



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 22, 2010**

DATE: May 14, 2010

SUBJECT: ZOA-09-10A Zoning Ordinance amendment to Section 31A. The amendments to Section 31A would alter the standard for County Board review of appeals of HALRB decisions, alter the responsibilities of the HALRB regarding Historic District Design Guidelines, amend the Historic District Designation Process to include standards for Historic District Design Guidelines, and alter the adoption process for Historic District Design Guidelines by the HALRB and the County Board.

C.M. RECOMMENDATION:

Adopt the attached ordinance (ZOA-09-10A) to amend, reenact and recodify Section 31A of the Zoning Ordinance to alter the standard for County Board review of appeals of HALRB decisions, alter the responsibilities of the HALRB regarding Historic District Design Guidelines, amend the Historic District Designation Process to include standards for Historic District Design Guidelines, and alter the adoption process for Historic District Design Guidelines by the HALRB and the County Board.

ISSUES: The existing standard for reviewing appeals of HALRB decisions is based on an “arbitrary and abuse of discretion” standard, and this standard may no longer be compatible with other provisions in the Ordinance. New amendments to the standards for historic district design guidelines may remove this incompatibility.

SUMMARY: The County Board heard this item again at their regular public hearing on March 13, 2010. At that meeting, a County Board member presented a report that contained further amendments to Section 31A. Those amendments proposed altering some of the previously adopted provisions on Historic District Design Guidelines, in addition to revised language on the appeals standard. The purpose of the new language was to allow the County Board to have some authority in reviewing Historic District Design Guidelines, while largely retaining the current appeals standard. The County Board directed staff to advertise this new language, readvertise the original staff proposed language, and bring the amendment back to the County Board for consideration at the May 22, 2010 public hearing.

After evaluating the new amendments that were proposed at the March hearing, staff has concluded that they represent a better solution than the original staff proposed amendment. The

County Manager: BMD/GA

County Attorney: CUM SM

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Staff: Rebecca Ballo, DCPHD, Neighborhood Services Division

amendments reduce the authority of the HALRB in terms of approving design guidelines, reserving that power for the County Board. The HALRB would be allowed to create technical/administrative amendments to existing design guidelines. Those technical/administrative amendments, in turn, would be the only area where the County Board could have broader review capabilities in the case an appeal of an HALRB decision. Overall, these amendments place the County Board's review of design guidelines at the beginning of the process with the creation of new historic districts, gives them final approval authority for all new design guidelines, and allows the HALRB some limited flexibility to update existing design guidelines to meet specific, technical changes that may occur in the field.

BACKGROUND: On December 12, 2009 at its regular public hearing, the County Board approved ZOA-09-10, Zoning Ordinance amendments to Sections 1, 2, and 31A. These amendments constituted a comprehensive updating of the sections of the Zoning Ordinance dealing with historic preservation and the HALRB. The County Board approved all the recommended amendments except the proposed change to the appeals standard, and asked that staff re-advertise this portion of the Ordinance and solicit further public comment. The County Board asked staff to research the appeals standard currently used in other Virginia localities, the rate of appeals in each of those localities, and gather information on other types of approval authority granted to County Board appointed commissions in Arlington and other Northern Virginia localities. This item was advertised for a hearing at the February 20, 2010 County Board Meeting, per the County Board's motion in December. Due to the weather and subsequent County closures in February, the Planning Commission was not able to hear this item. The County Manager recommended this item be deferred to allow the Planning Commission the opportunity to comment at their March meeting. The County Board approved the deferral on the consent agenda on February 20th.

DISCUSSION: The new zoning amendments proposed at the March 13, 2010 County Board hearing seek to revise not only the appeals standard, but other sections dealing with Historic District Design Guidelines. The sections proposed for amendment are Subsection B. Responsibilities of the HALRB, Subsection C. Establishment of Historic Districts, and Subsection E. Certificate Procedure; Notice; Reasons; Appeal. A County Board member proposed these amendments in order to allow the County Board to have more control over newly proposed Historic District Design Guidelines, allow for a somewhat broader (though not as broad as the original staff proposal) ability to hear CoA appeals, and to ensure the Design Guidelines are brought forward with new Historic District designation requests, where practicable.

What previously granted HALRB powers are being amended?

In the December 2009 amendment, the HALRB was permitted to approve, adopt, or amend design guidelines per Subsection B.3. This new language would remove that authority, allowing the HALRB to make minor technical amendments to existing design guidelines only. The HALRB is permitted the express authority to recommend new design guidelines for new districts. That power was implied, but not explicitly stated in the previous amendment. However, the HALRB would not be required to bring design guidelines forward for approval with a new designation if the Review Board finds that the time needed to develop such guidelines would pose a risk to the historic property in question. If that were the case, the County Board would

allow the HALRB a reasonable amount of time after the designation to create guidelines that would then be brought forward to the County Board for a separate approval. In the case of historic districts without specifically developed design guidelines, the Ordinance stipulates in Subsection E.9 that the Secretary of the Interior's Standards shall be used to guide the Certificate of Appropriateness review process.

How is the Appeals Standard being amended?

Currently, the Zoning Ordinance states that the County Board may only consider whether the HALRB's decision was contrary to law or arbitrary and constituted an abuse of discretion. The amendment proposed by a County Board member would broaden the County Board's authority. The County Board would be able to review an appeal and could find that the Review Board's decision was inconsistent with applicable Historic District Design Guidelines. In addition, the County Board could reverse or modify a decision of the Review Board if the following conditions were met:

1. If the Review Board based its decision on technical amendments approved solely by the Review Board after May 22, 2010; and,
2. If the County Board then found that those technical amendments were not consistent with the intent of the originally adopted design guidelines, or of the historic district designation.

This authority is slightly broader than existing language, and less broad than the original staff proposal.

During the discussion at their April 21, 2010 hearing on this amendment, the HALRB believed that a portion of Subsection E.12 as drafted is too broad. The HALRB felt that the intent should not be to allow the County Board authority to review whether or not a CoA case was inconsistent with the applicable Historic District Design Guidelines. The intent should be to allow the County Board to review the case only if the appeal were based on a provision passed in an HALRB approved technical amendment.

After reviewing the amendment and discussion from the March 13, 2010 County Board hearing, staff agrees with the HALRB's interpretation of the text. The proposed amendment has been edited to be consistent with this intent.

What is the status of Design Guidelines previously approved by the HALRB?

All design guidelines approved by the HALRB prior to May 22, 2010 shall be in full effect as if they were adopted by the County Board. They may continue to be used to determine CoA cases. This language is a technical correction in line with others proposed by staff and approved by the County Board at the December 2009 hearing. A list of all the Design Guidelines currently in use appears as Attachment B.

What would qualify as a 'technical amendment' to existing design guidelines?

Technical amendments to existing design guidelines would include updates to existing sections

that dealt with new design concepts, amendments concerning new materials, and other elaborations, corrections, or amendments to existing text. All technical amendments would still need to be considered and voted upon at regular HALRB public hearings.

After presenting this issue to the Zoning Ordinance Committee of the Planning Commission, members felt that the term ‘technical amendment’ did not adequately capture the Board’s intent. A ‘technical amendment’ is more of a correction to an error in text, or fixing line numbers or references. ZOCO believed that the intent of this new language was to allow the HALRB to add new language on building and construction materials, update existing sections of design guidelines, and amend design guidelines to address changes in technology or policy. Staff agrees with this assessment, and has therefore proposed changing the term ‘technical amendment’ to ‘administrative amendment’. Staff has also included language meant to illustrate better the scope of this term on Lines 87-94.

Previously Proposed Zoning Text: The County Board requested that two versions of Section 31A be advertised for consideration at the May public hearing. The first version is the original staff recommendation, which reads as follows;

Subsection E. 12.

12. Any person or persons jointly or severally aggrieved by any final decision of the Review Board under subsections 31A.D., or 31A.E., above, may, within thirty (30) days after the final decision, have the right of appeal of that decision to the County Board of Arlington County by filing a petition which shall stay the decision of the Review Board pending the outcome of the appeal, provided that such a petition shall not stay a decision which denies the right to raze or demolish a historic landmark, building or structure. The County Board may reverse or modify, in whole or in part, any decision it finds upon review to be erroneous, after giving the Review Board’s decision due weight. ~~The County Board may reverse or modify, in whole or in part, any decision it finds upon review to be contrary to law or that is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the board.~~

After considering the new language and the comments from the HALRB hearing, staff finds that the newly proposed language is a better solution. It would allow the County Board to set the parameters of Certificate of Appropriateness reviews through the approval of Historic District Design Guidelines. The current appeals standard, which would largely remain unchanged with the new amendments, has served the County well for over thirty years, and will continue to do so with the small changes proposed in this zoning amendment.

Analysis of CLG Data: At the December hearing, the County Board asked staff to evaluate how other Virginia localities with Architectural Review Boards hear appeals. This information was included in the staff report for the March 13, 2010 public hearing.

Staff has evaluated data from the thirty-one Virginia Certified Local Governments (CLGs) from FY 2001-FY 2008. This data was supplied by the Virginia CLG office. Arlington County has been a member of the Certified Local Government program since 1993. The data has been compiled in the attached spreadsheet (Attachment A). The Rate of Appeals was calculated by dividing the number of appeals by the number of decisions eligible for appeal. Specific

information for appeals overturned and upheld was not readily available. Highlights of the data set show the following:

- The Rate of Appeals for Arlington County is .72% of all cases heard, less than 1%.
- Of the 31 CLGs, only two (Arlington County and the Town of Leesburg) use the “arbitrary and abuse of discretion” clause as the standard for the local governing body to review appeals from their respective architectural review boards.
- 29 CLGs use a variation of the appeals standard proposed by staff, allowing the local governing body to assume the same authority and use the same review standards as their architectural review board in hearing appeals.
- Of the 31 CLGs, only two (City of Suffolk and the Town of Culpeper) limit the appeals to applicants with a denial of a CoA request. All others, including Arlington County, have more open grounds for appeals.
- The City of Suffolk has the highest Rate of Appeals at 20%. This is due to only a limited number of cases (denials) being eligible for appeal. The data for the Town of Culpeper is incomplete.
- The median (middle of the data set) Rate of Appeals for all CLGs is 1%.
- The mean (average) Rate of Appeals for all CLGs is 2.4%.

A comparison of other County Board-appointed Commissions shows that Arlington County functions similarly to other Northern Virginia localities. City governments function differently per their individual charters; therefore, staff examined practices in Loudoun and Fairfax counties. Both local governing boards hold final approval authority over a wide range of land use decisions including use permits, site plans, and master plans. Planning Commissions are permitted to approve public facility use permits, but these must be ratified by the County Board of each locality before they may be finalized. Both localities reserve the right to review de novo the appeals of decisions from their respective architectural review boards. Both localities note that their governing body shall review the decision of the architectural review board, and Loudoun goes so far as to mandate a consultation with its review board.

Community Process:

The community process since the March 13, 2010 County Board hearing included a public meeting with the HALRB and a public meeting with ZOCO. The following is a summary of their discussions.

Historical Affairs and Landmarks Review Board (HALRB): The new amendments to Section 31A were discussed by the HALRB at their April 21, 2010 public hearing. The HALRB discussed the implications of the changes, and decided that even though some previously granted authority would be scaled back with these revisions, that they were ultimately fair, and would not be detrimental. The HALRB felt that the amendments were a worthwhile compromise, and voted unanimously to support them. The HALRB did vote to remove one phrase from lines 311 and 312 that read: “or the decision is inconsistent with applicable Historic District Design Guidelines”. The HALRB concluded that this phrase would give the County Board grounds to reopen an appeal case with a broader mandate than was intended. Staff agrees with removing the phrase and it is shown with a strikethrough in the zoning text below.

Zoning Ordinance Committee of the Planning Commission (ZOCO): This item was heard by ZOCO on May 4, 2010. The members had a number of questions, and the following suggestions were made:

- “Minor technical amendment” should be defined in the Ordinance through the use of examples in order to avoid excessive debate on what constitutes a technical amendment. Perhaps another term would be more appropriate.
- Remove the reference to guidelines “approved” by the HALRB after May 22, 2010, because after May 22, 2010, the proposed language would not permit HALRB to approve new design guidelines—only to amend existing guidelines.
- It would be helpful to have a list of all designated historic districts in Arlington with a list of which have design guidelines; and a copy of other standards (i.e. Secretary of the Interior’s Standards) used for review of historic districts that do not have associated design guidelines. (See Attachments B & D)

Planning Commission: The Planning Commission heard this item at its May 12, 2010 meeting. There were some questions as to the implications of the proposed language on an applicant’s appeal standing. The Planning Commission was supportive of the new language added to address the concerns of ZOCO, and supportive of the proposed amendments in general. The Planning Commission voted 9-0 to recommend that the County Board approve the amendments as shown in the May 6, 2010 DRAFT staff report.

CONCLUSION: Staff recommends that the County Board adopt the attached ordinance to amend, reenact, and recodify the provision in Section 31A of the Arlington County Zoning Ordinance.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE SECTION 31A “HISTORIC PRESERVATION DISTRICTS” OF THE ARLINGTON COUNTY ZONING ORDINANCE. THESE AMENDMENTS ARE NECESSARY IN ORDER TO ENSURE THAT HISTORIC PRESERVATION ACTIVITIES WITHIN THE COUNTY ARE CONSISTENT WITH CURRENT BEST PRACTICES, AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE, AND GOOD ZONING PRACTICE.

Be it ordained that the County Board of Arlington County hereby resolves to amend, reenact and recodify Section 31A “Historic Preservation Districts” of the Arlington County Zoning Ordinance. These amendments are recommended in order to ensure that historic preservation activities within the County are consistent with best current practices, and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

1 **SECTION 31A. HISTORIC PRESERVATION DISTRICTS**

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3 The purpose of these regulations is to promote the health, safety, and general welfare of the
4 public through the identification, preservation, and enhancement of buildings, structures,
5 landscapes, settings, neighborhoods, places and features with special historical, cultural,
6 architectural and archaeological significance through the establishment of historic districts, and
7 through the protection of other significant properties. To achieve these general purposes, the
8 County seeks to take the following steps to preserve and protect buildings, structures and
9 properties that serve as important visible reminders of the historic, cultural, architectural, and
10 archaeological heritage of Arlington County, the Commonwealth of Virginia, or the United
11 States of America:

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- 13 1. Promote local historic preservation efforts through the identification and
- 14 protection of historic resources throughout the County, and through the
- 15 designation of local historic districts;
- 16 2. Assure that, within Arlington County’s historic districts, new structures,
- 17 buildings, additions, landscaping and related elements will be in harmony with
- 18 their setting and environs;
- 19 3. Promote an enhanced quality of life within the County.
- 20 4. Maintain and improve property values by providing incentives for the upkeep,
- 21 rehabilitation and restoration of older structures and buildings in a safe and
- 22 healthful manner, and by encouraging desirable uses and forms of development
- 23 that will lead to the continuance, conservation and improvement of the County’s
- 24 historic, cultural and architectural resources and institutions within their settings;
- 25 5. Encourage nomination of historic properties to the National Register of Historic
- 26 Places and the Virginia Landmarks Register; and
- 27 6. Promote tourism and enhance business and industry, through the protection of,
- 28 and education about, historic, cultural and archaeological resources;
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30 (Ord. No. 83-1, 1-8-83; Ord. No. 09-10, 12-12-09)

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32 **A. Historical Affairs and Landmark Review Board.**

- 33
- 34 1. Creation of Historical Affairs and Landmark Review Board: There is hereby
- 35 created and established an Historical Affairs and Landmark Review Board which
- 36 shall consist of no more than fifteen (15) members who are residents of the
- 37 County who have an interest, competence, or knowledge of historic preservation
- 38 and who shall be appointed by the County Board. The Historical Affairs and
- 39 Landmark Review Board shall be the architectural review board provided by
- 40 Section 15.1-503.2 of the Code of Virginia. The Historical Affairs and Landmark
- 41 Review Board shall hereafter be referred to as "The Review Board."
- 42 2. Composition of the Review Board: The County Board shall select the members of
- 43 the review board that meet the criteria set forth by the Virginia Department of
- 44 Historic Resources Certified Local Government (CLG) program. The County
- 45 Board may consider including members from appropriate community groups (e.g.
- 46 The Arlington Historical Society).

- 47 3. Terms of Office.
- 48 a. The members of the review board shall serve overlapping terms of four (4)
- 49 years. Initially, four (4) members shall be appointed for a term of one (1)
- 50 year, four (4) members shall be appointed for a term of two (2) years, four
- 51 (4) members shall be appointed for a term of three (3) years, and three (3)
- 52 members shall be appointed for a term of four (4) years. Thereafter, all
- 53 appointments shall be made for a term of four (4) years. Where the County
- 54 Board appoints fewer than fifteen (15) members, the number of appointees
- 55 with each term length shall be reduced proportionally.
- 56 b. Members may be reappointed for consecutive terms.
- 57 c. If a member representing a profession designated as a requirement by the
- 58 CLG program ceases to be a member of that profession, then that member
- 59 will no longer be a member of the Review Board. If a vacancy occurs for
- 60 any reason, including those noted above, then a new appointment shall be
- 61 made by the County Board for the remainder of the unexpired term.
- 62 4. Organization; Officers; Rules; Meetings:
- 63 a. The Review Board shall annually elect from its membership a chairman
- 64 and vice-chairman, at the first meeting held on or after December 1st in
- 65 each calendar year, for a one year term of office. In the event such a person
- 66 is unable to serve for the full term for any reason, a replacement shall be
- 67 elected to serve for the remainder of the term.
- 68 b. The Review Board may establish any rules necessary for the orderly
- 69 conduct of its business.
- 70 c. All meetings of the Review Board to the extent required by the Code of
- 71 Virginia.

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 73 (Ord. No. 83-1, 1-8-83; Ord. No. 91-28, 7-30-91; Ord. No. 92-7, 4-4-92; Ord. No. 09-10, 12-12-
 74 09)

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 76 **B. Responsibilities of the Historical Affairs and Landmark Review Board.**

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 78 The function of the Review Board shall include, but not necessarily be limited to, the following
 79 activities:

- 80 1. Approve, deny, or approve with conditions Certificate of Appropriateness
- 81 applications in accordance with the provisions of Subsection E.
- 82 2. Recommend additional surveys of potential historic districts, and recommend
- 83 properties for designation as local historic districts, including recommending
- 84 Historic District Design Guidelines for such districts.
- 85 3. ~~Approve, adopt, or amend Design Guidelines~~ Make such minor technical
- 86 administrative amendments to the design guidelines as are necessary for the
- 87 orderly review of CoA applications in designated historic districts. Any
- 88 administrative amendment to existing design guidelines which comply with the
- 89 spirit of this Code, and the intent of the County Board in its approval of the
- 90 underlying historic district design guidelines, may be approved by the HALRB.
- 91 Those amendments may include but would not be restricted to the following;
- 92 language on new building materials, construction methods and technologies,

updates to existing chapters and appendixes, revisions meant to take into account new County policies and changes to other sections of Code.

4. Act in an advisory role on historic preservation and historical affairs to the County Board, County Board appointed commissions and boards, and other groups.
5. Produce an annual report of the Review Board's activities.
6. Prepare, circulate, and approve text for local historic markers.
7. Organize, develop, and execute educational programs focusing on Arlington's heritage and local historic preservation efforts.
8. Undertake such responsibilities as the County Board may direct to protect historic properties.
9. Provide the County Board with assistance in the naming of public facilities and advice on other matters of historical value.

(Ord. No. 09-10, 12-12-09)

C. Establishment of Historic Districts. The Historic District (Overlay) is hereby established as an overlay district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use also complies within the regulations contained herein.

Additionally:

1. Nominations for inclusion within an historic district shall be made by referral to the Review Board. The Review Board shall have reason to believe that at least 2 of the 11 Qualifying Criteria are present prior to initiating its study of the nomination.
 - a. The owner of any property being considered for inclusion in an historic district shall be informed of the nomination within ten (10) business days of the receipt of a request for consideration via first class mail.
 - b. The Review Board shall base its decision upon studies, documentation and/or research, and shall prepare or cause to be prepared, a report on the historic significance of the proposed historic district.
 - c. The Review Board shall hold a public hearing to consider the historic district status after due notice has been given to the owners of all properties to be included in such district(s), and the civic association which includes the proposed district within its boundaries.
 - d. The Review Board shall not recommend designation unless it finds that at least two of the following Criteria 1 - 11 have been met. The Review Board retains the authority to not recommend designation even if the property does meet at least two of the criteria.
 - 1). The property is listed or is eligible for inclusion in the National Register of Historic Places;
 - 2). The property has character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state, or nation;
 - 3). The property was the site of a significant local, state, or national event;

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- 4). The property is associated with a person or persons who significantly contributed to the development of the county, state, or nation;
 - 5). The property embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, or method of construction;
 - 6). The property is identified as the work of a master builder, architect, or landscape architect;
 - 7). The property embodies elements of design, detailing, materials, or craftsmanship that render it structurally or architecturally significant;
 - 8). The property has a distinctive location, or singular physical characteristics that make it an established or familiar visual feature;
 - 9). The property is a particularly fine or unique example of a utilitarian structure representing a period or style in the commercial, industrial, or agricultural development of the county, with a high level of historic integrity or architectural significance;
 - 10). The property has the potential to yield information important to the prehistory or history of the county, state, or nation; or
 - 11). The property is suitable for preservation or restoration.
- e. If the Review Board recommends designation, then written copies of the Review Board’s recommendation, including determinations of historical significance, and recommendations concerning the area to be included in the proposed historic district, shall be transmitted for review to the County Board.
- f. If the Review Board recommends designation of an historic district, it will forward, with such recommendation, proposed Historic District Design Guidelines for the district to be considered for adoption by the County Board. Provided, however, that the Review Board may recommend that the County Board consider designation of an historic district without proposed design guidelines upon a finding that taking time to develop such guidelines would present a substantial risk that historic resources proposed to be preserved by the designation would be damaged or destroyed. Where design guidelines are not proposed with a recommendation for designation, the Review Board shall recommend design guidelines for approval by the County Board at the earliest practicable date after designation.
- f. g. In the event that the Review Board does not recommend designation, the County Board, upon its own motion, may initiate the designation review process.
2. The County Board shall act on the recommendations in accordance with the normal zoning approval procedure as specified in the Code of Virginia. The designation of such an historic district shall be shown as an overlay on the map referred to in Section 2.C. of the Zoning Ordinance.
3. Upon adoption of the ordinance, the owners and occupants of each designated historic district shall be given written notification of such designation by the

County Board.

(Ord. No. 83-1, 1-8-83; Ord. No. 89-4, 4-8-89; Ord. No. 09-10, 12-12-09)

D. Building or Altering in a District; Certificate of Appropriateness (CoA).

1. After the designation of an historic district, no exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within such district until after an application for a CoA has been submitted to and approved, in accordance with Subsection 31A.E below, by the Review Board or its designee, or, on appeal from a decision of Review Board, by the County Board as being architecturally or historically compatible with the historic district, buildings, or structures therein.
2. The CoA must be issued by the Review Board or its designee, or, on appeal, by the County Board prior to the issuance of a building permit (or other permit granted for purposes of constructing or altering structures).
3. A CoA shall be required regardless of whether or not a building permit is required.
4. The Review Board or, on appeal, the County Board shall not consider interior arrangement and shall take no action under this subsection except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or natural features in the historic district which would be incongruous with the historical aspects of the district.
5. Any CoA issued pursuant to this Section shall expire (12) months from the date of approval if the authorized work has not commenced if a building permit is not required. If a building permit is required, it must be diligently pursued by the applicant after the CoA approval.

(8-5-78; Ord. No. 83-1, 1-8-83; Ord. No. 89-4, 4-8-89; Ord. No. 09-10, 12-12-09)

E. Certificate Procedure; Notice; Reasons; Appeal.

1. All applications for Certificates of Appropriateness shall be submitted on forms specified by the County. When an initial determination has been made that the application is complete, then the application shall be forwarded to the Review Board. The Review Board may request additional information if needed.
2. The Review Board may authorize County Staff to issue Certificates of Appropriateness that meet certain standards. Staff may administratively issue Certificates of Appropriateness where the Review Board has specified:
 - a. the properties eligible for designee action;
 - b. the specific category of modifications for which the designee may grant a CoA; and
 - c. the standards the designee must use in deciding whether to issue the CoA.

- 231 3. As part of the Certificate of Appropriateness review process, the Review Board
232 may find that the proposed setback for buildings and structures is consistent with
233 the existing streetscape and historic district guidelines even though such setback is
234 inconsistent with the requirements of the underlying zoning district. When the
235 Review Board makes this finding, the Zoning Administrator shall grant a
236 modification to the underlying setbacks, unless such modification violates vision
237 clearance requirements from Section 32.D.4.
- 238 4. Prior to action on a CoA, the Review Board or, on appeal to the County Board as
239 provided by paragraph E.12, below, the County Board shall give the applicant and
240 other persons an opportunity to be heard after the following notice has been given:
- 241 a. A notice of the public hearing shall be published ten (10) days prior to the
242 hearing date in a newspaper having general circulation in the County;
 - 243 b. Notice shall be sent by first class mail to owner(s) of the property which
244 will be the subject of the hearing and owner(s) of abutting property and
245 property immediately across the street from the affected property,
246 including any property which lies in an adjoining jurisdiction, at least ten
247 (10) days prior to the public hearing;
 - 248 c. The civic association representing the neighborhood where the affected
249 property is located shall be notified in writing at least seven (7) days prior
250 to the public hearing;
 - 251 d. One (1) placard containing the public hearing notice shall be posted on the
252 affected property and no fewer than four (4) placards shall be posted in the
253 surrounding neighborhood at least seven (7) days prior to the public
254 hearing.
 - 255 e. If any setback modifications are requested as part of the CoA, that
256 information should be included in all notices.
- 257 5. The Review Board shall utilize the historic district design guidelines relevant to
258 the specific historic district under consideration in their review of any application
259 for alterations to an exterior feature and make a decision in accordance therewith.
260 The design guidelines will guide and inform the decisions of the Review Board
261 with regard to these exterior alterations. The design guidelines are for the benefit
262 of the applicant as well as the Review Board ~~and shall not bind the County Board~~
263 ~~in its consideration of appeals under subsection 31A.E. 12 of this Ordinance.~~
264 ~~Design guidelines for an historic district may be established, amended, or updated~~
265 ~~by the Review Board. Nothing herein is meant to preclude the County Board from~~
266 ~~adopting historic district design guidelines and the Review Board shall not adopt~~
267 ~~guidelines that are inconsistent with County Board adopted guidelines.~~ Historic
268 District Design Guidelines shall be adopted and amended by the County Board,
269 with such minor technical administrative amendments or updates as may be
270 approved by the Review Board.
- 271 6. The design guidelines shall also describe which modifications, if any, can be
272 administratively approved by its designee, and shall provide specific standards for
273 such approval.
- 274 7. ~~Amendments or updates to existing design guidelines may be approved in the~~
275 ~~same manner as the original.~~ All design guidelines established, adopted, or
276 amended by either the County Board or the Review Board on or before May 22,

277 2010 shall be in full force and effect, as though adopted by the County Board in a
278 manner consistent with this ordinance, until such time as the County Board, or the
279 Review Board in the case of minor ~~technical~~ administrative amendments or
280 updates, acts to amend them.

- 281 8. Design guidelines shall not be created, amended, or updated except after a public
282 hearing.
- 283 9. For districts without approved design guidelines, *The Secretary of the Interior's*
284 *Standards for Rehabilitation*, *The Secretary of the Interior's Standards for the*
285 *Treatment of Historic Properties with Guidelines for the Treatment of Cultural*
286 *Landscapes*, or *The Secretary of the Interior's Standards and Guidelines for*
287 *Archaeology Documentation* shall be used to guide the CoA review process as
288 amended.
- 289 10. If the Review Board makes the findings called for in Subsection D1, or, after an
290 appeal as provided in paragraph E.12, below, the County Board determines that
291 the proposed construction, reconstruction, alteration, moving or demolition is
292 ~~architecturally or historically compatible with the historic districts, buildings, or~~
293 ~~structures therein~~ appropriate, it shall forthwith approve such application and shall
294 issue to the applicant a CoA.
- 295 11. If the Review Board or, after an appeal as provided in paragraph E.12., below, the
296 County Board determines that a CoA should not be issued, it shall forthwith notify
297 the applicant of such determination, furnishing him a copy of the reasons therefore
298 and the recommendations, if any, as appearing in the records of the Review Board.
- 299 12. Any person or persons jointly or severally aggrieved by any final decision of the
300 Review Board under subsections 31A.D., or 31A.E., above, may, within thirty
301 (30) days after the final decision, have the right of appeal ~~of that decision~~ to the
302 County Board of Arlington County by filing a petition which shall stay the
303 decision of the Review Board pending the outcome of the appeal, provided that
304 such a petition shall not stay a decision which denies the right to raze or demolish
305 a historic landmark, building or structure. The County Board may reverse or
306 modify, in whole or in part, any decision it finds upon review to be contrary to law
307 or that is arbitrary and constitutes an abuse of discretion, or it may affirm the
308 decision of the ~~board~~ Review Board. In considering an appeal, the County Board
309 may, but shall not be required to, find that a decision of the Review Board is
310 contrary to law or is arbitrary and constitutes an abuse of discretion ~~or the decision~~
311 ~~is inconsistent with applicable Historic District Design Guidelines.~~ The County
312 Board may also reverse or modify the decision of the Review Board where the
313 decision is based upon elements of the design guidelines that were ~~approved or~~
314 amended solely by the Review Board after May 22, 2010 and the County Board
315 finds that those elements are not consistent with the purpose and intent of the
316 County Board adopted design guidelines, or of the historic district designation.
- 317 13. Any person or persons jointly or severally aggrieved by any final decision of the
318 County Board under subsections 31A.C., 31A.D., or 31A.E., above, may within
319 thirty (30) days after the final decision have the right to appeal to the Circuit Court
320 of Arlington County by filing a petition at law which shall stay the decision of the
321 County Board pending the outcome of the appeal, provided that such a petition
322 shall not stay a decision which denies the right to raze or demolish a historic

323 building or structure within an historic district. The Circuit Court may reverse or
324 modify, in whole or in part, any decision it finds upon review to be contrary to law
325 or that is arbitrary and constitutes an abuse of discretion, or it may affirm the
326 decision of the board.

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ATTACHMENT A

**Standard of Review of an Appeal by the Local Governing Body in Virginia
Date Compiled from FY 01-FY08 (FY 02, FY04 missing from State Data Set)***

* Not all localities reported data in each fiscal year. Should be read as a representative sample only.
**60 cases officially deferred

Name	Type	Who May Appeal	Standard of Review	# of Cases Reviewed	# Approved	# Denied	# Appealed	# Upheld	# Overturned	Other (pending or withdrawn)	Rate of Appeals
Abingdon	Town	Applicant w/a denial; or for an approval, petition signed by 10 registered voters	No Standard mentioned	112	105	3	1	1	0	1	0.93%
Alexandria	City	Applicant w/a denial; or for an approval, petition signed by 25 persons owning property within the hd	The same standards shall be applied by the council as are established for the Old and Historic Alexandria district board or architectural review. The council may affirm, reverse or modify the decision of the board, in whole or in part.	1631	1314**	41	24	15	7	3	1.77%
Arlington	County	Anyone	The County Board may reverse or modify, in whole or in part, any decision it finds upon review to be contrary to law or that is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the board.	283	272	6	2	1	0	1	0.72%
Blacksburg	Town	Anyone	The Town Council may uphold, reverse, or modify the Historic or Design Review Board's decision.	41	39	2	0	0	0	0	0.00%
Cape Charles	Town	Anyone	the Town Council...to that end shall have all the powers of the Historic District Review Board.	19	19	2 (applicants reapplied)	0	0	0	0	0.00%
Charlottesville	City	Applicant	the City Council shall consult with the BAR and consider the written appeal, the criteria set forth within section 34-276 [Standards for review of construction or alteration] or 34-278 [Standards for considering demolitions] ... or any other information, factors, or opinions it deems relevant.	358	275	35	9	2	3	4	2.90%
Clarke	County	Anyone	No standard named	12	11	1	0	0	0	0	0.00%
Culpeper	Town	Denial	No standard named.	45	34 (some data missing)	0	2	0	0	2	5.88%
Fairfax	City	Anyone	The same procedure and standards shall be applied by the council as established for the board of architectural review.	170	170	0	0	0	0	0	0.00%
Fairfax	County	Anyone	The Board shall review the action of the ARB and shall decide the appeal. The Board may affirm, reverse, or modify the decision of the ARB.	186	134	3	0	0	0	5	0.00%
Fredericksburg	City	Anyone	Will review and consult ARB decision.	315	299	16	4	1	3	0	1.27%
Hanover	County	Applicant or owner within historic district	No Standard mentioned	32	28	4	2	1	1	0	6.25%

Herndon	Town	Applicant or any person aggrieved with land abutting or across the street	The decision shall be based on the standards in section 78-202.8(5) [architectural appropriateness]. A decision shall not be reversed or modified unless there is evidence in the record that the decision of the HPRB is not correct, based on the review standards for a certificate of appropriateness.	192	164	18	7	1	4	2	3.85%
Leesburg	Town	Anyone	The Town council may reverse or modify the decision of the Board of Architectural Review, in whole or in part, if it finds upon review that the decision of the Board of Architectural Review is contrary to the law or that its decision is arbitrary and constitutes an abuse of discretion , or it may affirm the decision of the Board of Architectural Review.	349	342	1	2	1	0	1	0.58%
Loudoun	County	Any applicant or other party economically injured	Shall consult with HDRC.	95	88	6	2	2	0	0	2.13%
Lynchburg	City	Applicant w/a denial; or for an approval, petition signed by 25 registered voters	The same standards and considerations aforesaid ... shall be applied by the city council as are established for the HPC.	194	179	15	2	2	0	1	1.03%
Manassas	City	Applicant w/a denial; or for an approval, petition signed by 25 persons owning property within the hd	The council shall...conduct a full and impartial public hearing on the matter before rendering any decision, adhering to the standards and guidelines established by this division for review.	204	192	8	3	2	1	0	1.50%
Middleburg	Town	Anyone	the council may reverse, modify or affirm the decision of the committee.	275	251	10	2	0	0	0	0.77%
Petersburg	City	Anyone	The same standards and considerations aforesaid in this article shall be applied by the council as are established for the architectural review board...the council may affirm, reverse or modify the decision of the board, in whole or in part.	647	520	81	8	3	4	1	1.33%
Prince William	County	Any owner(s)	The board after consultation with the ARB may reverse or modify the decision of the ARB, in whole or in part, or it may affirm the decision of the ARB.	0	0	0	0	0	0	0	0.00%
Pulaski	Town	proeprty owner or any person aggrieved in the historic district	Shall have all the powers of the architectural review board.	29	27	2	2	0	2	0	7.41%

Richmond	City	Any person	The city council shall review the petition, record, documents, and other materials produced by the commission of architectural review pursuant to this section, and the city council may reverse or modify the decision appealed, in whole or in part, when it is satisfied that the decision of the commission is in error under this division, or the city council may affirm the decision of the commission	511	440	59	9	6	2	1	1.80%
Roanoke	City	Any aggrieved property owner	The City Council may affirm the decision of the Board, reverse or modify the Board's decision, in whole or in part, or refer the matter back to the Board.	346	308	36	12	8	3	1	3.37%
Smithfield	Town	Any person	The Town Council shall consult with the Review Board in relation to any appeal and may require documentation of any Review Board decision prior to hearing the appeal. The Town Council may affirm, reverse or modify the Review Board decision and shall notify the Planning and Zoning Administrator of its action.	182	178	4	0	0	0	0	0.00%
Spotsylvania	County	Any property owner aggrieved	The board of supervisors shall render its final decision on such appeal after consultation with the historic preservation commission.	27	26	1	0	0	0	0	0.00%
Stafford	County	Any property owner(s) aggrieved	The board of supervisors, after consultation with the ARB, may reverse the decision of the ARB, in whole or in part, or it may affirm the decision of the ARB.	15	13	2	1	0	1	0	6.67%
Staunton	City	Owner of the property or any person, firm, or corporation aggrieved	the city council may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the commission.	51	47	4	0	0	0	0	0.00%
Suffolk	City	Any applicant appeal denial	the City Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the HLC. The City Council shall consult with the HLC in relation to any appeal and may require documentation of any HLC decision prior to hearing the appeal.	169	155	10	2	1	0	1	20.00%

Warrenton	Town	Any applicant	the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance or to effect any variance from the Ordinance.	329	284	27	12	1	10	1	3.86%
Williamsburg	City	Any person(s) aggrieved by any decision	The city council may affirm, reverse or modify the decision of the review board, in whole or in part. The same standards shall be applied by the council as are established for the review board.	931	910	21	3	1	2	0	0.32%
Winchester	City	Any applicant appeal denial or a petition in writing signed by at least twenty-five (25) persons owning real estate within the Historic Winchester District	The Council shall consult with the Board of Architectural Review, before rendering any decision. The same standards shall be applied by the Council as are established for the Board of Architectural Review. The Council may affirm, reverse or modify the decision of the Board, in whole or in part.	448	411	14	0	0	0	0	0.00%

Median Rate of Appeals	1.00%
Mean Rate of Appeals	2.40%

List of Historic District Design Guidelines

1. Buckingham Historic District Design Guidelines, June 1993.
2. MCoA Process for Slate Roofs in the Buckingham Historic District, 1995.
3. Buckingham Historic District MCoA Criteria, 1998.
4. Neon Signage Guidelines for the Buckingham Shopping Center, January 2001.
5. Policy on Satellite Dishes in Buckingham, February 2005.
6. Amendments to Buckingham Historic District Guidelines, July 2005.
7. Maywood Homeowner's Handbook: Design Guidelines, 1991.
8. The Maywood Neighborhood historic District, MCoA Guidebook, March 1995.
9. Guidelines for Siding in Maywood, September 2002 (Included in 2005 Update).
10. Maywood Homeowner's Handbook: Design Guidelines, November 2005.
11. Guidelines for Replacement Windows in the Colonial Village Historic District, July 2002.
12. Policy on the Removal of Trees from Arlington Historic Districts, August 2004.
13. Guidelines for Temporary and Permanent Exterior Arts Exhibitions, and Temporary Exhibit Signage in the Maury School Historic District, November, 2006; Staff Amendment July 2008.
14. Guidelines for Signage in the Arlington Post Office and Dan Kain Building Historic Districts, July 2008.
15. Guidelines for the Washington/Torreyson Farm House, April 2010.

Code of Virginia

§ 15.2-2306. Preservation of historical sites and architectural areas.

A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.1, including § 33.1-41.1 of that title) found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous locality. An amendment of the zoning ordinance and the establishment of a district or districts shall be in accordance with the provisions of Article 7 (§ 15.2-2280 et seq.) of this chapter. The governing body may provide for a review board to administer the ordinance and may provide compensation to the board. The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings or structures therein.

2. Subject to the provisions of subdivision 3 of this subsection the governing body may provide in the ordinance that no historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board.

3. The governing body shall provide by ordinance for appeals to the circuit court for such locality from any final decision of the governing body pursuant to subdivisions 1 and 2 of this subsection and shall specify therein the parties entitled to appeal the decisions, which parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided the petition is filed within thirty days after the final decision is rendered by the governing body. The filing of the petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the decision of the governing body if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subdivision 2 of this subsection, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (i) he has applied to the governing body for such right, (ii) the owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to

the court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than \$25,000; four months when the offering price is \$25,000 or more but less than \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000; six months when the offering price is \$55,000 or more but less than \$75,000; seven months when the offering price is \$75,000 or more but less than \$90,000; and twelve months when the offering price is \$90,000 or more.

4. The governing body is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the locality or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so acquired as a place of historic interest; however, the locality shall not use the right of condemnation under this subsection unless the historic value of such area, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed.

B. Notwithstanding any contrary provision of law, general or special, in the City of Portsmouth no approval of any governmental agency or review board shall be required for the construction of a ramp to serve the handicapped at any structure designated pursuant to the provisions of this section.

(1973, c. 270, § 15.1-503.2; 1974, c. 90; 1975, cc. 98, 574, 575, 641; 1977, c. 473; 1987, c. 563; 1988, c. 700; 1989, c. 174; 1993, c. 770; 1996, c. 424; 1997, cc. 587, 676.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Standards for Restoration

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

The Secretary of the Interior's Standards for the Treatment of Historic Properties Guidelines for the Treatment of Cultural Landscapes

http://www.nps.gov/history/hps/hli/landscape_guidelines/index.htm

ARCHEOLOGY AND HISTORIC PRESERVATION: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated]

http://www.nps.gov/history/local-law/arch_stnds_7.htm