the location where the structure stood when historic events occurred.

**2) Design** – Key elements remain in place, such as organization of space, proportion, scale, technology, ornamentation, and materials.

**3) Setting** – The character of the surrounding area remains the same or has changed minimally. Elements to consider include topographic features, vegetation, simple manmade features such as paths or fences, and relationship to other nearby buildings.

**4) Materials** – Key exterior elements remain physically intact. Reconstructions of lost materials do not constitute material integrity. The introduction of inappropriate modern materials has serious negative impact.

**5) Workmanship** – Physical evidence of the crafting of the building is evident, including construction methods, finishes, and detailing.



### Assessing Integrity

This Herndon Home at 642 Madison Street demonstrates a high level of integrity in the following ways:

- *Location* - the building stands in its original location.
- *Design* - The overall form of the building has not been changed through additions.
- *Setting* - the surrounding area is still low-density residential.
- *Materials* - Key materials like wood siding and the metal shingle roof remain in place.
- *Workmanship* - Door and window surrounds demonstrate woodworking skill.
- *Feeling* - The house is evidently of the Victorian period.
- *Association* - Not relevant in this case since no key historical events are known to have taken place here.

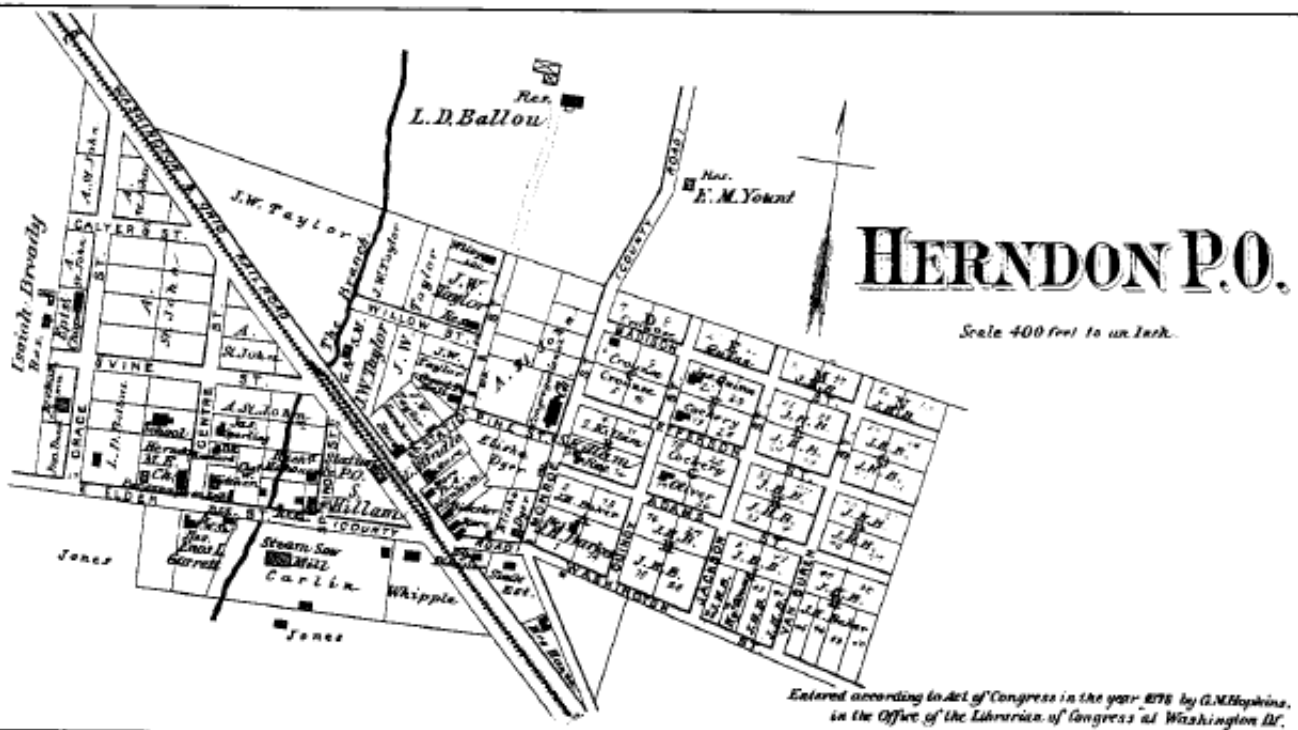
6) **Feeling** – The property retains its ability to impart a sense of a particular time period.

7) **Association** – The property retains association with key historical events that took place there through intactness of features that existed at the time of the event(s).

Depending on the particular property in question, some of these aspects of integrity may be more essential than others. However, to retain integrity, a property will always display several of these aspects and will normally require most or even all of them.

#### F. Defining Historic Districts and Using Boundaries

Historic Districts are defined by their boundaries, the cutoff lines between a historic district and the surrounding area. The regulations and design guidelines of the historic district apply everywhere within the historic district boundaries. In general, historic district boundaries are drawn where an area of historic buildings transitions into an area of newer buildings, or those that reflect a unique historic context. Where documentation exists, historic district boundaries may also be based on historic town limits or historic boundaries between towns or neighborhoods. Herndon's historic districts are based on an 1878 real estate atlas of Herndon, which delineates the town's historic boundaries and shows where historic buildings were located.



This 1878 real estate atlas shows Herndon's historic boundaries, which now serve as the boundaries for the downtown Heritage District.

## Chapter 4: TREATMENT OF HISTORIC PROPERTIES

### A. Determining What is Important to Preserve

Once a building has been recognized as historically significant, the question becomes what features are important to retain to protect the building's historic character. These features are referred to as the building's "character-defining features": the elements that identify the building as belonging to a particular time period, style, or location. Exterior character-defining features often include windows, doors, trim, exterior cladding material, and other decorative elements. They also include the building's overall form. A building that does not retain its character defining features loses its integrity in the category of design (see chapter three, section E).

Generally, it is most important to preserve the historic appearance of a building on its primary elevation—the front façade—and where it is visible to the public. It is standard practice among review boards to allow more leeway for review of rear elevations or parts of the building that are not visible from the public right-of-way, such as enclosing a rear porch.



*This home at 651 Spring Street (left) retains character-defining features like the decorative porch brackets and wood railing, seamed metal roof, two-story projecting bay, and overall form when seen from the front. The rear addition (right) is compatible because it is not visible from the front of the house.*

### B. Basic Preservation Principles

Although different localities and organizations have their own wordings for what constitutes the basic principles of preservation, in general they boil down to the following points:

- Historic preservation is based on respect for the historic character of a structure and its status as a representative of an earlier period in time.
- Preservation seeks uses for a building that are compatible with its original use or that do not require significant changes, adapting buildings to new uses rather than replacing them.
- It rehabilitates and restores neglected structures to preserve them for future users.
- It seeks to protect and preserve key design elements through proper maintenance.
- It does not introduce false historicism by adding features from different periods or by trying to make the structure look older than it really is.
- It seeks to repair rather than replace historic materials wherever possible.
- When it is not possible to repair, materials should be replaced in kind and modern building materials should not be substituted.

### C. Alternative Treatments for a Historic Property

There are several approaches to treating historic buildings that are based on the basic principles outlined in section 4-B. They are broadly divided into four categories as defined by the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, which are provided by the National Park Service. These options are preservation, rehabilitation, restoration, and reconstruction.

- 1) **Preservation** focuses on the repair of historic materials and on retaining a structure's historic form over time.
- 2) **Rehabilitation** prepares a historic property for new uses, balancing the need for change with respect for historic materials.
- 3) **Restoration** refers to bringing a property's appearance back to a particular moment in its history.
- 4) **Reconstruction** recreates a property that no longer exists for purposes of interpretation.

Although only one treatment option contains the term "preservation," all four fall under the umbrella of historic preservation. The appropriate choice for a particular property depends on a variety of factors, including the property's age, intended use, and historical significance.

In practice, these terms are sometimes used generally or interchangeably. However, it is important to remember that they have specific technical meanings and associated best practices. They are also distinct from more general terms such as "renovate" or "repair" that do not have specific technical meaning.



*Above left: Preservation is an appropriate approach for most houses in Herndon like 825 Elden St., which are already set up for residential use. Above right: Rehabilitation is often necessary for commercial buildings like 775 Station St., which can change uses often. Center: Herndon's Depot was restored in 1970-1974 and retains many original interior and exterior features. Below: The Governor's Palace in Colonial Williamsburg, Virginia, is a reconstruction for interpretive purposes (History.org).*

## Chapter 5: NUTS AND BOLTS FOR BOARD MEMBERS

### A. Basic Legal Tools

The legal basis of local historic preservation laws in the United States lies with the concept of police power. In a nutshell, police power gives the states the right to regulate matters of public well-being. States may then allow local governments to participate in this regulation to the extent defined by the state legislature. Historic preservation was recognized as a legitimate use of police power in the 1978 Supreme Court ruling *Penn Central Transportation Company v. City of New York*, 438 U.S. 104. In that landmark case, the Supreme Court ruled that land-use restrictions to preserve the character and aesthetic values of a city were within the power of state and local governments. The basis for the decision was the conviction that the benefit the public derives from experiencing historic buildings and landscapes is significant enough that it outweighs the right of owners to have absolute control over their properties.

The primary legislation that governs U.S. historic preservation today is the National Historic Preservation Act of 1966 (NHPA). NHPA authorized the Secretary of the Interior to establish and maintain the National Register of Historic Places. It also encourages state and local governments to create preservation programs, including establishing a State Historic Preservation Office (SHPO). NHPA also authorizes a grant program that provides funds for certain projects at the state level and for the preservation of National Register properties. Finally, NHPA established the Advisory Council on Historic Preservation, the federal agency that advises the executive and legislative branches on historic preservation issues.

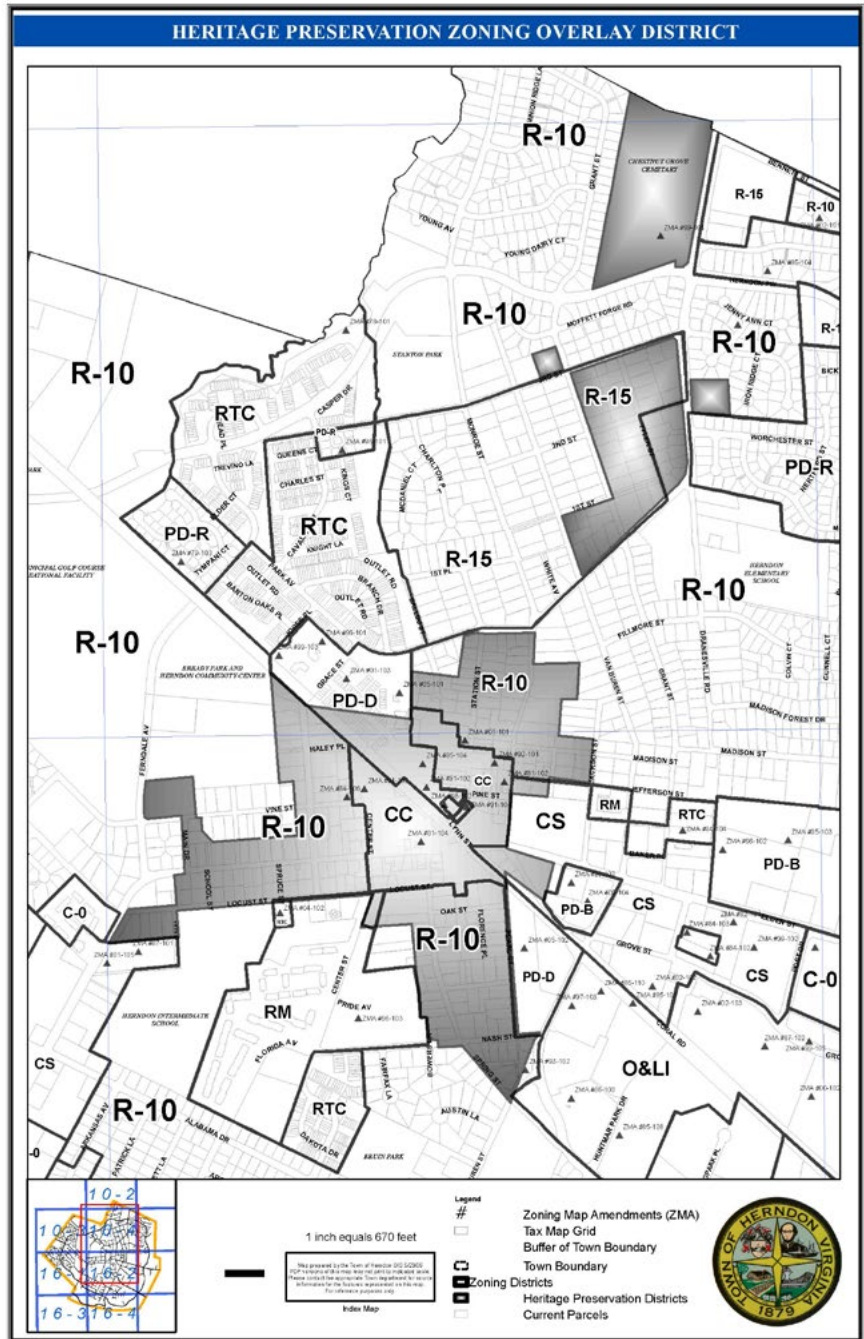


*New York's Grand Central Terminal, seen here circa 1913, was saved by Penn Central v. City of New York (shorpy.com)*

## B. Zoning Ordinance

State legislation allows local governments to divide the land within their jurisdictions into zones, each of which may be governed by a different set of regulations for use, density, and development. The first zoning ordinances in the United States were developed in the 1910s and were widely adopted by U.S. cities by the 1920s. Historic district design review may be established through a zoning ordinance in the form of base zoning or overlay zoning. A base zone establishes the minimum regulations over an area, while an overlay district implements additional restrictions. An overlay district may share the same boundaries as a base zone, may apply to only part of a base zone, and/or may cut across multiple base zones.

In Herndon, the Heritage Preservation Overlay District section of the Zoning Ordinance, Article 78-304.3 of the Town Code, states that historic districts are designated overlay zoning, which means that the regulations regarding the historic character of the area apply on top of the provisions of the base zones. The types of base zones affected by the Herndon historic district overlay include CC (central commercial district), CS (commercial services district) R-10 (residential single-family district), R-15 (residential single-family district) and PD-D (planned development downtown district). Further information about the base restrictions in these zones can be found in Chapter 78 of the Herndon Town Code.



This zoning map of Herndon shows the Heritage Preservation Overlay District in gray, while base zones are outlined in black but have no fill (<http://herndon-va.gov/home/showdocument?id=1689>)

### C. Design Guidelines

Design guidelines are the basis for decisions by the Historic Preservation Commission. Unlike the Historic Preservation Ordinance, they are not strict requirements but are intended to provide direction to property owners and to Board members. Design guidelines may be listed as part of a preservation ordinance, or they may be a separate document. Design guidelines are often based on the Secretary of the Interior's Standards for the Treatment of Historic Properties, as is the case in Herndon. Although produced by a federal office, these guidelines are appropriate for use at all levels, including by local preservation review boards. They are not limited to large or prominent projects and should be observed even when working on smaller commercial and residential buildings of any historical period.

Detailed guidelines covering both new construction and historic properties are found in the Herndon Heritage Preservation Handbook.

### D. Comprehensive Plan

Under Virginia law, local planning commissions are required to produce a general comprehensive plan to serve as a guide for the physical development of their jurisdictions. These plans should include goals and plans for historic areas.

In response to this requirement, Herndon has produced a comprehensive plan titled the Herndon 2030 Comprehensive Plan, which was adopted in 2008 and last amended in 2015. In addition to providing an overview of the town's history and heritage preservation structure, the section on heritage preservation (Section V) adopts three main goals:

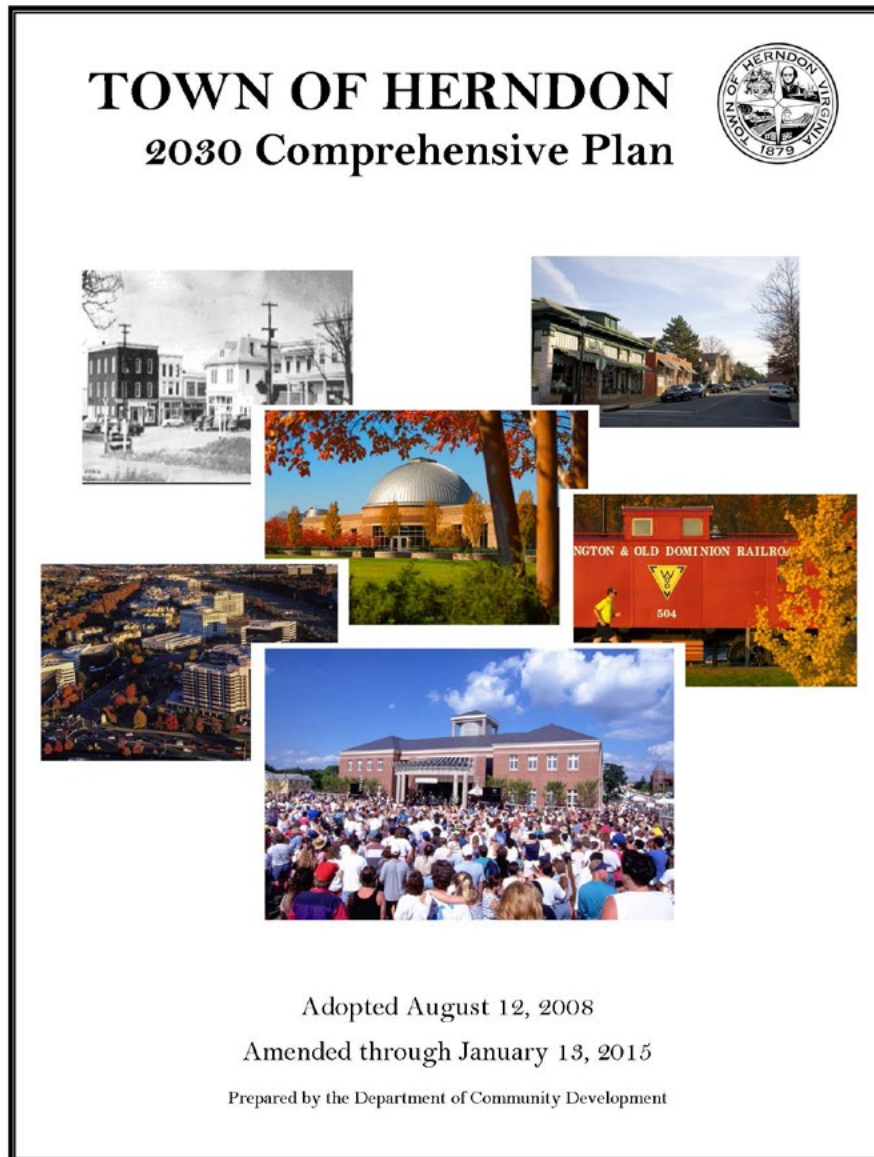
- 1)** Preserve and enhance heritage features, structures, areas, and other elements deemed worthy representations of the town's heritage.
- 2)** Strengthen the positive image that is projected through Herndon's heritage districts and that distinguish the town from its surroundings.
- 3)** Support the preservation and enhancement of historic districts through public efforts related to streets, sidewalks, trails, open space, public parks, linkages, signs, edges, and policies that help shape the built environment.

Sub-goals can be found in the Herndon 2030 Comprehensive Plan document, available through the town's website at <http://www.herndon-va.gov/departments/community-development/planning-policy/comprehensive-plan>, on pages V-5 through V-7.



### E. Defensible Decision Making

Defensible decisions rely on the criteria laid out in the historic preservation ordinance and the design guidelines. They take into consideration past and future cases and treat similar projects in a similar fashion, or give reasons for differences in treatment. They rely on the board members' knowledge of enabling legislation and regulations, and depend on board members abiding by those restraints. Although the aims of the board may change over time, applicants to the review board should be able to understand the rationale behind changes in approach.



*A copy of the Herndon Comprehensive Plan is available through the Town website at <http://www.herndon-va.gov/departments/community-development/planning-policy/comprehensive-plan>. The plan is periodically amended, and was last amended in 2015.*

## Chapter 6: APPLICATION REVIEW

### A. What is the Board's Authority?

The Heritage Preservation Review Board has the authority to review at a public hearing any work within a heritage preservation district which requires a Certificate of Appropriateness (COA) or a sign permit (for more information on Certificates of Appropriateness, see section 6B). The Board may require an applicant to submit with his or her application architectural drawings, site plans, landscaping plans, and/or written statements concerning construction methods to be employed, proposed signs with appropriate details, proposed exterior lighting arrangements, elevations of portions of all structures and their relationships to public view, design of doors and windows, colors to be utilized and their relations to adjacent structures, or any other exhibits deemed necessary by the Board for full review of the application. The Board has the authority to grant or deny a COA, and may impose conditions or restrictions on an approved COA where it deems them necessary.

The Board also has the authority to recommend the establishment, expansion, reduction, or elimination of heritage preservation overlay districts.

The Board does **not** have the final authority to grant or deny a COA application. Applicants or owners of properties in the vicinity of the property in question have the right to appeal the decisions of the Board to the Town Council, which may affirm, reverse, or modify the Board's ruling. If the appellant is unsatisfied with the ruling of the Town Council, they may then appeal to the Circuit Court of Fairfax County.



*A Heritage Preservation Review Board Meeting in Session on August 15, 2016 (herndon-va.gov)*

## **B. When is a Certificate of Appropriateness (COA) Required?**

A Certificate of Appropriateness (COA) is required for any alteration, restoration, or reconstruction of an existing structure within a preservation district, regardless of whether the building is considered historic (contributing) or is more recent construction (noncontributing). Adding new signage falls into this category. It is also required for moving or relocating a structure within the preservation district. Finally, it is required for any proposed new construction.

Some work requires a COA but may be approved administratively by staff and does not need to be presented at a Board meeting under normal circumstances. This category includes paint colors and fence styles. Staff are able to approve these COAs without Board input because the Board has pre-approved a paint palette and selection of fence styles for use within the Herndon downtown heritage district.

However, certain types of minor work do not require a COA. These changes are allowed without a COA because they are not considered to have permanent effect on the character of the preservation district. Per Article 49 of the town code, they include:

- 1)** Addition or removal of storm doors, storm windows, window boxes, “similar appurtenances,” or portable air conditioners.
- 2)** In locations not visible from a public street, the addition or deletion of television or radio antennas, sky lights, or a solar collector.
- 3)** Landscaping, grading, walks, retaining walls less than twelve inches in height, and temporary fencing, “when such will not significantly affect the character of the historic landmark and its surroundings.”
- 4)** In cemeteries, memorialization on community and private mausoleums, columbaria, family estates, individual and family sites, and memorialization such as headstones and monuments, cremation benches, crypts, vase units, vesper lights, trees, shrubs, flowers, borders (including brick or ornamental fences) and the like, and the words, figures, and graphics on existing or future buildings or structures. Creation of new buildings or structures (not described in the previous sentence), new community burial units, new cenotaphs, new ossuaries, and similar development are not exempt.
- 5)** Minor additions or deletions to an existing building which are not subject to public view and which will not significantly alter the character of the building.
- 6)** Alterations that do not affect the exterior appearance of a structure.

These are the only situations in which a COA is not required. However, even if the property owner believes a COA is not required under one of these exemptions, they must notify the Zoning Administrator of any work to be done. The Zoning Administrator may order work to be stopped and may require the property owner to apply for a COA.

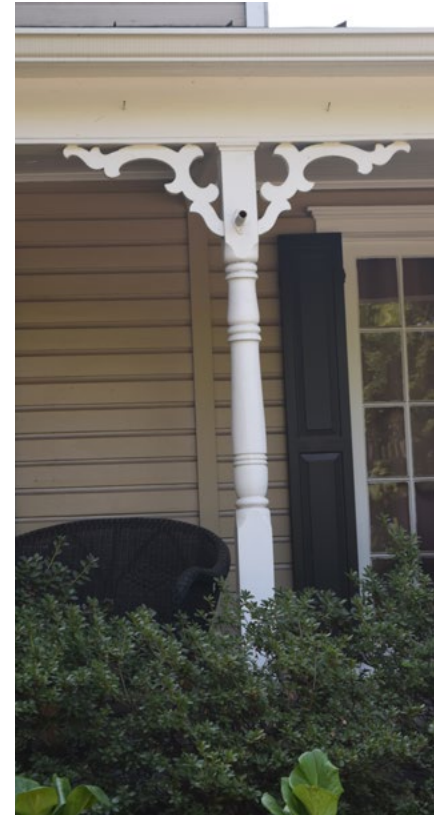
### C. What are the Standards for Review?

Town Code Section 78-514 lays out some general standards for reviewing a case for alteration, restoration, or reconstruction of an existing building. The overall aim of these standards is to respect the historic properties of Herndon while still allowing for some changes based on the needs and desires of the property owner. They are:

- A) Reasonable effort shall be made to alter the site, building and/or structure, and its environment to the most minimal extent practicable;
- B) Alteration of the original distinguishing qualities or character of a site, building, or structure and its environment and the removal or alteration of any historic material or distinctive architectural features shall be avoided to the greatest extent practicable;
- C) All sites, buildings, and structures shall be recognized as products of their own time. Alterations and reconstruction to existing buildings and structures shall be consistent with the original style of same;
- D) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building or structure or site shall be retained and restored to the greatest extent practicable;
- E) Deteriorated architectural features shall be repaired rather than replaced, wherever reasonably possible. If replacement is necessary, new materials shall match the material being replaced in composition, design, color, texture, and other visual qualities to the greatest extent practicable. Repair or replacement of missing architectural features shall, to the greatest extent possible, be based on accurate duplications of the original features. Substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- F) The surface cleaning of buildings and structures constituting historic landmarks shall be undertaken with the gentlest means practicable. Sandblasting and other cleaning methods that may damage the existing building materials shall not be undertaken;
- G) Partial demolition of buildings or structures within preservation districts may be approved when one or more of the existing facade(s) are retained for the purpose of integrating new construction into existing historic buildings or structures when such is appropriate and in accordance with the Intent of this Article. The town does not advocate this procedure as it goes against the Secretary of the Interior's guidelines for rehabilitation and credits would not be allowed in such projects.
- H) To the greatest extent practicable, every effort shall be made to protect and preserve archaeological resources within or adjacent to a Preservation District;
- I) Contemporary design for alterations and additions to existing buildings and structures shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the building and structures within Preservation District; and

J) Wherever possible, new additions or alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired

Additional guidelines are available in Chapter 78-514 of the Town Code concerning the relocation or demolition of a historic building or the construction of a new building.



*Turned porch posts with decorative brackets are a common feature of Herndon buildings that are both distinctive stylistic features and examples of skilled craftsmanship under Standard D of the Town Code. Clockwise from top left: 655 Nash Street, 911 Elden Street, 718 Lynn Street.*

#### **D. Citing design guidelines**

The Board should make every effort to rely on the design guidelines and to make decisions based on their contents. Whenever possible, the Board should refer to specific places in the guidelines to affirm their decisions. This will help the Board dispense rulings that are consistent and supportable.

## Chapter 7: SPECIAL LEGAL ISSUES

### A. Economic Hardship

An economic hardship clause introduces a process to relieve restrictions on a historic property owner in the case of economic hardship. An economic hardship claim is typically brought as an appeal following the denial of a COA. What constitutes economic hardship varies by jurisdiction. It is up to the applicant to prove economic hardship based on local requirements.

At present, Herndon's Heritage Preservation Review Board considers economic hardship as a factor only in roof replacement cases.



*A common character-defining feature of Herndon homes is a stamped shingle roof, as seen on these local houses. Although this type of roof can sometimes be costly to replace in kind, replacement with substitute modern materials should only be considered in cases of economic hardship.*

## B. Demolition by Neglect

Demolition by neglect describes a situation where a property owner deliberately allows a building to deteriorate to the point where it must be condemned for safety reasons. It is sometimes the result of deferring maintenance too long, but it is also often undertaken actively as a strategy to redevelop the property in spite of historic preservation ordinances.

Demolition by neglect can be addressed through the addition of an ordinance prohibiting the practice. At this time Herndon's Town Code does not include a provision for demolition by neglect. Herndon's Town Council recently considered adopting an ordinance to prevent demolition by neglect, but decided not to go forward.



*These historic buildings at 1909-1913 Martin Luther King Jr. Avenue in Washington, D.C., collapsed due to neglect in 2015 (bizjournals.com).*

## C. Enforcement

When a property owner commences construction activity on their property without seeking a COA, or commences work after being rejected for a COA, he or she is in violation of Town Code. When this happens, the Commission may seek a stop work order. If the stop work order is violated, the Commission may have no choice but to bring the property owner to court.

Section 78-202.8 of the Town Code also states that a property owner may proceed with alteration, demolition, or relocation without receiving a COA from the Heritage Preservation Review Board provided that the owner has applied to the Town Council and has made a bona fide offer to sell the property to any party willing to preserve and restore it. The time frame allowed for such an offer to be made depends on the offering price of the property and ranges from three to twelve months. If no acceptable offer is made within the time frame permitted, the property owner may appeal to the Town Council for permission to proceed with the desired work.

## Chapter 8: SPECIAL DESIGN ISSUES

### A. Use of Substitute Modern Materials

Replacing historic materials with substitute and modern materials should be undertaken very carefully. It is always preferable that historic materials are repaired rather than replaced or to replace them in kind to maintain the integrity and appearance of the historic structure. Moreover, new materials are often much shorter-lived than historic materials and may need to be replaced again in a relatively short amount of time. Conversely, it is often possible to repair historic materials many times before they must be replaced. Some historic materials, like millwork, are easily replicated and should always be replaced in kind.

However, it is not always possible to repair or replace historic materials in kind. Substitute materials may be necessary when the original material is no longer available, when knowledgeable craftsmen are not available, when the original materials cannot be repaired due to inherent flaws, and when new codes require replacement. One example of a material that may be difficult to match is stone, since many historic quarries have long since ceased operations. In the event that use of a substitute material is necessary, the new material should match the historic material as closely as possible in appearance and form, including color, texture, finish, and profile. In the stone example above, a visual match could be obtained by utilizing cast stone, a cement product that closely resembles sandstone. Before adopting a substitute material, every effort should be made to understand how it will react with the remaining historic materials to avoid causing damage to the building. For example, impermeable caulks and epoxies should not be used with natural stone or brick, as they can cause these materials to retain water that will cause spalling and/or erosion over time.



*Wood clapboard or weatherboard siding, seen here at 805 Monroe Street (above) and 765 Monroe Street (below), is easily replicated and should be replaced in kind.*





## B. Sustainability and “Green” Issues

A common argument for replacing historic buildings or materials is that new materials are more “sustainable,” or have greater energy savings. However, it is often the case that preserving existing materials is the more sustainable option. Since they were built before the advent of forced air and environmental sealing, historic buildings were designed with local environments in mind, and use architectural features to maximize cooling in the summer and heat-retention in the winter. For example, metal roofs reflect sunlight away from the house; similarly, porches and awnings provide shade. Both features reduce heat gain and promote passive cooling.

Another factor to consider is that creating and transporting new building materials uses up a lot of energy, particularly if those materials are plastics. Furthermore, unlike historic materials, shorter-lived modern materials are not designed to be repaired and may quickly end up in a landfill. Substantial energy is also expended by demolition and construction: the energy costs of replacing an older building with a new one are estimated to be between fifteen and thirty times the normal annual energy use of a building.<sup>1</sup> On the other hand, existing buildings have what is called “embodied energy”—substantial energy that has already gone into their materials and construction. By preserving buildings instead of replacing them, we harness this embodied energy.

However, there are some sustainable additions that can be compatible with historic buildings. Adding attic and basement insulation, storm doors and windows, and weather-stripping can improve energy retention. Solar panels can be mounted on roof areas that are not visible from the public right-of-way. Historic wooden windows can be retrofitted to make them more energy efficient. Geothermal heating can also be sensitively installed. Adding these sustainable components to historic buildings can enhance energy savings and environmental friendliness, but their incorporation should always defer to the existing fabric and appearance of the building.

1. Donovan Rypkema, “Sustainability, Smart Growth, and Historic Preservation,” Presentation, Historic Districts Council Annual Conference, March 10, 2007, online at <http://www.preservation.org/rypkema.htm>.



*Solar panels added to historic buildings should not be placed on the main elevation or be visible from the public right-of-way. One solution is to place solar panels on a rear porch roof, as seen here (nps.gov)*

## Chapter 9: DEVELOPING A NEW PRESERVATION HANDBOOK

### A. Building Consensus to Develop New/Updated Guidelines Within a Historic Preservation Context

Herndon's preservation plan has not been recently updated and would benefit from revision. Updating the guidelines will make it easier for the Board to address current issues and concerns and to provide well-reasoned decisions based on today's challenges. Consensus among town residents and councilmembers for adopting new and updated guidelines is best achieved by spreading awareness of both the benefits and responsibilities of having a heritage preservation district. As briefly outlined in chapter one, preservation has many advantages: it is sustainable, economically smart, and serves as a locus of community identity. But these advantages are easily lost if historic buildings are not thoughtfully cared for. Consensus is also built through defensible decision making as outlined in section 5-E. Understanding the reasoning behind the decisions of the Board will help the community understand that reviewing changes to buildings within the heritage preservation districts is not caprice, but is a process with clear and definable goals.



*Downtown Station Street in 1910 (above) and today (below). Historic photo from Fairfax County Public Library.*

## Chapter 10: GLOSSARY

**Note:** Each glossary entry is followed by a reference that indicates where further information can be found in the manual in the format (Chapter-Section).

**Boundaries** – The cutoff between a heritage preservation or historic district and the surrounding area. Usually drawn where an area of historic buildings transitions into an area of new buildings (3-F).

**Certificate of Appropriateness (COA)** – An approval issued by the Heritage Preservation Review Board for a property owner within a heritage preservation district to make changes to the exterior of their building (6-B).

**Character-Defining Features** – The features that distinguish a building as the product of a particular style, time, or place (4-A).

**Commercial Building** – A building whose primary use is business related. In a historic downtown, these are often defined by a first-floor storefront (3-D).

**Contributing Structure** – A building within a historic district that contributes to the historic character of the district. A contributing structure may or may not be individually listed on a register of historic places, but it is significant when considered as part of the group of buildings within the historic district (2-B).

**Demolition by Neglect** – The process by which a building becomes unsalvageable through consistent neglect over time. Though it sometimes arises from passive neglect, it is often a deliberate strategy to have an unwanted historic building condemned when demolition has been denied (7-B).

**Designation** – Official recognition of a property as historic through inclusion in a register of historic places. Designation can occur at the local, state, or national level. Buildings can be designated individually or as part of a heritage preservation district/historic district (2-B).

**Design Guidelines** – Nonbinding recommendations for treatment of historic properties within a particular heritage preservation district. They are intended to provide guidance for property members and Board members in the treatment of historic properties (5-C).

**Economic Hardship** – In some jurisdictions, property owners can plead economic hardship to be allowed to alter or demolish a property even though a COA has been denied (7-A).

**Heritage Preservation District (a.k.a. Historic District)** – A group of buildings and properties that has been designated historically significant when taken together (2-B).

**Heritage Preservation Review Board** – The body responsible for reviewing applications for COAs and either granting or denying them to ensure that appropriate decisions are made within the heritage preservation district (1-F).

**Integrity** – The quality of a building or site that has retained the features that mark it as historic (3-E).

**Inventory** – A documentation tool that records information about a group of historic structures within a particular geographic area (3-C).

**National Historic Preservation Act (NHPA)** – The 1966 legislation that established the current structure of preservation governance in the United States (5-A).

**National Register of Historic Places** – The list of buildings, sites, and districts throughout the United States that are recognized as historic by the federal government. Listing on the National Register does not provide any protections against demolition, but it does make the property eligible for certain economic benefits (2-C).

**Non-contributing Structure** – A building within a historic district that does not contribute to the character of the district because of its age or lack of integrity. Nevertheless, it may be subject to certain restrictions because it is within historic district boundaries (2-B).

**Overlay Zone (a.k.a. Overlay District)** – A section of land where additional zoning restrictions apply on top of the base restrictions for that area. Historic districts are often classified as overlay zones (5-B).

**Period of Significance** – The date or range of dates that is most significant in the history of the building. For most buildings, this is the year of construction (3-B).

**Police Power** – The right of state and local governments to regulate matters of public well-being. Police power is the concept that enables historic preservation ordinances (5-A).

**Residential Building** – A building whose primary function is as a living space. Residential buildings include single-family homes, townhouses, and apartment buildings (3-D).

**Secretary of the Interior's Standards** – Guidelines for the treatment of historic properties provided by the U.S. Secretary of the Interior. These standards are often used as the basis for local guidelines and are appropriate for use at all levels of significance, including federal, state, and local (5-C).

**State Historic Preservation Office (SHPO)** – Each state has its own office of historic preservation that reviews nominations to the National Register of Historic Places and to statewide registers, as well as carrying out other preservation activities dependent on the state. In Virginia, this office is called the Virginia Department of Historic Resources (VDHR) (3-A).

**Substitute Materials** – Used to replace original, historic materials. Where absolutely necessary, these materials should match the originals as closely as possible in appearance and form (8-A).

**Sustainability** – The practice of doing the least possible harm to the environment. Historic buildings and materials are often inherently sustainable (8-B).

**Virginia Landmarks Register** – The statewide register of historic places for Virginia. It does not protect properties from demolition, but it provides some benefits to property owners (2-C).

**Zoning** – The process by which local governments can divide the land within their jurisdiction into parcels, each governed by a different set of regulations for use, density, and development (5-B).

# INDEX

(To be filled when page numbers are finalized)

## *Appendix:* **ONLINE RESOURCES**

Listed below are additional online resources for the material covered in this manual. All links are valid as of September 2016.

### **Chapter 1: Why Are We Here?**

Community Tool Box. "Encouraging Historic Preservation." <http://ctb.ku.edu/en/table-of-contents/implement/physical-social-environment/historic-preservation/main>

Mason, Randall. "Economics and Historic Preservation: A Guide and Review of the Literature." The Brookings Institution Metropolitan Policy Program, 2005. <https://pikehistoric.pbworks.com/f/Economics+and+Historic+Preservation.pdf>

National Trust for Historic Preservation. "Preservation and Economics." <http://forum.savingplaces.org/learn/fundamentals/economics>

National Trust for Historic Preservation. "Six Practical Reasons to Save Old Buildings." <https://savingplaces.org/stories/six-reasons-save-old-buildings#.V739hE0rLIU>

### **Chapter 2: Legal Foundations**

National Park Service. "National Register of Historic Places: Fundamentals." [https://www.nps.gov/nr/national\\_register\\_fundamentals.htm](https://www.nps.gov/nr/national_register_fundamentals.htm)

National Park Service. "National Register of Historic Places Program: Frequently Asked Questions." <https://www.nps.gov/nr/faq.htm#benefits>

Virginia Department of Historic Resources. "Grants and Incentives." [http://dhr.virginia.gov/homepage\\_general/finance.htm](http://dhr.virginia.gov/homepage_general/finance.htm)

Virginia Department of Historic Resources. "Historic Registers." <http://www.dhr.virginia.gov/registers/register.htm>

### **Chapter 3: Designating Properties**

National Park Service. "Defining Boundaries for National Register Properties." National Register Bulletin. <https://www.nps.gov/nr/publications/bulletins/pdfs/Boundary.pdf>

National Park Service. "Section IV: How to Define Categories of Historic Properties." In How to Apply the National Register Criteria for Evaluation. [https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15\\_4.htm](https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_4.htm)

National Park Service. "Section VIII: How to Evaluate the Integrity of a Property." In How to Apply the National Register Criteria for Evaluation. [https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15\\_8.htm](https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_8.htm)

National Trust for Historic Preservation. “Ten Factors in Establishing Local Historic District Boundary Lines.” <https://savingplaces.org/stories/10-on-tuesday-10-factors-in-establishing-local-historic-district-boundary-lines#.V74MCU0rLIU>

#### **Chapter 4: Treatment of Historic Properties**

National Park Service. “Four Approaches to the Treatment of Historic Properties.” <https://www.nps.gov/tps/standards/four-treatments.htm>

#### **Chapter 5: Nuts and Bolts for Board Members**

Advisory Council on Historic Preservation. “II. The National Historic Preservation Act.” In An Overview of Federal Historic Preservation Law, 1966-1996. <http://www.achp.gov/book/sectionII.html>

Garvin, Elizabeth A. “Making Use of Overlay Zones.” In Planning Law Primer. <http://plannersweb.com/wp-content/uploads/2001/07/318.pdf>

Reap, James K., and Melvin B. Hill, Jr. “Law and the Historic Preservation Commission: What Every Member Needs to Know.” Cultural Resources Partnership Notes, National Alliance of Preservation Commissions. <http://napcommissions.org/wp-content/uploads/2013/08/01-Law-and-the-HPC.pdf>

#### **Chapter 6: Application Review**

Town of Herndon Heritage Preservation Handbook. <http://www.herndon-va.gov/home/showdocument?id=1693>

#### **Chapter 7: Special Legal Issues**

National Trust for Historic Preservation. “Assessing Economic Hardship Claims Under Historic Preservation Ordinances.” <http://www.preservationnation.org/information-center/law-and-policy/legal-resources/preservation-law-101/resources/Economic-Hardship-Assessment.pdf>

National Trust for Historic Preservation. “Demolition by Neglect.” <http://www.preservationnation.org/information-center/law-and-policy/legal-resources/preservation-law-101/resources/Demolition-By-Neglect.pdf>

#### **Chapter 8: Special Design Issues**

National Park Service Preservation Brief #3, “Improving Energy Efficiency in Historic Buildings.” <https://www.nps.gov/tps/how-to-preserve/briefs/3-improve-energy-efficiency.htm>

Rypkema, Donovan. “Sustainability, Smart Growth, and Historic Preservation.” Presentation at the Historic Districts Council Annual Conference, March 10, 2007. <http://www.preservation.org/rypkema.htm>.  
National Park Service. Preservation Brief #16, “The Use of Substitute Materials on Historic Building



Exteriors.” at <https://www.nps.gov/tps/how-to-preserve/briefs/16-substitute-materials.htm>.

National Park Service. Preservation Brief #8, “Aluminum and Vinyl Siding on Historic Buildings.” <https://www.nps.gov/tps/how-to-preserve/briefs/8-aluminum-vinyl-siding.htm>

National Trust for Historic Preservation. “Saving Windows, Saving Money: Evaluating the Energy Performance of Window Retrofit and Replacement.” <http://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=80dc79b4-3814-59ac-9abe-842685e77747&forceDialog=0>

Sims, Craig, and Andrew Powter. “Repair or Replace Windows in Historic Buildings: Arriving at a Sustainable Solution.” Heritage: The Magazine of the Heritage Canada Foundation. [https://www.nationaltrustcanada.ca/sites/heritagecanada.org/files/Repair%20or%20Replace%20-%20Arriving%20at%20a%20Sustainable%20Solution,%20Summer%202006\\_0.pdf](https://www.nationaltrustcanada.ca/sites/heritagecanada.org/files/Repair%20or%20Replace%20-%20Arriving%20at%20a%20Sustainable%20Solution,%20Summer%202006_0.pdf)

## **Chapter 9: Developing a New Preservation Handbook**

National Park Service. “Creating and Using Design Guidelines.” <https://www.nps.gov/tps/education/thepast/roletheyplay.htm>

National Park Service. “Secretary of the Interior’s Standards for Preservation Planning.” [https://www.nps.gov/history/local-law/arch\\_stnds\\_1.htm](https://www.nps.gov/history/local-law/arch_stnds_1.htm)



*Community Development*  
*Heritage Preservation*

Herndon Municipal Center  
777 Lynn Street, 2nd floor  
Herndon, VA 20170