

A CONTEXTUAL APPROACH
TO PRESERVATION

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Helen Bush Sittler

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of Master of Architecture

Many municipal preservation programs, intent on aiding the "educational, cultural, economic and general welfare" and insuring the "harmonious, orderly and efficient growth and development of the municipality" are rather promoting the mumification of areas of their municipalities. Instead of providing policies which promote healthy reuse and evolution of the areas, preservation-conscious municipalities may develop restrictive zoning policies which prohibit change of any kind. In places which permit limited change, the guidelines are often vague and unmeasurable and the resulting approach remains restrictive.

Another frequent problem of preservation programs is what to do with the urban poor who inhabit the structures slated to be restored. This problem is not limited, of course, to preservation projects, but nevertheless must be dealt with in this context. In many cases, the elite and those of upper income levels reclaim and reuse a districts' historic structures, forcing out previous low-income inhabitants with little concern for their welfare.

This thesis project, seeks to develop an alternative approach to preservation in municipal areas. Preservation-oriented policies and guidelines in a number of cities will be considered, with focus on three cases: Savannah, Georgia; Newburyport, Massachusetts; and a zoning proposal developed by the New York Urban Design Council under Mayor Lindsay. These cases contribute to the development of a proposal for a contextual approach to preservation.

Thesis Supervisor: Stanford Anderson
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* Quotations in Abstract are taken from the Historic District Zoning Amendment, Code of the City of Savannah, Georgia, and Code of the City of Charleston, South Carolina (Sec. 51-22) respectively.

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CHAPTER ONE: INTRODUCTION

There has been considerable preservation activity in municipal areas throughout the United States in the last five to eight years. In large part, this is the result of the new environmental awareness which has become increasingly prevalent and brought with it legislation encouraging preservation and recycling.

Thus far, preservation activities in municipal areas have involved similar approaches. Generally, the same series of steps seem to occur. In the first step, the well-to-do are encouraged to purchase structures, then rehabilitate and move into them. Meanwhile, low-income residents tend to be forced out of the area. As houses are restored, there is a general cleansing of the area, and isolated landmarks are established. A frequent result is the loss of the original fabric and pattern of life which made the district unusual or attractive. Although the areas are called districts and generally encompass whole blocks, the consistency and integrity of the areas are often lost. Are we eliminating desirable characteristics? Are we looking at only the isolated structures and not the whole area in context?

Boston has been undergoing preservation activities for many years. Its Beacon Hill area was largely restored in the 1950's. Renovation on a large scale in the South End began in the 1960's. Another area of Boston, Charlestown, is the focus

of much recent preservation activity and permits some observation of its practice and effects.

One year older than the City of Boston, Charlestown has retained a fairly coherent nineteenth century image and a rather homogeneous populace. Charlestown was burned by the British in 1775. Few buildings were left standing. Rebuilding began before 1800, and continued in earnest for a century. Although the original inhabitants were British immigrants, after the mid-nineteenth century an increasing number of Irish immigrants began to move into the area. This group soon comprised the majority of the populace. In the first half of the twentieth century, the low income of the inhabitants and lack of external financial investment in the area meant relatively few major exterior changes (i.e., inadvertent preservation) in most buildings of the area.

In the past few years, many buildings were purchased, restored and inhabited by a group which is culturally diverse from, and whose income is generally higher than that of, the group which formerly inhabited the area. Property assessments and real estate taxes increased. As their number grows, the new inhabitant group creates a new pattern of life in Charlestown.

Preservation districts of other cities throughout the United States reveal similar sequences of events. Viewed within these events, "historic preservation" begins to connote radically different things to different groups of people. This

thesis is addressed to the serious problems behind these connotations, but the problems themselves and the confrontations over them may be eased if we are clear about alternative policies and the terms which refer to them.

The terms restoration, conservation, renovation, rehabilitation and renewal bring to preservation different meanings. Restoration usually implies an intention to reproduce the original. The term conservation is frequently used in connection with materials and generally is taken to mean an attempt to produce in the material a stasis, or state wherein deterioration is inhibited. Renovation and renewal imply newness, that is, the addition of something new, but renewal has been used in the context "urban renewal" for so long that it has taken on the connotation of razing and subsequent new construction. Rehabilitation generally is taken to mean an attempt to repair, patch and renew a structure in order to make it reusable or habitable. Rehabilitation and renovation are frequently used interchangeably without misinterpretation. Preservation generally implies an attempt to halt deterioration or demolition of a building or area, but in recent projects throughout the country has often connoted restoration. In this thesis I will consider preservation to include the attempted maintenance of the existing fabric or character of an area which is considered unique or desirable. In some cases, this might include the restoration of a particular building or monument, and in general would include the maintenance of landscaping,

architecture, scale and/or details which make the area somehow a responsive environment. Discussions generally will focus on large-scale or area preservation such as historic districts.

To many city government bodies, preservation can mean higher revenues from increased property values,¹ and increased income from tourism.² Merchants in the area ususally find preservation activities a mixed blessing. Often they may expect increased income due both to tourism and higher income groups moving into the area. On the other hand, they may also expect higher assessments or rents, as they or their landlords will probably renovate the buildings in which their operations are located.

For those merchants who maintain rather marginal businesses, increases in expenses may outstrip any expected increase in business and force closing. Even businesses that were previously not marginal may be unable to support the new rates. Furthermore, much increase in business may upset the existing structure of the operation enough to force the adoption of a new structure and new staff.

Often, indigenous or long-term residents must evacuate because of higher taxes or higher rents which are the result of both a changing market and the increased taxes. Even if assessments are not raised on the unchanged properties, residents may face the mixed blessing of purchase offers which they cannot refuse. These residents frequently see their urban homes

turned over to the more well-to-do and elite, who can afford the luxury of the suburbs,³ or less frequently turned into museums.

For some developers, preservation programs can prevent the full realization of an investment,⁴ or simply the loss of a good deal of time and money. For one who invests in property with plans to demolish the existing structure(s) and to construct a new structure for full utilization of the floor area permitted for the site, the establishment of preservation-oriented zoning, which would generally prohibit such demolition, could be financially disastrous. On the other hand, the lack of protective zoning can mean the demolition of a valuable building. In Chicago, a decision not to grant landmark status to the Old Stock Exchange brought its demolition - the loss of an exemplary Sullivan and Adler building. An instance of preservation activity and a decision to protect neighboring landmarks with the resulting severe financial burden to a developer occurred in Newburyport, Massachusetts. The latter case will be discussed in Chapter Six.

Aware of the problems associated with historic preservation, Arthur Ziegler insists that preservation can bolster morale, offer aesthetic satisfaction, provide financial benefits, and unify community forces. And, working from the premise that massive demolition is unworkable, he asserts that preservation is necessary.⁵ In Pittsburgh, Ziegler's approach was substantially different from that which was adopted in Savannah, Georgia. While Historic Savannah Foundation's attitude

was essentially "Let's face it, if you want to clean up an area, you have to bring in people who can afford it,"⁶ Ziegler launched a major effort to keep existing residents in an area slated for preservation. Ziegler points out, however, that the attitude exemplified by Savannah (but generally prevalent in cities concerned with historic preservation) "was not born of crassness but of necessity."⁷ He points out:

The oldest and therefore most historic sections of most cities had long ago been turned over to the poor and the slumlords. The buildings had deteriorated; the local architectural heritage was jeopardized. No federal or state money was available, and the only means at hand for preservation groups was the motivation of more affluent and educated persons to acquire and restore the buildings and move into them. In itself, it was a courageous and rather noble and very successful effort. But it had its unfortunate side, and it behooves us to admit it. Seldom was a thought given to those who were being dislocated. Good housing for them was not part of the program, and calling neighborhood meetings to explain the programs and obtain the current residents' cooperation was a courtesy consistently disregarded.⁸

It is obvious that historic preservation can be an attractive to city and state governments, and to the educated and well-to-do. It is also evident that preservation activities can be damaging to some groups of people, such as existing low income residents of an area under-going such activity, or developers planning demolition for a site within an area. It has been pointed out: "Whether the effort to recycle American cities succeeds depends on a sometimes neglected issue: The effect - positive or negative - on the urban poor."⁹

Furthermore, these districts also are set up to attract tourists. This means they often lose the aura and pattern of life which contributed to their attraction. This might happen for example, in the Waterfront and market areas of Boston unless special care is taken.

It is probably the case that many municipalities have not considered fully the implications and ramifications of their preservation policies; in some cases, municipal policies which are designed to support preservation programs tend to preclude provision for the gradual evolution, and instead establish an unnatural stasis, of a viable city area. This thesis project is concerned with an alternative approach to preservation.

In this thesis, trends in federal legislation and consequent state and local activity will be reviewed. Legal techniques and other categories for comparing preservation programs will be discussed. Three cases will be examined in detail and an alternative approach to preservation proposed.

CHAPTER ONE FOOTNOTES

¹In the South End area of Boston, property values rose approximately 250% between 1955 and 1970 (Boston Sunday Globe, April 28, 1974, Sec. A, p.3). In his article "Real Estate Realities", Tony P. Wrenn describes the rise in property values in a number of cities due to preservation activities. Among the examples is the Beacon Hill district of Boston, where "...realtors agree that throughout the district the Architectural Control now has either stabilized or increased real estate values." El Pueblo Viejo in Santa Barbara, The Vieux Carre district of New Orleans, and the Church Hill area of Richmond are other areas cited in the article for their increased property values due to preservation activities.

²Arthur Ziegler (Historic Preservation in Inner City Areas: A Manual of Practice (Pittsburgh; The Allegheny Press, 1971), pp.18-19, refers to statistics included in a study performed by the National Trust for Historic Preservation and Pittsburgh History & Landmarks Foundation:

In every state tourism is one of the three largest revenue producers.

Historic sites are an important element of this growing trade. A survey of the members of the American Automobile Association showed that 81% named sightseeing as a major recreational activity in vacationing. AAA recommends that a vacationing couple budget \$36.00 a day for food, lodging, tips and gasoline.

An estimate for metropolitan Philadelphia is that at least one-fourth of its \$250 million a year tourist and convention business is attributable to historic sites.

The Thomas Edison Birthplace in Milan, Ohio (population 1,400) brings over 25,000 visitors to town.

In a recent survey, the Ohio Development Department concluded that a community attracting 36,500 visitors a year could expect to receive an additional \$777,000 in personal income through 111 new jobs, \$144,300 in bank deposits, and \$1,119,908 in added retail sales.

³Talking about the new group moving into the South End in Boston, a 24-year-old college graduate who has lived in the South End most of her life said:

"These people (homeowners) have no awareness of their social responsibility. It doesn't matter to them that they're throwing out the poor people. It's their cheap thrill, they can afford cars to come from the suburbs but poor people, once they're thrown out, don't have the money to spend on cars or car fare."

(Boston Sunday Globe, April 28, 1974, Sec. A, p.3).

Arthur P. Ziegler ("Implications of Urban Social Policy: The Quest for Community Self-Determination", Legal Techniques in Historic Preservation (Washington: The National Trust for Historic Preservation in the United States, 1972), p.35), points out:

Historic preservation groups across the country from the 1930's until today remorselessly displace neighborhood residents, regardless of their longevity in the proposed historic district or their commitment to that area. Residents were simply replaced with the well-to-do, who could understand the value of the structures and who could afford to restore and maintain them.

⁴George R. Bailey, a real estate broker with Turner, Bailey & Zoll, Inc., in Chicago wrote ("Chicago: Another View." Preservation News, Sept. 1974, p.5):

"...who in the world can afford to preserve a 20 story building that produces no return on the investment and in some instances shows an annual operating loss?"

He went on to say:

A common misconception is that some of these structures...can be renovated and thereby made to show a return on the investment. But many of these older buildings are too dated to be made profitable, regardless of renovation. The cost of modernization is too great for any improved rental income to show a return on the original investment after it has been increased by the investment of the modernization... Particularly is this true if the modernization must be restricted to only those items that can be changed without destroying the original appearances of the structure."

("Chicago: Another View" PN, Sept. 1974)

⁵Arthur Ziegler describes his experiences in Pittsburgh both in his Manual and in his speech "Implications of Urban Social Policy: The Quest for Community Self Determination", delivered at a Conference sponsored by the National Trust in 1971 and published by the Trust in Legal Techniques in

Historic Preservation, Washington, 1972.

⁶Speech by Leopold Adler, former president of Historic Savannah Foundation, Inc., at The Society for the Preservation of New England Antiquities in February, 1974.

⁷Arthur Ziegler, "Implications", p.35.

⁸Ibid.

⁹Ann Ferbee, "Recycling Cities", Design & Environment, (Summer, 1973) p.21.

CHAPTER TWO: A BRIEF HISTORY OF PRESERVATION IN THE UNITED STATES

The notion of architectural or monumental preservation in the United States is not new. As early as 1850, the State of New York bought Washington's Headquarters in Newburgh.¹ In 1859, Mount Vernon was purchased by the Mount Vernon Ladies Association.² In 1864, an act of Congress established Yosemite as a State Park.³ Around the Centennial celebrations of 1876, there was heightened interest in recognizing historic monuments and sites, among which were Forts Saratoga and Benington.⁴ In 1889, it was again an act of Congress which set aside another site and granted it national monument status - Casa Grande National Monument.⁵ Also in 1889, the Association for the Preservation of Virginia Antiquities was established. During the last decade of the nineteenth century, the federal government purchased three national military parks: Chicamauga, Gettysburg and Shiloh.⁶

It is only the notion of preserving non-monumental but nonetheless valuable or reusable structures, not as museums, but as recycled resources which is new in this country. There has been a general trend, on both federal and local levels, away from establishing the isolated monument towards recognizing local properties and districts.

FEDERAL ACTIVITY

In 1906, federal legislation began to support historic preservation in a fairly narrow sense; more recent legislation reflects a broadening approach.

Previous to the Antiquities Act of 1906, it took Acts of Congress to grant monument status. The Antiquities Act of 1906 gave to the President the power to "declare by public proclamation historic landmarks, historic and pre-historic structures, and other objects of historic or scientific interest ...upon the lands...to be national monuments."⁷ Using this authority, eleven Presidents proclaimed 87 National Monuments between 1906 and 1970.⁸ The Antiquities Act also empowered the President to reserve the space or land necessary for the maintenance of these monuments. At the same time, the legislation authorized the Secretaries of Agriculture and of the Interior and Army to grant permits to certain institutions for historical or archeological work in areas under their jurisdiction. The Act provided for penalties for anyone causing damage in any way to these sites or monuments.

Although no further federal legislation for historic preservation was enacted until 1935, Congress did establish The National Park Service in 1916 to oversee the National Parks and Monuments. In 1933, with Executive Order 6166, President Roosevelt consolidated under the auspices of The National Park System "all National Military Parks, eleven National Cemeteries, all National Memorials, and National Capital Parks."⁹ It was the beginning of The National Park Service as we know it today.

One of the first and more important efforts of the National Park Service was the commencement of the Historic American Buildings Survey (HABS) with the American Institute of Architects and The Library of Congress. Between 1933 and 1940, about 6400 building descriptions were compiled.¹⁰ The HABS is a continuing activity and now lists over 15,000 buildings, of which approximately half have been razed.¹¹ Presently, the responsibilities of the National Park Service include the keeping of the National Register of Historic Places,¹² administering grants-in-aid programs,¹³ and recommending sites for placement in the National Register. As of this time, there is no coordination of listings for the HABS and The National Register.

The second instance of major federal legislation in support of historic preservation was the Historic Sites Act of 1935. The Act authorized the Secretary of the Interior to be the executor of a national policy "to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States."¹⁴ The powers entrusted to the Secretary were the following:

...other than the appropriations process, no further Congressional action is necessary before the Secretary may investigate the national significance of a property. Upon finding that a property is "nationally significant",¹⁵ he may undertake its protection and management by a variety of actions. He may conduct investigations and surveys to collect accurate and detailed data. He may acquire necessary real and personal property in fee or in lesser interests. He may enter into cooperative arrangements

with States, their political subdivisions, corporations, associations or individuals regarding the protection, preservation, maintenance or operation of any such historic property for public use, whether it is in federal or non-federal ownership. He may operate museums in connection with such properties. He may erect appropriate tablets. He may undertake educational programs and disseminate information to the public about the properties, and he may seek and accept technical and professional assistance of any federal, state, or local agency of government, any educational or scientific or any patriotic organization.¹⁶

The 1935 Act also called for the creation of an Advisory Board on National Parks, Historic Sites, Buildings and Monuments, the members of which were to be appointed by the Secretary and whose duties included advising the Secretary.

Although the Historic Sites Act gave a good deal of liberty and power to the Secretary of the Interior, the traditional position of the Secretary has been conservative in terms of accessions and management. According to Bernard R. Meyer, "...the Department of the Interior has been reluctant to undertake the financial burden of administering a new area without first having an expression of Congress on its establishment."¹⁷

In 1949, the National Trust for Historic Preservation was chartered by Congress. The Trust replaced the National Council for Historic Sites and Buildings established in 1947.¹⁸ The new organization was created to further the policies of the Historic Sites Act of 1935. Among other things, the Trust distributes publications, maintains a library and sponsors lectures/symposia on topics relating to historic preservation.

The Turst also holds title to a few historic properties. As Albert B. Wolfe has said, however, "its more important function is as a clearing house and rallying agent for the preservation movement."¹⁹

In summary, the power to establish monuments was slowly dispersed. Until 1906, only Congress could proclaim a National Monument. After 1906, the President also had such power. The Secretary of the Interior was given jurisdiction over maintenance of National Parks and Monuments in 1916 and was given power to establish them in 1935. Then, it will be seen, the federal legislation of 1966 included the states in the process of establishing landmarks, and effected a new view of monuments.

The power to protect monuments was extended gradually also. Until 1966 the only protection afforded monuments and sites was via 1) the Antiquities Act of 1906 which authorized the president to declare national monuments and protected federal properties, and 2) the Historic Sites Act of 1935 which authorized the Secretary of the Interior to purchase sites thereby making them federal property and again depending upon the 1906 Act for their legal protection.

An increasing awareness of the environment and resources depletion was reflected in two 1966 federal statutes which not only took steps towards more extensive protection of sites and monuments but were indicative of a broadening approach to Preservation. The statutes are The National Historic Preser-

vation Act of 1966, and the Department of Transportation Act of 1966.

An emerging new policy can be inferred from part of the preamble of the National Historic Preservation Act of 1966: "Congress finds and declares...that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people."²⁰ Among the more important provisions of this Act are 1) the encouragement to preserve structures "as a living part of our community life and development"; 2) the establishment of the Advisory Council on Historic Preservation; and 3) the expansion of the National Register of Historic Places, and matching grant-in-aid programs for the states.

That the policy encourages that preservation become a living part of community life is indicative of a developing new attitude toward preservation. No longer is make-a-museum-out-of-it the stated aim, but community reuse, and thus recognition of locally as well as nationally significant structures.

An Advisory Council was established by the National Historic Preservation Act of 1966 "to advise the President and the Congress...to recommend studies and encourage training and education and to stimulate coordination with state and local agencies."²¹ One of the most notable duties of the Advisory

Council is to "comment" upon the effect of any federal or federally assisted project on or near a National Register property. This duty is included in section 106 of the 1966 statute and has been invoked frequently since its establishment. What gives weight to this task of the Council is the provision that the head of any federal agency having direct or indirect jurisdiction over the federal or federally assisted project must "take into account the effect" and "afford the Advisory Council on Historic Preservation...a reasonable opportunity to comment with regard to such undertaking".²² Section 203 of the Act "authorizes the Council to secure from any agency of the Executive Branch of the federal government whatever data and information is needed for its activities".²³ An instance of a request for the Advisory Council's comment, and an ensuing Section 106 Hearing, will be discussed in a later chapter.

The expansion of the National Register of Historic Places necessarily expands the applicability of Section 106 and the authority of the Advisory Council; and the existence of grants-in-aid programs provides added incentive to states to maintain and expand their preservation activities. Generally, this legislation has provided an expanded base for preservation activities in the United States.

Also in 1966, the fourth instance of major federal legislation in the area of historic preservation - and the only one not under the jurisdiction of the Department of the Interior - is the Department of Transportation Act of 1966. The Act

declares a national policy involving "special effort...to preserve...historic sites"²⁴ and includes provision for the protection of parklands. It specifies that the Secretary of Transportation

shall not approve any program or project which requires the use of...any land from an historic site of national, state or local significance as ...determined...[by the Federal, State or local officials having jurisdiction thereof] unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such...historic site resulting from such use.²⁵

This means Department of Transportation (DOT) funds can be used for preservation activities.

These two Acts of 1966 provide protection not only to all National Register sites affected by any federal or federally assisted projects, but also to other sites of national, state or local significance affected by activities under the jurisdiction of the Department of Transportation. Although the Acts can restrain only DOT and federal or federally assisted projects, their existence has established or encouraged a similar, broadening attitude on state and local levels. Furthermore, The National Environmental Policy Act (NEPA) of 1969 reinforced and furthered the effects of the 1966 Acts, and relevant court cases.

The NEPA established the policy of "continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy...(to) fulfill the responsibilities of each generation

as trustee of the environment for succeeding generations", and to "assure for all Americans...esthetically and culturally pleasing surroundings", as well as to "preserve important historic, cultural, and natural aspects of our national heritage..."²⁶

Of major impact in the NEPA is Section 102 which "authorizes and directs that, to the fullest extent possible,...the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act..."²⁷ The implications of this policy are vast. Its ramifications could result in major changes in approach to the physical environment.

In 1971, the President, by Executive Order 11593, specifically ordered the federal government to set the example in preservation. The order affects only federal agencies. Among other things, it requires them to initiate measures necessary to insure that no federal activities detrimentally affect any site or structure of historical, architectural or archaeological significance, as well as to institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of such sites and structures not federally owned. The order also delineates specific duties of the Secretary of the Interior.²⁸ Most notably, however, the order states that "the Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation."²⁹

REGIONAL, STATE AND LOCAL PRESERVATION ACTIVITY

As early as 1889, the Association for the Preservation of Virginia Antiquities was established by petition to the Code of Virginia. A non-profit organization, its purpose is still today the restoration and preservation of Virginia architecture and acquisition by purchase or gift.³⁰ The organization supports itself by private memberships, gifts, and income from its properties.

In 1895, there were approximately twenty house museums in the United States. By 1910 the number quintupled.³¹ In 1910, the Society for the Preservation of New England Antiquities (SPNEA) was established by a Massachusetts Special Act. It has consistently remained one of the largest (in terms of holdings and membership) and more progressive (in terms of methods and research) private preservation organizations in the country. Its early beginning and its organization are of interest for this particular discussion; some of its methods of preservation will be mentioned in a later chapter on legal techniques for enabling historic preservation.

The SPNEA was established as a Massachusetts charitable organization and has supported itself via private memberships, contributions and limited income from its properties.³² Massachusetts and, later, other New England states granted

the organization exemption from local real estate taxes.

With the exception of Massachusetts, which in 1918 declared preservation of historically significant property a public use and authorized the exercise of eminent domain,³³ most significant preservation activities and legislation remained on the local level until the thirties. In 1928, one of the most ambitious restoration projects to date - Williamsburg, Virginia, a museum-city - was begun with Rockefeller funds. The project entailed the rebuilding and restoration of an area, with strict adherence to period details. More will be said regarding this project in the following chapter.

Charleston, South Carolina, was the first city in the United States to adopt architectural controls in a zoning ordinance. The Charleston ordinance established in 1931, has been used as a model for most later city ordinances. Charleston set the precedent for the establishment of a board of architectural review whose duty it is "to consider proposals affecting exterior architectural features which are subject to public view from a public street or way" in order to prevent "developments obviously incongruous to the old historic aspects of the surrounding."³⁴ That is, all municipalities confine jurisdiction to exterior appearance visible from a public way,³⁵ and most extend broad interpretive powers to the board of review regarding "incongruity

with surroundings".³⁶ Five years after the Charleston Ordinance, Louisiana authorized by Constitutional Amendment the City of New Orleans to take steps to insure the preservation of its French Quarter, the Vieux Carre. New Orleans, in 1937, based its architectural controls on those of Charleston.

Subsequent to The New Orleans activity, the preservation movement quieted until after the depression and World War II. Then, between 1945 and 1952, six cities followed Charleston's lead: Alexandria and Williamsburg, Virginia; Winston-Salem, North Carolina; Georgetown, D.C.; Natchez, Mississippi and Annapolis, Maryland.³⁷ As of 1963 the number of municipalities with historic district architectural controls was over fifty, and within a decade the number increased by more than a factor of six.³⁸

After 1950, encouraged by the National Trust for Historic Preservation, states began to draft general historic district acts or other enabling legislation. State legislation is responsible for defining the extent of the power of local governments to engage in preservation activities, which includes accepting federal and state funds, authorizing surveys, encouraging historic district recommendations, and generally stating policies and providing a spring board for the establishment of local activities and controls.³⁹

In the last decade hundreds of municipalities have created historic districts and/or established some kind of architectural/planning controls over small and large areas in an effort to preserve structures for the enhancement of what has frequently been called the "quality of life." At least weekly one reads about a new preservation project - in New York, Savannah, Philadelphia, Louisville, Denver, Hartford, etc. Many of the programs are renewal-turned-preservation projects. In downtown Newburyport, Massachusetts, whole streets of buildings have been repaired, cleaned and turned into or left as shops. For \$20 per square foot, versus \$30 per square foot for new construction (does not include razing), a square of Denver was cleaned, rehabilitated and returned to its commercial origins. Hartford's project Process is a combination renewal-preservation program of large ambition.

Notably, there has been a trend, especially since the 1928 beginnings of Williamsburg, away from "museumifying" as a method for preservation. But the trend has not gone far enough. Participants in the trend have not yet recognized that it is not only houses or structures which are worth preserving, but also the characteristics which give the area its aura and patterns. It is the whole context of an area which must be considered.

CHAPTER TWO FOOTNOTES

¹Fiske Kimball, "The Preservation Movement in America," Journal of the Society of Architectural Historians, (hence JSAH) Vol. I, No. 3-4, (July-October, 1941), p.15.

²Ibid.

³Hans Huth, "The Evolution of Preservationism in Europe," JSAH, p.5.

⁴Telephone interview with L. R. Hammel, Office of Archeology and Historic Preservation, The National Park Service, Department of the Interior, January 21, 1975.

⁵Newton B. Drury, "The National Park Service and the Preservation of Historic Sites and Buildings," JSAH, p.18.

⁶Albert B. Wolfe, "Conservation of Historical Buildings and Areas - Legal Techniques," pamphlet reprinted for the National Trust for Historic Preservation from Proceedings of Section of Real Property, Probate and Trust Law (Chicago: American Bar Association, 1963), p.3.

⁷Oscar S. Gray, "The Response of Federal Legislation to Historic Preservation," Legal Techniques in Historic Preservation, selected papers from the Conference on Legal Techniques in Preservation sponsored by the National Trust for Historic Preservation, Washington, D.C., May 1971, (Washington, D.C.: The National Trust for Historic Preservation, 1972), p.6.

⁸Ronald F. Lee, Family Tree of the National Park Service (Philadelphia: Eastern National Park and Monument Association, 1972), p.13.

⁹Ibid., p.21.

¹⁰Wolfe, p.5.

¹¹Janet Vrchota, "Landmarks," Design & Environment, Vol. 4, No. 2 (Summer, 1973), p.42.

¹²Maintained by the National Park Service, the National Register of Historic Places "is a listing of all the historic properties recognized under the Antiquities Acts, the Historic Sites Act and special acts of Congress and of those properties nominated by the states in accordance with standards and procedures established under the Preservation Act by the Park Service." Bernard R. Meyer, "Implementation of Preservation Legislation: The Department of the Interior and The Advisory Council on Historic Preservation," Legal Techniques, pp.15-16.

¹³A program of matching grants was created under the National Historic Preservation Act of 1966 in order to encourage state and local preservations programs. For a discussion of the program and some of its associated problems, see Bernard R. Meyer, "Implementation of Preservation Legislation: The Department of the Interior and the Advisory Council on Historic Preservation," Legal Techniques, p. 16.

¹⁴Meyer, p. 14.

¹⁵Significance is usually determined according to the following criteria established for the National Register of Historic Places;

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or
3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That have yielded, or may be likely to yield, information important in prehistory or history.

(Federal Register, V. 39, No. 34, Part II (Tuesday, February 19, 1974), p. 6403).

¹⁶Meyer, p. 14.

¹⁷Ibid., p. 14-15.

¹⁸Wolfe, p. 5.

¹⁹Ibid.

²⁰Gray, p. 6. (This writer's emphasis).

²¹Ibid., pp. 6-7.

²²Ibid., p. 7.

²³Meyer, p. 16.

²⁴Gray, p.7.

²⁵Ibid.

²⁶Ibid. p.11.

²⁷Ibid.

²⁸These responsibilities include "develop[ing] and mak[ing] available to federal agencies and state and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties." (Federal Register, Vol. 36, No. 95 (May 15, 1971), p.8923.)

²⁹Ibid., p.8921.

³⁰Telephone interview with L.R. Hammel, Office of Archaeology and Historic Preservation, the National Park Service, Department of the Interior, April 30, 1975.

³¹Wolfe, p.3.

³²Ibid.

³³Ibid.

³⁴Paul E. Wilson and H. James Winkler, "The Response of State Legislation to Historic Preservation," Law and Contemporary Problems (Durham, N.C.: Duke University Law School, Summer, 1971), p.338.

³⁵See Wolfe, p.7.

³⁶See Wilson and Winkler, p.338.

³⁷Wolfe, p.5.

³⁸Janet Vrchota, p.42.

³⁹See Wilson and Winkler, pp.330-331.

CHAPTER THREE: A CLASSIFICATION OF APPROACHES TO PRESERVATION

Before considering specific techniques for implementing historic preservation, I will attempt a classification of some existing approaches.

Some preservation projects focus on specific buildings, sites or monuments. Others involve entire districts of cities or towns. While there is more than adequate justification for the faithful reproduction or detailed restoration, the stasis inherent in such an approach to preservation inhibits the natural evolution of such areas. In some cases, the preservation and even restoration of a particular structure, group of structures or site because of its unique history or style is considered important. In another case, the reconstruction of a structure/site to its original appearance for educational or cultural purposes is considered valuable. More generally, the fabric of whole areas of a city or town may be preserved for historical and educational benefit or to foster the areas as responsive living environments.

Existing approaches to area preservation can be classified into five general categories: Restrictive Preservation, Restrictive Restoration, Adaptive Preservation, Inadvertant Preservation, and Contextual Planning.

Venice, Italy, although it is exceptional for many reasons, will be used as an example of the first type. In the historic center of the city very little construction has occurred in the last century, and the little which has taken place has been severely restricted. Concern for the preservation of the city began at the end of the nineteenth century. After 1866, when Venice was annexed to the King of Italy, the various social, political and economic patterns of life underwent considerable change. The city was taken by a new spirit which brought much new building. This included the creation of new streets and substantial demolition for those streets. General public concern was aroused for the historic center ("centro storico") of the old city. In 1891, the first program for the reclamation of the centro storico was established. Its policies were quite vague. Between 1910 and 1948, studies of the centro storico were published by, among others, Professore Raffaele Vivante. 1937 brought a law providing for the preservation of the existing structures, specifically the canals and historic architecture. In 1956, stringent codes regulating new construction or alterations in the centro storico were adopted. The effect was a stasis. This policy, which will be called "Restrictive Preservation", was in part responsible for a loss of population and resulting concern over the future of the historic center.¹

A more extreme example of this approach to preservation is evidenced in Williamsburg, Virginia, where residents of

the historic center are almost exclusively the museum curators who garb themselves in old costumes. The program includes not only the rigid restoration of any existing structures and fabric, but also the reconstruction and reproduction of the structures and furnishings which did not exist at the outset of the project. Fitch has said of Williamsburg: "Whatever the intentions of its founders, this project has done more to stultify and corrupt American taste than any single event in our history, the Columbian Exposition possibly excepted."² Critiques aside, this approach, which will be called "Restrictive Restoration", has effected in actuality a museum-city.

Savannah, Georgia demonstrates a less rigid program than that which Venice has maintained. Savannah's preservation-consciousness was triggered in 1954 when nine women protested the demolition of an historic house. Historic Savannah Foundation was formed and soon Savannah began to reclaim the old section of the city. In 1966 a study was commissioned which resulted in an analysis of the historic area including the architectural characteristics indigenous to the area. This brought the establishment of sixteen design criteria which could be used to evaluate, for approval or disapproval, alterations to existing structures and new construction in the historic area. These criteria will be discussed in detail in Chapter Seven. The criteria have been incorporated into the zoning ordinance of the city of Savannah and consistently have been interpreted quite strictly in order to preserve the historic features of the old section of the city. The criteria

are set up to permit, for example, contemporary materials and design, but require sufficient attention to details of surrounding structures to maintain the area's ambience. This policy will be considered "Adaptive Preservation", due to its allowance for contemporary construction within specified limits. While the zoning calls for compatibility with existing structures, it does not require reproduction of the predominant style.

It has been suggested by Professor Stanford Anderson that the "Inadvertent Preservation" approach found in Paris be considered in this discussion. Within the zoning ordinance of the city of Paris is the provision that, should a building facade in a certain district be rebuilt, the facade of the building must be set back a specified distance. This provision was made so that, eventually, the streets in the district could be widened. The upshot of this provision was that, with inhabitable space in the city so precious, the street facades of the buildings were kept in tact, i.e., preserved, even when the remainder of the building was substantially altered or rebuilt! This is an astonishing example of how an ordinance can work towards an end absolutely unconsidered and unintended at the time of its establishment. This particular provision in the zoning ordinance inadvertently promoted the preservation of the street facades of existing buildings.

Another common example of inadvertent preservation is due not to ordinances, but to lack of financial input to the city.

For example, after the mid-nineteenth century, Newburyport, Massachusetts, was no longer a major seaport and shipbuilding center. The resultant dwindling financial base of the city prevented substantial changes or renewal until federal aid was made available to Newburyport in the 1960's. Consequently, the city was preserved almost in toto for a century.

The last approach I wish to mention is exemplified by a zoning proposal by the New York City Urban Design Council (hence referred to as UDC, but not to be confused with the New York State Urban Development Corporation). It is quite different from the previous examples for several reasons. First, there is no physical form in which the approach is exemplified since it is contained in a policy which has not yet been implemented. Secondly, as opposed to "historic preservation" in its conservative interpretation, the aim of this approach is the general stabilization and quality of the living environment in any neighborhood (in New York City). Asked by Mayor Lindsay to "investigate ways to improve the quality of the City's new housing",³ the UDC attempted to make "quality housing" quantifiable, proposing four general headings under which criteria are listed: neighborhood impact, recreation space, security and safety, and apartment. These criteria will be discussed in a later chapter devoted to the proposal. What is relevant here is the weighted concern for Neighborhood Impact, i.e., for the consideration and maintenance of existing and evolving neighborhood fabric and

character. Although analogous to some preservation aims, the attention here is not to the preservation or reproduction of architectural details, but to the continuing reference to the existing context of the area in terms of scale, height of buildings, landscaping, and continuous street facades. The UDC approach has been considered, in this project, as a type of preservation due to its consideration of existing quality and character of an area. For the purpose of discussion, this approach will be called "Contextual Planning". This label is chosen obviously due to the focus on context of the area being considered and because the scope is broader and more permissive than preservation. Generally, it encourages a positive, contextually-constrained evolution of an area of a city; a policy of architectural preservation becomes a special, more restrictive constraint within the general approach.

The above examples suggest five types of approaches to preservation. Restrictive Restoration attempts to extensively conserve and reconstruct architectural and planning characteristics, and generally period furnishings, of an area. Restrictive Preservation connotes architectural conservation and very restrictive zoning and/or building codes including limitations regarding building style and materials. Adaptive Preservation allows for a broader range of building style and materials within certain limits, and as long as the historic character of the area in question is maintained. Inadvertent Preservation implies no structured approach to preservation, but the unplanned occurrence of preservation perhaps due to

particular legislation or economic stagnation. Contextual Planning shows deference to the existing context, allowing for the gradual evolution of the fabric and character of the area, but espouses historic guidelines only as a special case.

United States examples of these types of preservation are limited, except for those of Adaptive Preservation. There are a few examples of Restrictive Restoration. Williamsburg, Virginia, and Sturbridge Village in Massachusetts are the two better known examples. Their small number is understandable and appropriate; they are expensive to restore and maintain, and because they are museums they are generally not living environments except perhaps for the curators.

Restrictive Preservation is infrequently found in the United States. Although Georgetown, D.C., and the Vieux Carre in New Orleans might qualify as examples by their appearance, it is difficult to put them in this category due to the nature of their zoning ordinances.

Most historic districts in the United States fall under the category of Adaptive Preservation because of their zoning ordinances. The zoning ordinances of the historic districts throughout the country are strikingly similar. Vague mentions of height, scale, color, texture, materials, setbacks and/or general appearance are listed as topics to be examined by a review board. The review board, generally established under the same ordinance, must pass on the architectural drawings for any alterations or new construction to be done

in its historic district. Their preconceptions and subsequent decisions are often the weak point in the process. Whenever a district, because of its appearance, would seem to fit into the category of Restrictive Preservation, it is due to the limited interpretation which the review board (or the designer) has given the zoning ordinance.

The effects of Inadvertent Preservation are temporary. Although once exemplified by towns such as Newburyport, Massachusetts and Savannah, Georgia the category no longer applies to these towns. The approach lasts only as long as the condition and the incentive that caused it. Once money is available for change, structures will most likely not be preserved as they are. Once the legislation regarding the setting back of facades is lifted, changes in facades will probably occur. This does raise the question, however, of whether the side-effects of other legislation could be better understood and planned for, thus allowing the simultaneous pursuit of more than one intended consequence.

Because the approach as described is new, there are no examples of Contextual Planning in the United States. This approach, however, promises to be a generally useful tool to the planner or preservationist. It will be discussed in greater detail in Chapter 8.

CHAPTER THREE FOOTNOTES

¹The population of Venice between 1951 and 1961 dropped 23% - a surprising amount for those years. More recently, this factor, among others, has contributed to a new concern for the general life patterns and healthy development of the city. At a conference in Venice in 1962, On. Dott. Mario Ferrari-Aggradi said:

Non si puo immaginare di trasformare la citta di Venezia in un museo o peggio ancora di difendere le sue attuali mura rendenola deserta quasi come un Leptis Magna. Le sue mura debbono rifulgere e mantenere intatto l'antico splendore e bellezza ma proprio perche cio avvenga in modo pieno occorre che all'interno la vita continui a pulsare, assicurando occasioni di lavoro e prospettive di progresso ad un adeguato numero di cittadini.

(To paraphrase: One cannot imagine transforming Venice into a museum or worse, leaving her deserted like a Leptis Magna. Her walls must maintain intact their ancient splendor and beauty, but it must be in such a way that inside her walls life continues to pulsate and there is assurance of jobs, progress and an adequate number of inhabitants.)

("Aspetti economici e sociali del Problema di Venezia", Atti del Convegno Internazionale, Venezia, 1964).

²James Marston Fitch, American Building: The Forces That Shaped It (Boston: Houghton Mifflin Company, 1948), p.141.

³Urban Design Council of the City of New York, Housing Quality: A Program for Zoning Reform, (New York, 1973), p.1.

CHAPTER FOUR: TECHNIQUES FOR PRESERVATION

There are probably as many legal mechanisms for promoting the preservation of structures as there are types of structures. There are, however, essentially three categories of these techniques: Legislative, Financial-Incentive, and Private-Interest. Some techniques fall under two or even all three categories.

A. PRIVATE INTEREST

Private ownership is obviously one incentive for purchasing and preserving structures. An individual might purchase a structure for the purpose of rehabilitating and living or working in it. A second incentive is profit. An individual or group might purchase a large structure or perhaps a whole block of structures in order to renovate or restore and rent or sell units. This has been done by individuals as well as by businesses such as Anderson Notter Associates, an architectural firm in Boston. Anderson Notter Associates were the developers for the Prince Spaghetti factory in Boston which they renovated and converted into apartments. A third incentive is preservation for its cultural and educational benefit. S.P.N.E.A., the Society for the Preservation of New England Antiquities, works to this end. For example, S.P.N.E.A. purchases properties, restores them, and rents them out at low rates, requiring that each renter maintain the property and keep it open to visitors at certain times. Along with

simple purchase and renovation, relocating also must be considered as a technique. Numerous structures have been moved from their original locations (generally because blight or demolition would have threatened the structure if it were allowed to remain), relocated and restored for the purpose of preserving the structures. Old Sturbridge Village in Sturbridge, Massachusetts, has used this method to accrue an interesting architectural-historical museum.

In each of the above cases, purchase and restoration are a means to an end. In each case private ownership is the mechanism whereby legal protection is afforded the structure or structures. Longer protection than one man's (or group's) ownership may be provided, however. Restrictive covenants are often used to protect private property in perpetuity. A restrictive covenant or easement allows a property owner to limit any alterations made to the property or structure by future owners. It is achieved by including on the deed to the property any desired restrictions. This technique has been used by, for example, S.P.N.E.A. and Historic Savannah Foundation, Inc. to prevent demolition or change to properties which have passed through their ownership. The use of restrictive covenants also has been employed in Maine¹ and Texas.² Furthermore, it should be said that, should any court cases regarding these types of properties arise, favorable interpretation must be given their plight because of the policies set forth in the National Environmental Policy Act of 1969, as described in Chapter Two.

B. FINANCIAL INCENTIVE AND RELIEF TECHNIQUES

This category includes the following methods or techniques: Bank Lending, Easements, Tax Incentives, and Transfer of Air Rights.

B.1. BANK LENDING

Bank Lending can work actively and even inadvertently to facilitate the preservation of certain areas. In the past several years, banks in different municipalities such as Boston, Savannah, and Philadelphia, have enthusiastically supported (i.e., granted loans for) restoration and preservation efforts in certain areas of their cities. Once the activity starts in an area, it tends to "snowball" as more and more people become aware of the activity and the opportunity. Furthermore, as more people borrow and upgrade properties, real estate values increase and the banks are safe in their investments. On the other hand, it should be noted that bankers' unwillingness to loan money for the development of an area also tends to "snowball", and can inadvertently effect the preservation - if it may be so called - of architecture and details of an area. Without money to make changes, especially costly exterior changes, an area may remain unaltered for years. This "inadvertent" preserving of an area occurred in Boston's North End,³ where few exterior alterations took place amid some interior updating.

B.2. EASEMENTS

Easements or covenants were discussed briefly above, under Private Interest, as protection mechanisms. They are achieved by attaching restrictions to the deed of a property. Basically, there are two types of easements: Conservation Restriction and Preservation Restriction. The former means "limitations so as to preserve natural or scenic conditions."⁴

A 1969 Massachusetts statute defines the latter:

...a Right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking, appropriate to the preservation of a structure or site historically significant for its architecture, archeology or associations, to forbid or limit any or all (a) alterations in exterior or interior features of the structure, (b) changes in appearance or condition of the site, (c) uses not historically appropriate, or (d) other acts or uses detrimental to appropriate preservation of the structure or site.⁵

Whether or not an easement is perpetual depends upon its assignability, or the ability of the owner of the easement to assign it to his successor. If a property owner affixes an easement to the deed of his property, the easement is assignable and therefore continues in perpetuity, unless contested in court by a later owner of the property. Besides being enacted by the owner of the property in question, easements on that property may also be purchased. Depending upon the purchaser, the easement is either an easement in gross or an appurtenant easement. An appurtenant easement is created for an adjacent property owner; an easement in gross is created for someone other than an adjacent property owner.⁶ Easements

in gross are not assignable, whereas appurtenant easements are assignable. This means that an adjacent property owner may assign an easement to the succeeding adjacent property owner, but the holder of an easement in gross, such as S.P.N.E.A., may not assign its easement to someone else. Generally, however, easements in gross are owned by public or private agencies which presumably will continue forever. If they should change their name or structure they could show that they are in effect the same organization, or they might purchase adjacent properties.

In any case, easements may be contested. With the general receptiveness of the need for conservation of resources (and architecture), however, easements have not undergone a great deal of testing in the courts as yet. Thus far, they have been employed in Houston, Texas, Savannah, Georgia, and Annapolis, Maryland, to name a few places.

Two specific types of preservation easements have been used recently: facade easements and interior easements. Facade easements are purchased from a property owner and give the purchaser the right and responsibility of maintaining the exterior facade of the structure. Interior easements give the purchaser the responsibility of maintaining the interior of a structure. Annapolis, Maryland is a city where both public and private agencies hold facade easements on local structures.⁷ Until recently only exterior easements

were being used in the preservation effort, but Preservation News reported in its February 1974 issue of the establishment of Interior Easements for historic preservation in New York City.⁸

There are a number of advantages to easements over outright purchase: (1) An easement costs a good deal less than the full acquisition of the property; (2) It can allow for the property's continued use (e.g., as factory, home, etc.). This means the cost of general upkeep stays with the user. Also the property is kept on the tax rolls of the city or town; (3) An easement does not require enabling legislation; it can be effected between two private parties.

B.3. TAX INCENTIVES

Tax incentives have been the subject of many recent debates regarding ways to encourage historic preservation. To date, there has been no effective legislation to provide tax relief to the small property owner who wishes to restore his home or office.

For larger commercial properties, however, there have been enacted municipal programs which provide tax incentives for encouraging the preservation of properties with historic value. These will be considered in the next section, Transfer of Air Rights. To further encourage the preservation of commercial properties, the "Historical Structures Tax Act" (House) and the "Environmental Protection Act" (Senate) were introduced to Congress on March 14, 1973 and August 3, 1973 respectively. Regarding preservation, they propose to amend

the Internal Revenue Service code to remove incentives for demolition of historic commercial structures and provide more favorable treatment for rehabilitation of such properties."⁹ No action has taken place on the measures since their introduction.

B.4. TRANSFER OF AIR RIGHTS

The concept of the Transfer of Air Rights attempts to provide the urban historic property owner with an alternative to demolishing his structure and building a new one in order to get some return on his investment. The concept allows the owner of an historic structure to use the maximum height and building space permitted by zoning by selling his rights to use the "buildable space" above his building to another property owner. The historic building owner also receives a reduction in real estate taxes on his property.

The idea of transferring air rights from one building to another has received a good deal of attention and some acclamation recently. The need for relief to landmarks in commercial urban areas is the reason for its creation; the need for this relief was recognized only after a number of landmarks and historic structures were demolished in dense urban areas. Basically, the problem is that historic structures cannot survive economically in the downtown areas of most of our cities. For example, where a Floor Area Ratio (hence F.A.R.) of 20 is permitted by zoning and therefore real estate taxes reflect the income potential from that size structure, main-

taining an historic structure with an F.A.R. of 3 (and such disparities are not unusual) cannot be justified economically and the historic structure is usually demolished.

Not surprisingly, it seems many people wish to take credit for this popular idea. At his lecture on Manhattan's South Street Seaport at MIT, Peter Sanford claimed general responsibility for the idea.¹⁰ In support of this claim, a 1973 Special Issue of The South Street Reporter says:

[The citizen committee formed in 1966 for the establishment of the Museum] conceived of selling off unused development rights from historic tracts ("transferred air rights") to make it economically feasible to preserve the old low-rise buildings of this whole neighborhood from which it may be said the modern city grew.¹¹

Jonathan Barnett, referring to the Grand Central Station Air Rights incident of 1969¹² says:

Knowing that this issue [relief to landmarks] would come up, the Planning Commission devised a way to give the owners of landmarks a third alternative to the choice between demolition and the status quo. It passed a law permitting transfer of "air rights" from a landmark to nearby property.

The law was enacted in 1968. It is difficult to believe that any government body would enact a law concerning an unforeseen incident more than a year prior to its occurrence. Furthermore, it should be noted that "[t]raditionally the New York City Zoning Laws have permitted the transfer of air rights between contiguous building sites held in common ownership.¹⁴ and the "first departure from the traditional canon [came] in 1968 when it adopted a Zoning Resolution which permit[ted] the transfer of a landmark's air rights to a non-contiguous lot."¹⁵

Thus the basic concept is not novel.

Amendments were made to the 1968 resolution but the basic concepts and strategies remained the same. The New York Program allows for the transfer of air rights from a landmark to another property but only within a very restricted area. The potential buyer must own a lot either across a street or an intersection from the landmark. Of course, contiguous property owners are also eligible. Certainly this was a constructive move, devised to provide relief for landmark owners. However, as of 1972, the program had "not...yet figured in a single executed transaction."¹⁶ This has been blamed on the fact that there were too few potential rights buyers due to the limitations restricting which properties relative to the landmark were eligible for transfer. John J. Costonis cites this and four other problems with the New York City Ordinance: labyrinthine procedures before issuance of transfer permits; reliance on the voluntary participation of landmark owners; questionability of insuring the preservation of the landmark (owner still retains rights to demolish the structure); possible suffocation in "adjacent superdensity" and traffic congestion due to the small size of the transfer district.¹⁷

In 1972, Professor John J. Costonis proposed "The Chicago Plan" which addressed the problem areas of the New York City Program, but retained New York's basic concept. The Chicago Plan proposed the following to deal with the five

problem areas of the New York City Ordinance iterated above:¹⁸

(1) larger transfer districts; (2) anytime after landmark designation the owner may sell transfer rights and get real estate tax deduction; (3,4) In return for his transfer right, the owner has to give the city a "preservation restriction" which will bind him and future owners to maintain the landmark and prevent demolition or alteration without permission from the city; and (5) greater distribution of bulk/density, traffic and services in the area as a result of the larger transfer district.

It should be noted that the transfer districts of the Chicago Plan are still quite restricted. The boundaries of the districts are established using the finding that "endangered landmarks tend to be grouped in one or more reasonably compact areas of the city, usually high in land value commercial and service districts".¹⁹ Development rights transfer districts are established by the city council upon the recommendation of the landmark and planning commissions.²⁰

The New York City and Chicago plans are the two current examples of the application of the relatively new Transfer of Air Rights technique. Time will tell its value and will point up any unintended consequences. Its creation, however, demonstrates an interest in approaching the problems from a constructive (incentive) rather than a restrictive point of view. The merits of the incentive approach will be discussed in Chapter Nine.

C. LEGISLATIVE TECHNIQUES

Basically, there are three levels of legislation: federal, state and local. Federal legislation pertaining to historic preservation was discussed specifically and state legislation briefly in Chapter Two. States must provide (where necessary) the enabling legislation for municipalities to enact their own legislation. Traditionally, states have preferred to leave the establishment and maintenance of municipal preservation programs to the municipalities themselves. Generally,

Local governments may be empowered to acquire and maintain historic property, to enact historic zoning ordinances, to create historic districts and commissions, to regulate external features of historic buildings, to issue bonds and levy taxes for historic preservation purposes and to perform other relevant functions.²¹

For this discussion, local legislation, namely building codes and zoning ordinances, are of primary interest. For purposes of this thesis project, in which contextual preservation is the major concern, zoning merits particular attention as an especially powerful vehicle.

C.1. BUILDING CODES

Although building codes by their nature tend not to have the capacity to support preservation as extensively as zoning ordinances, they nonetheless can play an important part in expediting or handicapping preservation projects. Roger Lang has pointed out: "Achieving code compliance often has a major impact on the feasibility of recycling a building. Few older structures readily comply with modern standards for

egress, occupancy, non-combustibility of materials, and structural soundness, to cite but a few problem areas."²²

Until recently there has been no special provision for historic structures in any of the major building codes. Some people argue that no, or minimal, building codes should be applicable to historic buildings. A stumbling block, however, is safety. Generally, codes have required that, for major alterations, existing structures, even those predating the establishment of the code, "achieve parity with a new building constructed for a similar purpose."²³ Building Officials and Code Administrators, International (BOCA) seems to have been the first to propose provision for historic buildings in its code. Section 318.0 entitled "Special Historic Buildings and Districts contains the following:

The provisions of this code, relating to construction, repair, alteration, enlargement, restoration and moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the buildings official as Historic Buildings subject to the approval of the Board of Appeals when such buildings are judged by the building official to be safe and in the public's interest of health, safety and welfare regarding any proposed construction or alteration, repair, enlargement, relocation and location within fire districts. All such approvals must be based on the applicant's complete submission of professional architectural and engineering plans and specifications bearing the professional seal of the designer.²⁴

At a recent conference,²⁵ Milton Grigg, FAIA, from Charlottesville, Virginia, discussed the adoption of the above section of the BOCA code in Virginia as being a major step forward

in preservation. Unfortunately, the loopholes and vagueness of this addition to the BOCA code are regrettable. I would agree with Roger Lang that we need to reevaluate and be more specific in our building codes, in the light of new attitudes and developments. Proposing a new building code, however, is not the interest at hand. Zoning is the method more extensively applicable and therefore of more interest within the limited scope of this project.

C.2. ZONING

This writer does not claim great expertise in the field of zoning, as the subject is extensive and complex. Quite obviously, however, zoning is a powerful tool. In the introduction to the zoning proposal by the New York City Urban Design Council is the following:

...we set out to determine the best instrumentality for achieving that quality [in housing]. Although we considered several approaches, including the Building Code and the Housing and Maintenance Code, we soon realized that zoning is the appropriate vehicle. For surely, it is axiomatic that zoning designs the city.²⁶

Jonathan Barnett, whose experience with planning in New York City is contemporary with that of the writers of the above, said in his recent book, "As a result of our experience with the Theater District, we came to realize that zoning could be made into one of the basic methods of designing."²⁷ He also points out the effect of zoning on the New York City skyline; but this has long been recognized. In 1948, Fitch said:

[Zoning] was directly responsible for the spectacular 'set-back' design of modern skyscrapers. More important in the long run was its tendency to establish certain minimal standards in terms of light, air, space. The effect of zoning upon housing, schools, and office buildings was in general progressive.²⁸

Typically, a zoning ordinance divides a town or area into "zones" and then restricts particular usage of the land within those zones. The legal base on which zoning rests is the so-called "police power" which is granted to the municipalities by the states for the general public health and welfare. Zoning has been recognized by the courts as resting on that legal base since the 1926 case in Euclid, Ohio.²⁹

Zoning is a relatively new tool. The first zoning ordinance in the United States was enacted in New York City in 1916. Its purpose was to establish standards of light and air and to prohibit what were considered incompatible uses occurring within a certain proximity. Since that time a number of new approaches to zoning have been proposed. The 1950's brought three new techniques: Planned Unit Developments (PUD's), Urban Renewal Controls and Zoning Incentives.³⁰ Zoning for conservation is a recent development. Although Charleston, South Carolina, established architectural controls through zoning in 1931, only a few cities followed that lead until two or three decades later. Now hundreds of municipalities have similar architectural controls through zoning. In the last decade there have been enacted or proposed various kinds of incentive zoning (e.g., air rights transfer), restric-

tive zoning (e.g., architectural controls), and isolated-structure zoning (e.g., floating zones and mini-districts³¹). With the seeming increase (at least in vociferousness) in proponents, however, there also seems to be a larger number of zoning opponents. Private property owners object to being told what they may or may not do with their property. Developers object to the loss of potential income due to the establishment of preservation-oriented zoning. Believers in a perfect capital market are inclined to contend that "the market" should decide the future of property.

Bernard Siegan is a well-known representative of the latter group. He says that "the zoning process is basically a negative device although on occasion it has been used in a 'positive' manner to accomplish certain specific and limited objectives".³² He speaks only slightly more favorably of incentive zoning. Siegan favors the complete removal of zoning and allowing "the market" to be the deciding factor in development. His arguments are essentially the following: He cites the enormous frequency of "petitions for and objections to zoning amendments and zoning variances"³³ and concludes from this that:

(1) so many zoning changes in so many communities would not occur if there were adherence to some form of master plan...[and] (2) control of property through zoning is more chaotic than it is orderly.³⁴

He proposes instead the extensive use of restrictive covenants which, he indicates, are easier to change than zoning ordi-

nances. Based on the assumption that zoning is only for the protection of single family areas and using Houston, which has not used zoning, as example, Siegan says that "when restrictive covenants terminate in a single family subdivision, changes to other uses occur in accordance with economic pressures."³⁵

Regarding masterplans, it should be noted that zoning is a new technique and masterplanning even newer; that is, zoning usually predated masterplans in our cities.³⁶ Implementation of almost all municipal masterplans would be impossible without the power of zoning.

Mr. Siegan makes some valid points, but his inconsistencies do not support his cause well, nor does his general laying of blame on "the planners".³⁷ Furthermore, his repeated insistence that all parts of the zoning process are susceptible to graft hardly vindicates his proposed alternatives.

Definitely there are weak points in the zoning process. Perhaps the entire concept of zoning one day will be abandoned for a better technique. At this point in time, however, zoning offers the most extensively applicable and legally acceptable technique available for land use controls. Most criticism of zoning as a whole is that it is essentially too restrictive in its underlying policies. Given that zoning is the best tool for land-use control at this time, attention to the problem areas of its policies could result in the technique's

being molded to effect a more agreeable end. Indeed, zoning reflects its underlying policies. Three basic problem areas need to be dealt with, and I believe will be addressed in the courts in the next few years: Responsibility of property owners; exclusionary nature of zoning; and an ambiguous system of taxation. (1) What is the responsibility of the property owner to neighbors, the city, posterity? (2) How may exclusionary provisions hidden in many zoning ordinances be identified for what they are and removed without totally undermining an area's right to some self-determination? How can a better mix of use be encouraged via this generally exclusionary technique? (3) What can be done to rectify our system of penalizing by higher taxes the property owner who keeps up his property and rewarding with lower taxes the owner who allows his property to decay?

A report on land-use policies funded by the Rockefeller Brothers Foundation makes recommendations regarding these problem areas. The report suggests that (1) "With private property rights go obligations that society can define and property owners should respect"³⁸ and that (2) the "continuing efforts of civil rights groups and other litigants to obtain court decrees invalidating exclusionary regulations [be] encouraged..."³⁹ The report also supports the encouragement of a stylistic mix in historic areas and the habitation by different income groups in those areas. Jonathan Barnett discusses the value of a mix of uses and obviously feels that zoning can permit, indeed, encourage, that mix.⁴⁰ Regarding

(3) relief to property owners, the land-use report proposes that federal housing assistance programs be revised to "concentrate on a restructuring of incentives to encourage private investors to take a long-term interest in their investments."⁴¹

Though some solutions have been proposed, a good deal of consideration of such problems will have to be undertaken before zoning measures which reflect these solutions would be acceptable, indeed tolerated.

D. GENERAL COMMENT

Legal techniques for preservation are numerous and each necessarily reflects its originator's bias or interest. The bias and the application determine the technique. At this point in time, zoning, of all the mentioned techniques, seems to have the greatest potential to encourage a general awareness of the environment and neighborhood and at the same time be the most flexible or moldable technique to effect a practical and practicable preservation of city areas. It cannot only be a restrictive, but also an incentive technique. In that it is legislative, it does require participation by citizens on many levels. This, Siegan cites as a disadvantage, in that the result is a compromise. I have faith, in the long run, in some kind of process that requires participation by the mix of government officials, planners, citizens etc., on many levels rather than a potentially arbitrary system dependent upon one individual's whim. Barnett included an apropos quotation:

"There is little evidence in the history of land development in America that the private decision-maker, left to his own devices, can be trusted to act in the public interest."⁴²

Zoning will be proposed as the vehicle for the implementation of guidelines for the kind of contextual preservation being advocated. First, however, the cases of Newburyport, Massachusetts, Savannah, Georgia, and a zoning proposal for New York City will be discussed. To facilitate those discussions, categories for comparing the different programs will be suggested in the following chapter.

CHAPTER FOUR FOOTNOTES

¹John N. Cole, in his article "From the People Up," discusses the efforts of the Maine Coast Heritage Trust which, under the auspices of Mrs. David Rockefeller, has helped Maine landowners attach easements to their properties.

²Bernard Siegan in Land Use Without Zoning, (Lexington, Mass.: D.C. Heath and Co., 1972), pp.33ff., discusses the extensive use of restrictive covenants in Houston, Texas, the advantages of the technique and methods for termination.

³Jane Jacobs discusses this occurrence in the North End of Boston in Death and Life of Great American Cities (New York: Random House, 1961), pp.8ff.

⁴Russell L. Brenneman, "Techniques for Controlling Surroundings of Historic Sites," Law and Contemporary Problems (Durham, N.C.: Duke University School of Law, Summer 1971), Vol.XXX, No.3, p.421.

⁵Ibid.

⁶George C. Freeman, Jr. "The Use of Easements for Historic Preservation," Legal Techniques in Historic Preservation, (Washington D.C.: The National Trust for Historic Preservation, 1972), p.28.

⁷See discussion in Henry R. Lord, "The Advantages of Facade Easements," Legal Techniques, pp. 33-34.

⁸"New York City O.K.'s Landmark Interiors," Preservation News (February, 1974), p.1. Generally, use of the property as a museum does not provide enough income for its maintenance, repairs and management.

⁹"Current Legislation," Preservation News (June, 1974), p.7.

¹⁰Lecture by Peter Sanford at School of Architecture and Planning, M.I.T., February, 1974.

¹¹A publication of the South Street Seaport Museum. Reference here is made to Vol. VII, Special Issue, October 1973.

¹²For a discussion of the Grand Central Station incident involving a proposed use of air rights over the station, see Jonathan Barnett, Urban Design As Public Policy, (New York: McGraw-Hill, 1974), pp.71-72, and Norman Marcus, "Air Rights

Transfers in New York City," Law and Contemporary Problems, (Durham, N.C.: Duke University School of Law, Summer 1971), Vol. XXXVI, No. 3, pp.375-376.

¹³Jonathan Barnett, p.72.

¹⁴Norman Marcus, "Air Rights Transfers in New York City," Law and Contemporary Problems, pp.373.

¹⁵Ibid., p.374.

¹⁶John J. Costonis, "The Chicago Plan: Incentive Zoning and Preservation of Urban Landmarks," Harvard Law Review, Vol. 85, No., 3, (January 1972). p.578.

¹⁷Ibid., p.586ff.

¹⁸For a discussion of these points see Ibid., pp.590ff.

¹⁹Ibid., p.589.

²⁰Ibid., p.590.

²¹Paul E. Wilson and H. James Winkler, "The Response of State Legislation to Historic Preservation," Law and Contemporary Problems, p.332.

²²Roger P. Lang, "The Letter and the Spirit: A New Code for Old Buildings," The Boston Architectural Center Journal. Vol. 2, No. 1, (Fall 1974), p.21.

²³Ibid.

²⁴Ibid., p.22.

²⁵"Preservation and Building Codes, "First National Conference, sponsored by the National Trust for Historic Preservation, Washington, D.C., May 1974.

²⁶Urban Design Council of the City of New York, Housing Quality: A Program for Zoning Reform (New York, 1973), p.2.

²⁷Barnett, p.26.

²⁸James Marston Fitch, American Building: The Forces that Shaped It., (Boston: Houghton Mifflin Co., 1948), pp.136-137.

²⁹Since that decision the courts have accepted the constitutionality of zoning via police power. For a description

of the case see Daniel R. Maudelker, "Village of Euclid v. Ambler Realty Company," Managing Our Urban Environment: Cases, Text & Problems (New York: The Bobbs-Merrill Company, Inc., 1963), pp.565ff.

³⁰See Barnett, pp.39ff. for a discussion of these types of zoning.

³¹See Law and Contemporary Problems, pp.400-402.

³²Siegan, p.7.

³³Ibid., p.15.

³⁴Ibid., p.16.

³⁵Ibid., p.36.

³⁶Barnett (p.31) says that,

"The first New York City zoning resolution pre-dates the establishment of the New York City Planning Commission by 22 years and the publication of the City's first comprehensive plan by 53 years. The experience of other American cities has been similar, showing that zoning first, planning afterwards is the usual sequence."

³⁷Siegan, p.194 says:

"Since it can be assumed that the planners are not privy to any special secrets or data, their evaluation of the market can hardly be superior to those willing to risk their funds."

and:

"Planners are supposed to be restrictive to justify their keep; yet they confront serious difficulties in performing well this assignment. Not many planners have ever been part of the construction industry. Even if they had been, they would not be in a position to comprehend the needs and desires of consumers in the way of the builder or developer who is daily in contact."

³⁸William K. Reilly (ed.), The Use of Land: A Citizen's Policy Guide to Urban Growth, A task Force report sponsored by the Rockefeller Brothers Fund, (New York: Thomas Y. Growell Co., 1973), pp.15-16.

³⁹Ibid., p.28.

⁴⁰Jonathan Barnett, p.26:

"Another lesson from the Theater District was that zoning not only can provide a solution, but was a large part of the problem in the first place."

The kind of segregation of land use implicit in the concept of zoning is not...appropriate to a complex central business district..."

⁴¹Ibid.

⁴²Barnett, (p.37), quotes Richard F. Babcock, The Zoning Game: Municipal Practices and Policies, (University of Wisconsin Press, 1966).

CHAPTER FIVE: CHARACTERISTICS OF PRESERVATION PROGRAMS

Three different approaches to preservation will be considered in the following three chapters. Each case is useful to this project for a different aspect of its program. In each case, we will consider (1) the history of the town and/or program, (2) the process or evolution of the program, and (3) the results and conclusions.

Most preservation programs can be analyzed according to three sets of basic characteristics in common: approach, implementation mechanism, and review board. Specifically, we will ask the following questions about each characteristic:

- A. Approach
 - 1. What is the approach or policy?
 - 2. Who is the driving force, e.g., local government, private sector...?
- B. Implementation Mechanism
 - 1. What is the legal technique used for implementing the policy?
 - 2. What are the structural characteristics?
 - 3. What are the specific rules?
 - 4. How is compliance with the rules measured?
- C. Review Board
 - 1. What is the composition of the review board?
 - 2. What are the rules governing its operation?
How much latitude does the review board have in interpreting the rules?
 - 3. Are members of the group paid?

Approach or policy was discussed in Chapter Three. Five types of approaches were identified. In two cases to be discussed, the approach is clearly stated in, for example, a preface to the zoning amendment. In general, where there is

no clear statement in the zoning amendment or master plan for an area, the approach may be inferred from other aspects of the program or the resulting architectural form. Indeed, an examination of other aspects is necessary as a check on stated intentions.

Underlying every implemented policy of a preservation program is some type of legal technique. We will consider that technique, its structure and characteristics.

Restrictive and incentive zoning are the most popular types of legal techniques being used for preservation today. The local building code might be used to enforce the policy. In some cases no local legislation is used to enforce a preservation policy. Instead, federal legislation such as Section 106 of the Historic Preservation Act of 1966 is used to arrive at a decision on a case when discontent with a project of the program arises. A Section 106 hearing involves the Advisory Council, whose comments must be written and considered for the case. A Section 106 hearing occurred regarding a city parcel which had proximity to an historic district in Newburyport, Massachusetts. This case will be discussed later in the context of Newburyport preservation activities. The selected mechanism (or lack of one) for implementation of a policy often implies the seriousness with which a municipality embraces a preservation policy.

We will consider the structure of the legal technique also. It may consist of a simple list of criteria or guide-

lines for performance. It may be a hierarchical ordering of different aspects of the program and contain subordinate lists of criteria or other sub-hierarchies. On the other hand, there may be no obvious structure, but instead one or more sentences in a master plan, or in the instructions governing the duties of the reviewing board.

In each case, we will look at the various rules and criteria and examine implementation policies to determine whether all criteria are weighted equally or some are considered more important than others. We will establish how compliance or non-compliance with the criteria is determined in each program.

Behind the observable approach or resultant form of the program, and lending strength to the legal technique, is generally a review board. Membership on the review board usually requires specific qualifications. Generally there are rules governing the operation and responsibilities of the board, and regarding remuneration. These are important questions because success of the preservation program generally depends upon the interpretation of the rules and overall policy and thus upon the review board.

These considerations will be helpful in demonstrating the reasons for proposing an alternate approach to preservation.

CHAPTER SIX: NEWBURYPORT'S EXPERIENCE

Newburyport, Massachusetts, is exemplary of a city which has been stung, indeed paralyzed in areas, by difficulties with preservation implementation. For several years the town was ardently divided as to how to handle the problem of what should become of the downtown area. A decade after the split emerged, an area of the city still carries the scar and no solution has been implemented.

Newburyport is located 50 miles north of Boston, and just north of Plum Island and Newbury. The town is slightly inland, tucked into the Atlantic shore just inside the mouth of the Merrimack River. As it grew, the town expanded up from and along the river. It now forms a long thin strip next to the Merrimack (see Figure 6-1). In general, it is bounded by two streets which parallel the river. One runs next to the river (Merrimack Street, which becomes Water Street at the southeastern end of town), the other further inland (High Street).

A. BRIEF HISTORY

There are basically four periods of interest in Newburyport's history: (1) the early beginnings, (2) her major prosperous period extending to the Revolution, (3) the second prosperous period to 1815, and (4) her industrial period beginning around 1840. Depressions follow each of these periods, except the first.

Newburyport was settled around 1635¹ but was part of the area then known as Newbury. Initially, the principal activity was farming, but the river was soon another source of food and livelihood. As the area grew, the river became the sole source of life and livelihood for the settlement by the river, while farming interests supported the group farther inland.

This difference in trade caused friction in other areas. By the 1760's the two factions of the community were so strongly opposed to each other that in 1764 they split to form two separate towns. The farming community remained Newbury, while the waterside became Newbury Port.

As shipbuilding and commerce increased, so did the wealth of the merchants who owned ships and supplied the town with goods. Because of their economic status in town, they gained social and then political power. For almost half a century merchant families governed Newburyport.

By 1765, the population of Newburyport was close to 3,000.² In 1765 came the imposition of the Stamp Act, and a very active opposition to it on the part of the new town. Although the act was repealed in 1766, a series of acts followed, to which Newburyport reacted with the colonies. This is somewhat surprising considering the merchants, and therefore the town, stood to lose a great deal by supporting the colonies and nonimportation measures against Britain.

Their livelihood depended upon trade with Britain. Furthermore, what is interesting about the reaction of the merchants is that their reaction seemed to stem not so much from patriotism as from indignation. They knew their livelihoods would suffer (they probably did not think they would suffer so severely as they did, however), but risked everything because they resented their treatment by the British. It should be remembered that these men were the rich and powerful lords of their town, and their self-conceptions probably limited their tolerance of such treatment.

Throughout the 1770's and into the establishment of the Confederation and the Constitution, no matter how hard the times, Newburyport was extremely active politically. Constantly the town held meetings and appointed committees of correspondence to communicate to Boston, Philadelphia, the Governor, or their representatives in Congress, their collective opinion on political issues, or their resolve to support an action.

By 1774, "a militant nationalism" replaced the attitude of protest held for almost a decade and on April 19, 1775, Newburyport sent its first company of 115 men as support in the skirmishes around Boston.³ Newburyport's major contribution to the Revolution was her ships. When the war was over, there was little left; the ships were not fit for trading and furthermore there were to be no trade privileges with England, their old market. The merchants had loaned much of their money

to the colonies for the Revolution. With debts abroad, no income, and little hope of redeeming government notes, the established merchants were doomed never to regain the wealth and prestige they had experienced before the Revolution. Many left the town to find positions elsewhere. Some went to Boston, some went west, while others sought new federal jobs in New York.⁴

The town remained active politically, supporting the ratification of the Constitution. But

the effort to bring about ratification of the federal constitution in Massachusetts was the last campaign waged by Newburyport's colonial merchant group. By 1790, most of those who had led the town through the revolutionary crisis and the difficult post war years had either moved away, retired or died.⁵

The entire town suffered a depression until around 1790, when a new class of merchants surfaced. These new merchants profitted from the neutral trade privileges resulting from the current war in Europe. It is interesting, however, that the goods they dealt in were essentially the same, and the voyages not more severe, than those of the earlier merchants. Those first merchants, however, had lost too much during the war, and furthermore had bankrupted themselves paying off old debts to their English creditors(!) with whom they had traded before the Revolution; they had nothing from which to start anew. The new merchants came mostly from the middle classes, perhaps owned one vessel at first, and gradually expanded their operations. As their wealth increased they took over the grand homes on High Street, built by the former

lords of the town. With the end of the postwar depression "new streets were laid down, others extended, and some which had been in existence as private ways for several years were accepted by the town."⁶ The annual budget doubled each year from 1791 to 1793.⁷ By now the population was around 5,000.⁸

Although the war between France and England stifled trade and evoked sympathy for the French at first, the persistent attacks by the French on U.S. vessels caused a swing towards English sympathy. In Newburyport,

many young men hastened to join [the town's] independent volunteers; others...[enlisted] on board the United States brig Pickering, which was about to leave on a four-month's cruise against the enemies of the United States.⁹

Although staunchly Federalist and, therefore, unhappy under the Jefferson administration, the town prospered in the first years of the nineteenth century.

In the period 1793-1807 the average adult male's worth tripled to over \$5,000, while the median value of the inhabitants' holdings rose even more rapidly, from \$440 to \$1,600. In short, almost all the inhabitants of Newburyport had a share in the extraordinary prosperity of the period.¹⁰

The architecture of the new private residences in the town is evidence of this fact. Similarly with public buildings, the Court House designed during this period by Bulfinch is recognized as one of the finest. Near it a new tree-lined park was created.

"During the first few years of the new century Newburyport spent several thousand dollars

leveling streets, constructing sidewalks and gutters, and planting regular rows of poplar and other shade trees along the residential streets. There was even a promise that street lights would soon be introduced."¹¹

The Newburyport and Boston Turnpike was begun in 1803. Many years were to pass before it was finished, and even then it was not readily accepted by nearby towns. A more successful venture was the building of a bridge to Plum Island and a hotel on the island in 1806-1807.¹²

Then, in 1807 the United States enacted the Embargo Act, which adversely affected Newburyport. Within less than two years a severe depression necessitated "emergency measures"¹³ to feed many people in the town. In 1810 the Non-Intercourse Act opened the ports of the world to trade and Newburyport came to life briefly. Within a year the downtown area was devastated by fire. After four years of little comfort, including the catastrophic fire of 1811, 1812 brought the declaration of War with England. With the war, Newburyport's Federalists balked under Madison's administration and considered secession until the end of the war in 1815. Trade, as it had been, could not be resumed. Europe was not at war and there was no longer the profit to be gained from neutral trade. Newburyport fell from the list of major ports.

For the next 25 years, there was little respite. Houses fell into disrepair.

Everything grew old and rusty and dead. Nobody thought to paint a building, and

there were so many of them empty that rent was nothing...if an old fence blew down, there it lay unless it was picked up to burn; and when a pump-handle broke, no more water came from the well.¹⁴

Property devalued greatly and population decreased until the 1830's.¹⁵

Suddenly, the 1840's brought industry and new life to the town; "its population and wealth more than doubled in a decade"¹⁶ By 1850 there were "five large cotton factories, as well as a new gas works and dozens of new business buildings."¹⁷ The 1850's brought a railroad connection between Newburyport and Boston, and a railroad connection with northern New England "to recapture trade...for the city's merchants."¹⁸ Salem, Lynn, Haverhill and Salisbury were experiencing similar, growth.¹⁹ In Newburyport, around 600 new homes were built,²⁰ and State Street

doffed its old exterior of small windows, carefully curtained, lest the sun or customers should see the goods intended for sale, and in their place appeared large plate glass, granite fronts, and liberal display of colors...²¹

The cornerstone for its new town hall was laid July 4, 1850 and a year later (by which time the town hall was finished) Newburyport was "granted a charter as a city".²²

This industrial period was very different from the previous prosperous periods. What had been a very stable population up to this time, and remained stable afterwards, was extremely transient during this period. Of all the fam-

illies present in the town in 1849, less than 18% still remained in 1879.²³ Steam, which was responsible for the town's rapid prosperity, was also responsible for its demise. Although steam power brought the steam factory (and therefore industry and income) and the steam engine (and therefore more markets), it also brought the steam ship whose draft was too deep for this small port. Newburyport could no longer compete in the commercial ship building market. Furthermore, the arrival of the steam powered locomotive decreased the dependence upon shipping.

From the beginning of the twentieth century, Newburyport was no longer the seaport town it had been, but looked to Boston as the major port. Little income in the town meant few changes in the physical form. The town was essentially preserved as it had appeared in its industrial period.

Due to this lack of substantial investment in the town, Newburyport was inadvertently preserved until the 1960's. A statement by the Advisory Council on Historic Preservation says the following:

Among such historic maritime communities as Boston, Salem, Nantucket, Gloucester, New Bedford, Portsmouth, and Belfast, none has preserved so early and so intact a business district as that centering about Newburyport's Market Square, nor one so well-integrated into the total commercial-residential texture of the town.²⁴

Denys P. Meyers, Principal Architectural Historian for HABS has called Newburyport's downtown area the "finest and most

extensive complex of commercial Federal seaport architecture in the United States."²⁵

B. PROCESS: RENEWAL vs. PRESERVATION

The following describes fifteen years of planning and replanning for the downtown area of Newburyport.²⁶ It has resulted in bad relations between some citizens and the local planning authority.

Between 1960 and 1965, the Newburyport Redevelopment Authority (NRA) conducted a series of studies concerning a master plan for the downtown area of Newburyport. The outcome was a proposal for demolition and rebuilding of most of the waterfront area or Market Square (see Figure 6-2). In 1966 the proposal became a project and in 1966-67 demolition was underway.

Opposition to the demolition brought together a group of citizens, many of them coming from the local Historical Society. Within a year, the group's number and pressure grew to the extent that the NRA was forced to ask for a feasibility study. Cessation of demolition in 1968 resulted from that study.

Then, in 1969, the NRA agreed to change its approach; they agreed to rehabilitate (but not restore) the buildings in the project area. By this time, however, the NRA was bankrupt due to unforeseen expenditures and therefore powerless to implement the plan. Furthermore, although the new

plan had been approved locally, it had not been approved by necessary federal agencies.

In 1970, a new director of the NRA was brought in. He began immediately to seek federal approval for the new plan. HUD, however, cut its funding of the program upon learning that the buildings in the project were not on the National Register. The NRA set out to solve that problem and within a record 13 days the buildings were on the National Register! HUD then approved the full funding and the NRA proceeded to develop a new plan for the area. Retained to help with the new plan were Anderson Nötter Associates and Sasaki, Dawson, Demay Associates. The plan was approved and sent out to developers in Summer 1971.

The program was set up in such a way that proposals could be made for individual buildings or whole blocks in order that both large and small scale developers might be included. Because of the difficulties associated with developing the waterfront, it was decided to begin with areas away from the waterfront. Therefore, parcels 8 and 11 were among the last parcels to go out for bid (see Figure 6-2 for parcels).

There were three proposals for parcel 8. Benjamin Thompson Associates' proposal was given the most points according to the decision-making process devised by the NRA. For other reasons, however, the parcel was awarded to one of the other developers and approval was "railroaded through."²⁷ In the

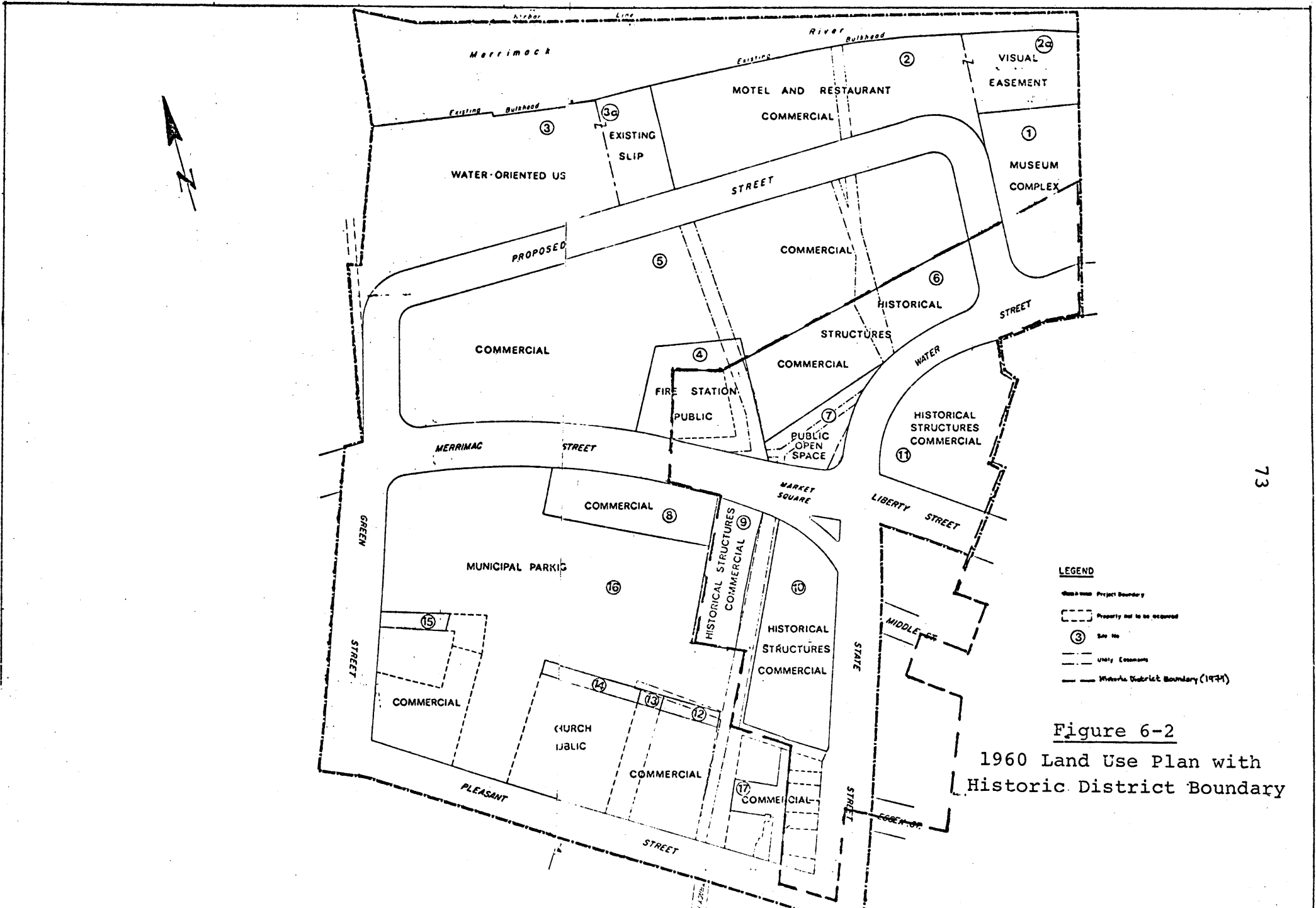


Figure 6-2
1960 Land Use Plan with
Historic District Boundary

DRAWN BY J.E.S.			SCALE 	NEWBURYPORT REDEVELOPMENT AUTHORITY CITY OF NEWBURYPORT, MASSACHUSETTS • ESSEX COUNTY	
CHECKED BY J.L.M.				CENTRAL BUSINESS PROJECT PROJECT NO MASS R-80	
DATE 		DATE 		LAND USE PLAN	
NAME OF CHECKER BY 		DATE 		FILE NO. 	
REVISIONS 		DATE 		MAP # 	

meantime parcel 11 was awarded. Strangely enough, it was not until this parcel was awarded that trouble began over parcel 8. Local people knew that Thompson's proposal for parcel 8 had received a better rating than the other two and that he had not been awarded the project. They expected he would be awarded parcel 11 since his proposals had included that parcel. When he did not receive parcel 11 either, a group of citizens, angered about the parcel 8 design, banded together to protest the handling of the parcel 8 project. They called themselves the Friends of the Waterfront. The Mayor added fuel to their fire when he went ahead and rented the parcel 8 lot to the developer and secured for him, without the approval of the NRA and against HUD's instructions, a building permit so that he could begin work. The Friends contacted HUD to inquire about the applicability of Section 106 of the National Historic Preservation Act to the project. HUD referred them to the Advisory Council.

In the meantime, the growing discontent was responsible for the establishment of a design review process for the project. Involved in the process were Anderson Notter Associates, the Massachusetts Historical Commission, HUD and the developer, along with the NRA. Over a five week period, the parcel was redesigned a number of times. Finally, the design was agreed to by all parties of the review process. The HUD representatives, however, felt that since the controversy had been so severe, the Advisory Council should be asked to review the

project. Two members of the Advisory Council came to Newburyport. They looked at the proposal for parcel 8, spoke with the Mayor, the NRA, and the Friends. When they did not concur immediately with the review board, the Mayor angrily cut off the proceedings. A full Section 106 hearing ensued in November 1972. The Advisory Council wrote its comments, and HUD ratified the Council's comments. This was at the end of 1972.

Discord among all parties continued during the first several months of 1973. The Director of the NRA stepped down to a new appointee. By this time, the developer for parcel 8 had lost a great deal of time and money, and "was about to sue".²⁸ In order to protect itself, the NRA asked for an Environmental Impact Statement. Ecodesign was retained to do the preparatory study. Their information was turned over to the NRA, who approved the study and sent it on to HUD, where the actual Environmental Impact Statement is presently being written. A Draft Environmental Impact Statement for Newburyport was released in December, 1974. When asked what he expected of the EIS, the present head of the NRA said that he had no optimistic outlook in terms of the EIS's answering any of the existing problems.

Thus, a major area of downtown Newburyport including parcels 6, 8 and 11, has been essentially paralyzed for several years. When asked if he thought some guidelines regarding design of alterations or new construction would have been helpful in the

previous situation, or if he thought such guidelines might be helpful in the future in order to protect both the city and the developer, the present Director of the NRA said no, that guidelines were not the answer. He said people do not like being told what they can and cannot do with their property. When asked a similar question, the previous head of the NRA said that they had had guidelines in the plan which was sent out for proposals in the Summer of 1971, and that these guidelines had not worked.

What he referred to were not guidelines for the developers, but very general suggestions contained in "A Handbook for Developers."²⁹ The suggestions were couched in non-specific euphemisms about the history, culture and aesthetics of the Central Business District. For example, in the section entitled "Invitation to Developers", five reasons were listed for orienting development perpendicular to the Merrimack River. The second was "Respect [for] the historical development of the waterfront area."³⁰ In the section "Urban Renewal Plan for the Newburyport Central Business Urban Renewal Project" four of eleven "Urban Renewal Plan Objectives"³¹ hint at concern for the historic character of the area:

1. To provide an area of attractive, planned development with adequate parking and suitable landscaping which will encourage the orderly growth and expansion of the Newburyport business district, while preserving the architectural character and aesthetic values of the Central Business District.

2. To restore and preserve the economic, functional, aesthetic and symbolic values of the Central Business Area in its association with American Maritime history and the historic growth of the City of Newburyport.
3. To provide a sympathetic environment for the preservation and rehabilitation of surviving buildings and areas, deemed, by the application of communitywide criteria, to be of historic and architectural value.
4. To preserve a continuum of use and architectural character, symbolizing the historic process of growth and change in the community.

No formalized "communitywide criteria" were ever developed, much less applied. There were not specific instructions to developers regarding historic considerations in the descriptions of the parcels which did not contain buildings to be rehabilitated (such as parcel 8). The only statement which might have been considered to be an instruction was included in "Criteria for the Selection of Developers" in the section "Contents of Development Proposal." One of the four criteria was the following:

The merit of the design concept, in terms of its quality of rehabilitation, construction and of design, and its harmony with the adjoining historic buildings and the character of Newburyport's central business district.³²

In any case, there were never clear guidelines.

C. RESULTS

A project which began 15 years ago is still far from completed. After two local bruhahas over planning for or handling of the project, no strategy or program which might prevent such occurrences and protect both town and developer in

the future has been developed. There still are no lines of communication between the local planning authority and private citizens and their unhappy relationship continues. Parcels 6, 11 and 8 have been allowed to stagnate and decay (although the construction work begun in parcel 8 has been filled in and beautified by the installation of a landscaped parking lot just behind it!). The parcel 8 developer lost an inordinate amount of time and money. No other developers can be expected to be interested in Newburyport while such conditions still exist.

The preliminary Draft of the Environmental Impact Statement (EIS) indicates that the sentiment in the town is for action, fast, on the Market Square area. It should be noted that, unfortunately, the Statement was forced to base some of its backup material on a poorly formed and handled questionnaire (less than 3% of population responded³³). The EIS concludes that the Parcel 8 developer could not continue successfully with his Project as proposed and sites the following reasons:³⁴

- (1) the plan has already been reflected by the Advisory Council,
- (2) community sentiment is opposed to the scheme because of the lack of attention to the existing context, and (3) the design for Parcel 8 must now set a precedent as it will be the first new building to be constructed in the area.

In brief, the Draft EIS does no more than can be expected. It supports the view that Parcel 8 should not be developed as proposed and indicates that the NRA must perform an analysis of the area and establish specific design criteria. The

Environmental Clearance Officer of the Regional office of HUD said that there has been little response to the draft.³⁵ It will remain to be seen what action the NRA will take. The previous director of the NRA has predicted that only smaller developers will be interested in the area, and will rehabilitate the existing vacant buildings and slowly develop the area.³⁶

If clear guidelines had been worked out for developers and if local citizens had been allowed some part in the process, the waste of time, money and effort might have been avoided. Furthermore, if Newburyport would develop and implement a program to include criteria for alterations and new construction and provide for the establishment of a review board comprised of residents, they might insure themselves and potential developers from such future catastrophes.

CHAPTER SIX FOOTNOTES

¹Benjamin W. Labaree, Patriots and Partisans: The Merchants of Newburyport 1764-1815 (Cambridge: Harvard University Press, 1964), p.2.

²Warner, W. Lloyd et.al., Yankee City (New Haven: Yale University Press, 1963), p.8.

³Labaree, p.40.

⁴Ibid., p.79.

⁵Ibid., p.84.

⁶Ibid., p.102.

⁷Ibid.

⁸Warner, p.8.

⁹Labaree p.117.

¹⁰Ibid., p.133.

¹¹Ibid., p.135.

¹²Ibid., p.136.

¹³Ibid., p.154.

¹⁴Stephan Thernstrom, Poverty and Progress (Cambridge, Massachusetts: Harvard University Press, 1964), p.10.

¹⁵Ibid.

¹⁶Ibid., p.11.

¹⁷Ibid.

¹⁸Ibid.

¹⁹Ibid.

²⁰Ibid.

²¹Ibid., p.14.

²²Ibid., p.15.

²³Ibid., p.168.

²⁴Advisory Council on Historic Preservation, Preliminary Determination of Adversity, unpublished preliminary report on Newburyport, Massachusetts, September, 1972, p.1.

²⁵Ibid., p.2.

²⁶The dates and information of this section were learned from interviews with the previous director of the Newburyport Redevelopment Authority, Paul McGinley, and the present director, Jack Bradshaw. Also with Jim Pheiffer and Phil Salamone at HUD. Information is also from the reports of the Advisory Council on Historic Preservation.

²⁷Interview with Paul McGinley at Anderson Notter Associates, Boston, March, 1974.

²⁸Ibid.

²⁹Newburyport Redevelopment Authority, Development Opportunities in Newburyport's Historic Downtown Business District ("A Handbook for Developers"), Central Business Urban Renewal Project, Newburyport, Project No. Mass. R-80. (unpublished).

³⁰Ibid., p.1.3.

³¹Ibid., pp. R-213/2 and R-213/3.

³²Ibid., p.2.4.

³³U.S. Department of Housing and Urban Development, Boston Area Office and Boston Regional Office, Draft Environmental Impact Statement Central Business District Urban Renewal Project, (HUD-R01-EIS-04D), (Boston, December 1974), p.97.

³⁴Ibid., pp.155-156.

³⁵Karen Daley, brief interview at Boston Regional Office, 6 May, 1975.

³⁶See note 27 supra.

CHAPTER SEVEN: SAVANNAH'S EXPERIENCE

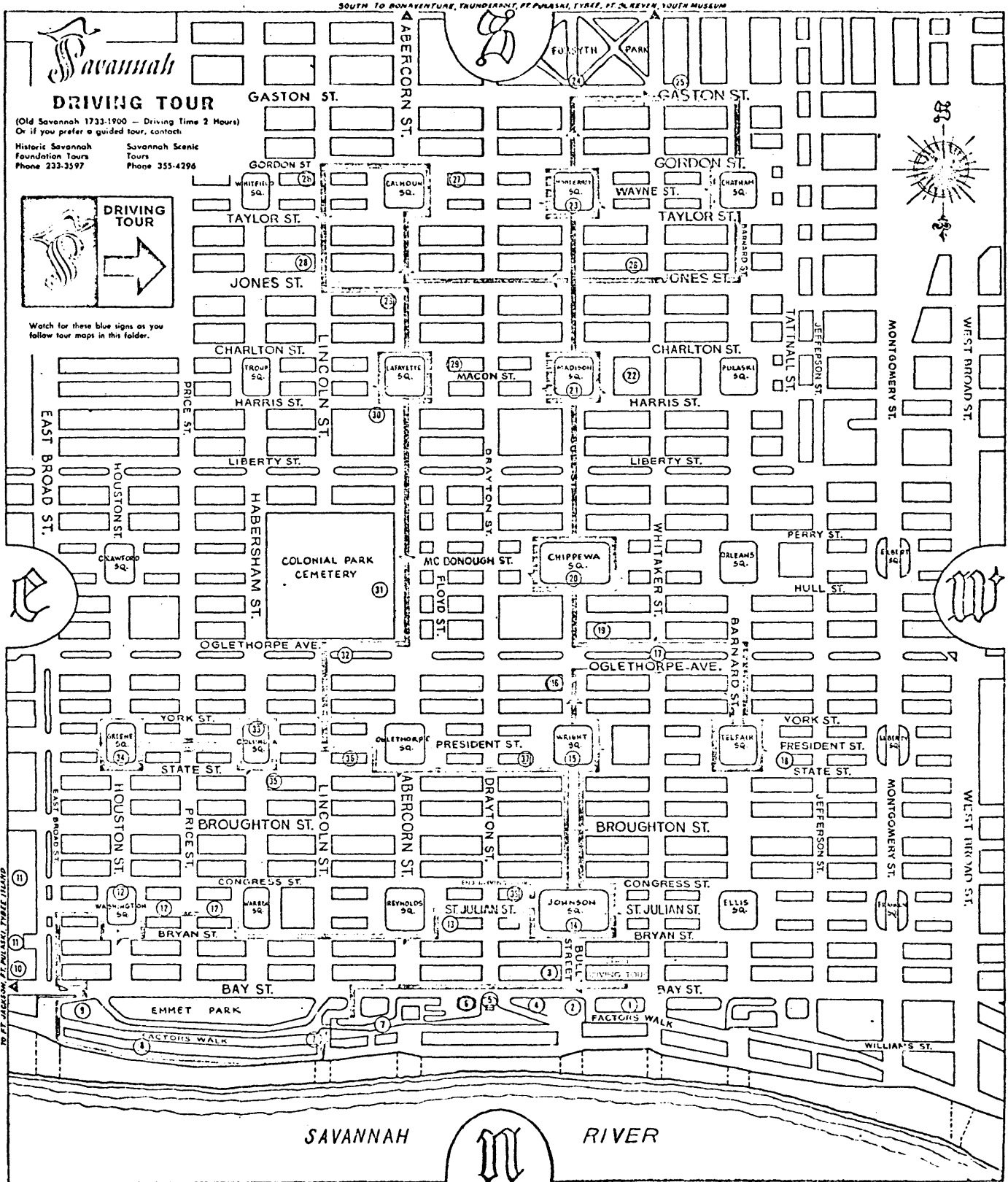
Savannah, Georgia, has attracted considerable attention in the last few years. The reason is the renovation and rejuvenation of its historic center (see Figure 7-1) which had grown on the plan of its founder, James Oglethorpe.

Savannah is located slightly upriver from the mouth of the Savannah River, about 10 miles inland from the Atlantic Ocean. The river is dredged regularly and large ships still dock in her port. The number is far fewer, however, than it once was.

Like Newburyport, Savannah was once a flourishing seaport town. Historically they are different in many respects, however. Savannah was settled a century after Newburyport. Its growth pattern proceeded according to a masterplan devised at the town's conception, with streets forming a hierarchically organized grid; Newburyport's growth was a gradual evolution with the streets being established as they were needed and according to the town's topography. In both cases, development proceeded from the river's edge inland. Both towns have been involved in rehabilitating their historic centers, but with quite different approaches and results.

A. BRIEF HISTORY

James Edward Oglethorpe, a member of the House of Commons in England, was a staunch advocate of prison reform. A young



Special thanks to the author of "Map of Savannah" for the data provided in this folder.

architect and friend, Robert Castell, had died while serving in debtor's prison.¹ Strongly objecting to the plight of the debtor, Oglethorpe was granted by King George II in 1732 the right to settle, with a group of prisoners from debtor's prison, the southernmost and least settled area of the colonies. The group landed at their destination early in 1733.

We know from a view (see Figure 7-2) drawn by one of the colonists, Peter Gordon, and dated 29 March 1734² that by that time four squares of Savannah's well known plan had been laid out and some seventy or more cottages built. In the drawing, there was indication of the beginnings of fortifications around the new town. The latter was important for survival since Savannah was the southernmost, and therefore the colony most vulnerable to Spanish attack. Ownership of land was granted to men only,³ and to only those men accepted by the Trustee's as "able-bodied and capable of bearing arms, and until embarkation...those accepted [were] instructed, and drilled in arms by sergeants of the Royal Guards."⁴

The town plan for Savannah is interesting for its repetition of an unusual basic unit, known as a "ward". The ward (see Figure 7-3) is comprised of a central square surrounded at the corners by four pairs of rectangles, each rectangle containing five lots. Each pair of rectangles was known as a tithing. On each lateral (east and west) side of the central square is another pair of smaller rectangles.

A View of Savannah as it stood the 20th of March 1734.

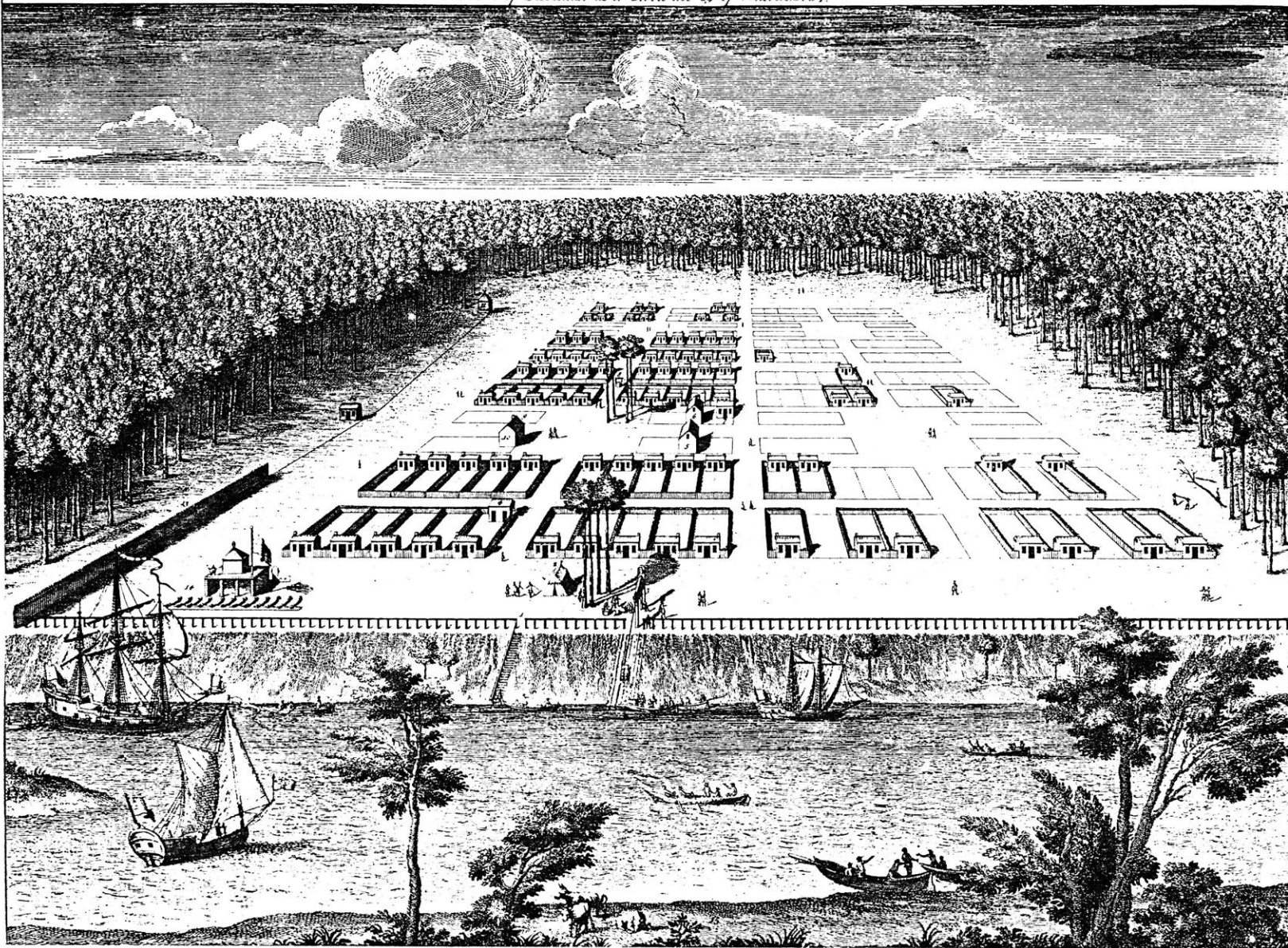


Figure 7-2

Peter Gordon drawing of Savannah, 1734

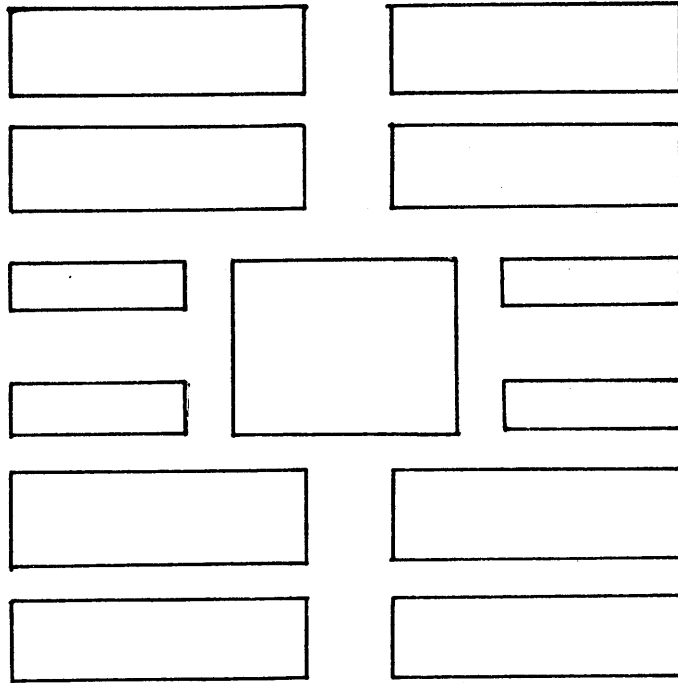


Figure 7-3
A Savannah Ward

These rectangles each contained a "Trustee's lot," which was to be used for public buildings. Each private lot was sixty feet by ninety feet, and each central square approximately 270 feet by 315 feet (the latter measured to the surrounding buildings⁵). The streets cutting through the wards and joining the different central squares were almost twice as wide as those streets separating the wards, the former being 75 feet and the latter 40 feet.

The ward itself was not intended for merely aesthetic purpose. Outside the town new villages were springing up. Every four villages comprised a "ward", which in turn was assigned to a ward in the town. It was to the Central square of that Savannah ward that the assigned village families and their cattle would go and camp for safety, in case of attack.⁶

A Savannah inhabitant's property was not limited to a town lot. Each male landowner was given also a triangular plot to garden just outside the common area surrounding the town. Beyond his property and town responsibilities, each man was required to tend mulberry trees on a farm outside town to help maintain the silk industry upon which the colony was originally dependent for its livelihood.⁷ Inside the town was established an experimental garden to which plants and trees from all over the world were brought and tested for viability. The garden was named, in honor of the Trustees of Savannah, Trustees' Garden.

The town grew slowly until the Spanish left Florida in 1763.⁸ After that, Savannah's size and importance increased. Her political importance was severely diminished, however, in 1786 when Augusta was made the capital, but her importance as a port city increased.

Originally the town was built of wood, but Revolutionary war skirmishes and two fires caused an almost total rebuilding of the city. Two-thirds of the town was burned in 1796.⁹ For the next 24 years there was fervent rebuilding. Architects were brought from the North and Europe to rebuild the town.¹⁰ By this time, local kilns were producing bricks, some known as "Savannah grays" for their distinctive grayed tones.¹¹ Bricks were used for much of the rebuilding. In 1820, another fire swept the town, mostly along the waterfront area. Before much new building could take place, a yellow fever epidemic decimated the population. After five months "675 deaths were reported and almost 6,000 of the city's population of 7,528 had temporarily evacuated the area."¹¹ Although the town was on its way to recuperation in 5 years, a decade passed before vitality and booming commerce returned. It returned with the advent of the steam locomotive. The train was able to bring more cotton to the port faster than had been possible previously. Cotton exports increased by more than 300 per cent in 34 years.¹² By the 1850's, Savannah's population was over 15,000.¹³

The Civil War crushed the prosperity of the town. And as the steam and industrial revolution benefited than disadvantaged Newburyport, so it did Savannah. With the advent of the twentieth century came declining commercial activity. As the seaport lost its activity, the life of Savannah moved away from the waterfront. The structures of those once active wards were less and less given the attention to maintenance they required. The twentieth century witnessed "decay and blight"¹⁴ in the historic area.

As also happened in Newburyport, the lack of financial investments in the area promoted the inadvertent preservation of the historic area of Savannah and it was not until renewal funds were available that demolition and substantial changes were initiated.

If one considers the overall plan for Savannah, its whole organization seems to belie a military planner. The most plausible and convincing argument regarding precedent for Oglethorpe's plan is proposed by Turpin C. Bannister,¹⁵ who suggests a military influence. Since 1885 and until recently, it was thought that Oglethorpe drew his inspiration for the plan for Savannah from the book, The Villas of the Ancients Illustrated, by his friend Castell.¹⁶ The book had been published in 1728, the year before Castell's death and Oglethorpe had purchased two copies.¹⁷ Edmund Bacon, in

Design of Cities, suggests an origin for the plans of both Savannah and Philadelphia - a drawing (see Figure 7-4) from L'Architettura by Pietro di Giacomo Cataneo, published in Venice in 1567.¹⁸ He also suggests a relationship between the Philadelphia and Savannah plans. I would suggest first that there is no correlation between Philadelphia's plan and Cataneo's drawing, and secondly that Philadelphia was not an important influence (although Oglethorpe surely knew of the city plan) on the development of a schema for Savannah. The four peripheral squares of Philadelphia were not part of the pattern of streets and squares, but were seemingly arbitrarily superimposed on the barely relieved orthogonal grid. On the other hand, Savannah's squares were very much part of an overall pattern. Furthermore, although there is similarity between Cataneo's drawing and a pattern of four of the Savannah wards, there is a major difference - while each unit of Cataneo's plan has a central square, the abutting interior corners of the four units by Cataneo have been cut away to form another square, central to the four units. Such an exception never enters the Savannah pattern.

Although Oglethorpe was in Venice in 1717,¹⁹ and even from England might possibly have been familiar with the Cataneo work, Bannister cites other more plausible influences. After the great fire of London in 1666, proposals were requested and considered for the rebuilding of London.²⁰ Among these proposals were several which contain units (repeated and unrepeated)

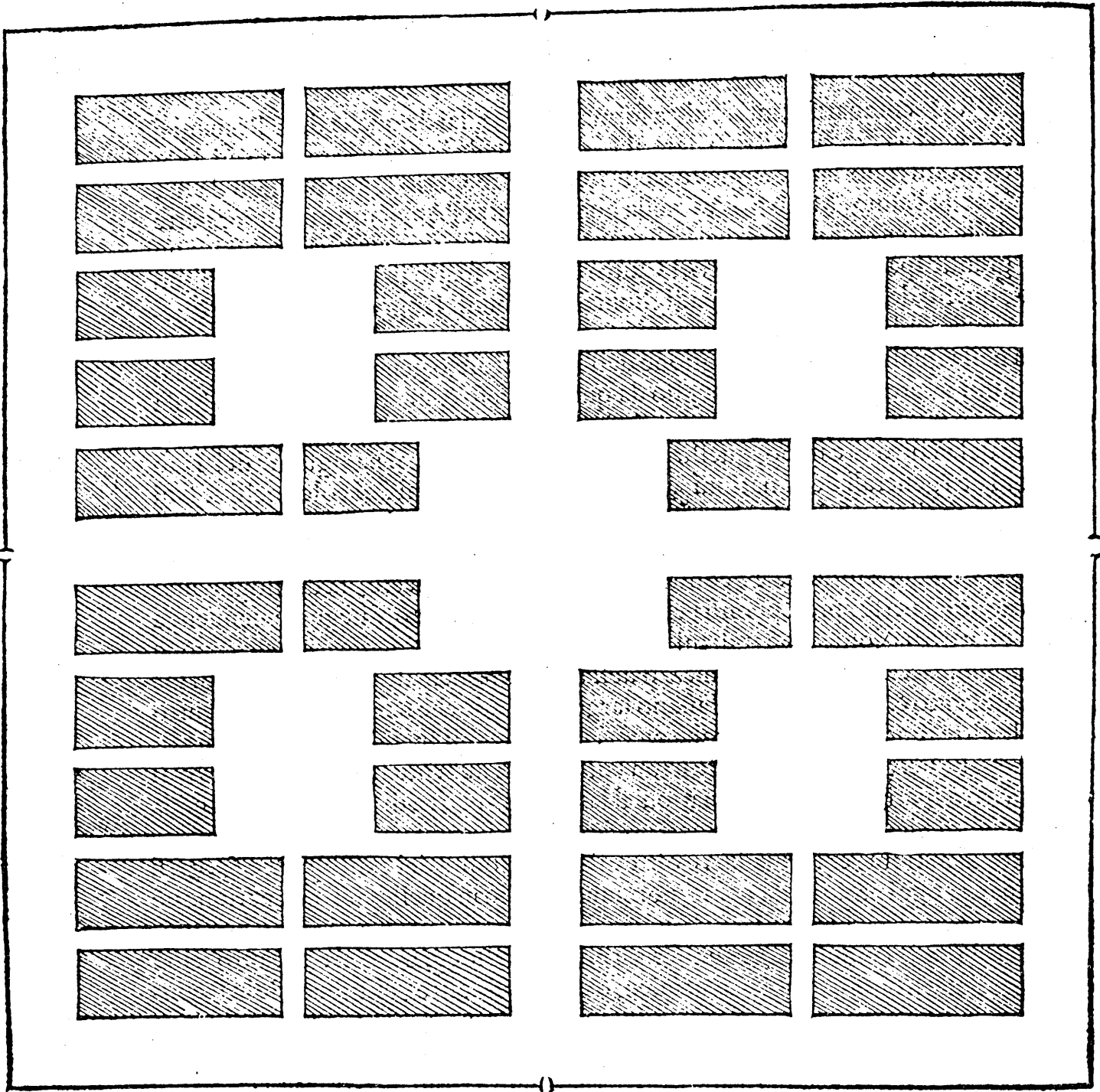


Figure 7-4

Drawing by Cataneo, Venice 1567

which bear resemblance to the Savannah ward with its central square. More similar to and more reasonably an influence on the Savannah plan were military encampment plans. It has been mentioned that any man accepted to live in Savannah had to be strong and able to handle arms, and that Savannah's chance of survival depended upon her being able to fortify and protect herself from attack. Oglethorpe knew the status of this granted land before he went, and self preservation must have been foremost in his mind. Mr. Bannister expends a good deal of ink describing Oglethorpe's military inclinations and background. Most notably, he includes a strikingly familiar plan (see Figure 7-5) for an encampment from The Theorike and Practike of Modern Warres by Robert Barret, published in London in 1598 and therefore quite accessible to Oglethorpe. When compared to a plan for Savannah from 1757 (see Figure 7-6) by William Gerard de Brahm, Surveyor General for the Southern District of North America, the resemblance is quite convincing.

What is most surprising about Oglethorpe's plan, beyond being unusual for its basic unit, is the fact that it was followed in the extension of the city for 120 years. In the 1734 view by Gordon, four wards had been laid out and about half of this built. According to a report by Francis Moore in 1735 that there were 240 lots, there were then six wards which seem to have been part of the original plan.²¹ These six wards were also in de Brahm's 1757 plan for Savannah's fortifications (see

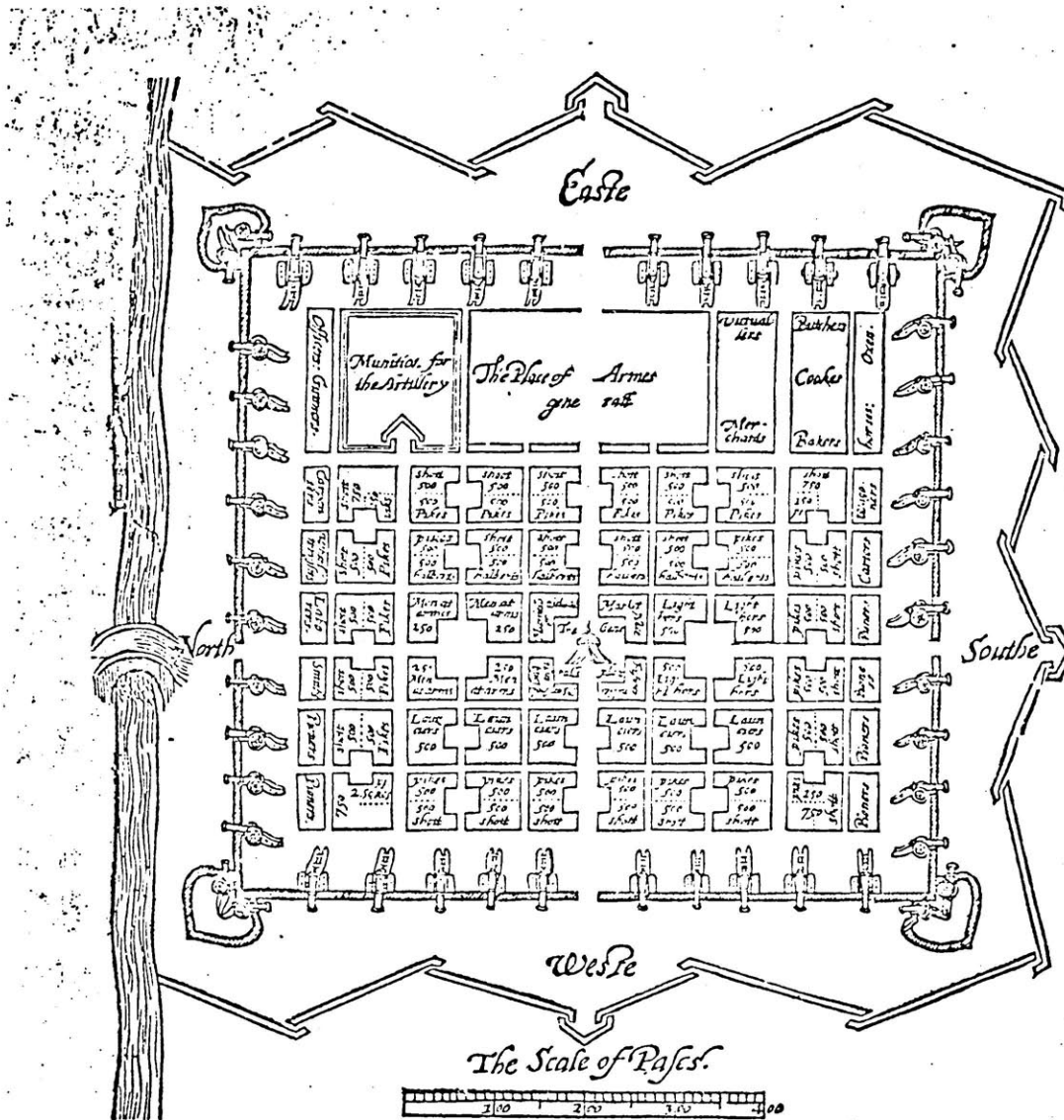


Figure 7-5

Plan for an Encampment, London, 1598

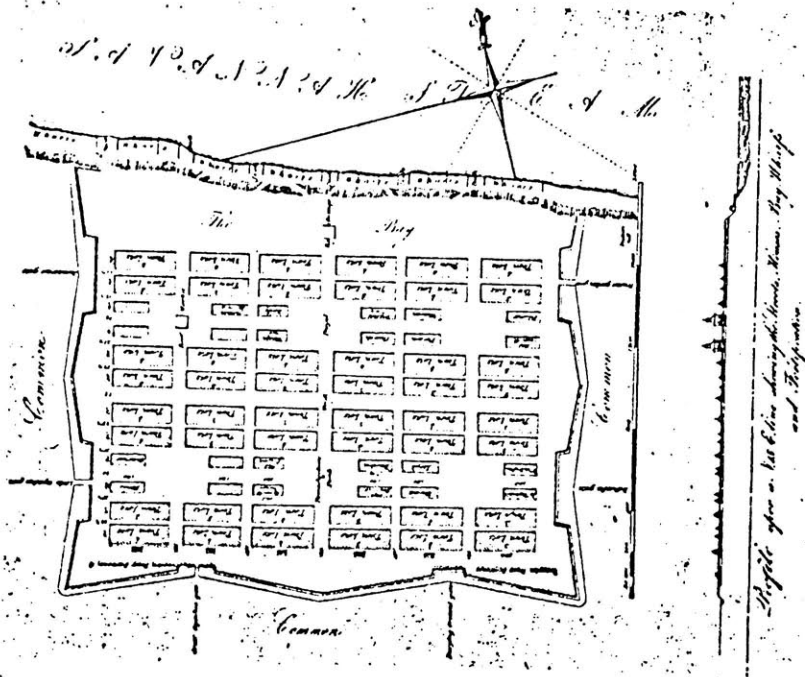


Figure 7-6

De Brahm Plan for Savannah, 1757

Figure 7-6). Through the remainder of the eighteenth and the first half of the nineteenth century, the pattern was continued to 24 squares.²² Reconstruction developers, however, ceased following the pattern.²³ After mid-century the only recognition of the previous pattern was evidenced in the continuance of the streets and the placement of a large common area, Forsythe Park. Forsythe Park is a rectangle set with its longitudinal axis along the previously existing axis through the central of the first six squares, that is through Johnson and Wright Squares.

B. PROCESS: RENEWAL-PRESERVATION

The renewal-preservation process in Savannah has been quite different than that of Newburyport. Preservation preceded urban renewal in Savannah. As interest in preservation spread, the movement was taken up on many private fronts. At the same time, preservation found a relatively receptive audience at the urban renewal authority and at the local planning commission. For these reasons, both the process and the outcome were quite different from those of Newburyport. For clarity, a number of private projects which contributed to the strength of Savannah's preservation programs will be omitted, but the following should indicate how the present result was achieved.

One of the earliest moves to recuperate the historic center was by the wife of the president of the gas company. In the late 1940's she persuaded the company to remove two gas

tanks and associated structures in order to open up the former site of the Trustees' Garden. In the early 1950's, the old market building, located in the central square of one of the original wards, was demolished and replaced by a parking garage whose design and especially materials related to nothing around it. The event caused many citizen's concern and when, in 1954, the noted Davenport house was slated for demolition, action was taken. This early nineteenth century house was built for himself by Isaiah Davenport who came to Savannah from Rhode Island as part of the post-fire rebuilding effort. In 1954, the house was the last remaining example of late Georgian architecture in Savannah.²⁴ Nine women opposed the demolition of the house and formed an organization, Historic Savannah Foundation, to purchase and restore the house. The Davenport House was made the headquarters of Historic Savannah Foundation. After this start, the newly formed group remained relatively inactive for several years.

In the mid-1950's, plans were begun for a program of urban renewal for Savannah. Stated in several places in the preliminary report was the concern for saving any structures which were salvageable.²⁵ At the same time the urban renewal program was being established, a series of articles were published in the Savannah newspaper for the purpose of informing - and convincing - the Savannah populace of the benefits of urban renewal.²⁶ The articles covered the definition of and need for urban renewal, Savannah's particular problems and the need for citizen participation. This need was stressed, and

in retrospect it is ironic that citizens were forced out of their homes²⁷ in the historic district after having been convinced of the need for their cooperation. These articles were published in 1956 and urban renewal got underway in 1957.

In 1959, Leopold Adler II, a Savannah stockbroker, joined forces with Historic Savannah Foundation. At that time, he was concerned about a group of four buildings known as Marshall Row which were slated for demolition. In a joint venture, Adler bought the buildings and Historic Savannah Foundation agreed to make the interest payments. In 1961, Adler became president of Historic Savannah Foundation, Inc. One of the Foundation's first steps was to commission a study of the historic part of the city in which 2200 buildings were surveyed. Another important step was the creation of a revolving fund which permitted both citizens and the Foundation to purchase structures and replace the loan. Also, Historic Savannah Foundation and the Urban Renewal Authority set up a program which would give them some control over demolitions in the area until a zoning amendment could be implemented. Permits for demolition had to be secured from the Urban Renewal agency since the historic area was a renewal project area. Urban Renewal agreed to notify Historic Savannah Foundation when a demolition permit was applied for, and to delay action 10 days. This gave Historic Savannah Foundation 10 days in which to (1) convince the owner to keep the property and renovate it, (2) find buyers for the property, or (3) purchase it themselves.

Urban Renewal funds were tapped for the preservation program. With Urban Renewal funds, a second study was commissioned in 1966. This study resulted in the Historic Savannah Plan. It was devised by Eric Hill Associates of Atlanta and Muldawer and Patterson, AIA, also of Atlanta. Eric Hill Associates subcontracted to Muldawer and Patterson for the development of criteria or guidelines for controlling, to some degree, alterations and new construction in the historic district. It is for these criteria that the Historic Savannah Plan is best known. The criteria were later included in a historic district zoning amendment which was adopted in 1972. The historic district established by the amendment covers much of the downtown area of the city, and is divided into two zones (see Figure 7-7). Most of the work accomplished to date is in zone I. There is a visible difference in the appearance of the two areas. For example, much of the east side of Price Street is still blighted and vacant, while west of Price Street clean and preserved.

The review board which was established by the zoning amendment was not actually set up until 1973. Since these events are quite recent, very few new construction or substantial alteration projects have come under their jurisdiction. However, even before the zoning amendment was approved and implemented, some designers and clients willingly sought to adhere to the guidelines of the Historic Savannah Plan.

Preservation activities continue in Savannah. The success of the program (i.e., the fact that it has continued to grow) is basically due to two factors: (1) the enthusiasm and energy of the private sector in establishing precedents for preservation and (2) the public agencies' receptiveness of preservation as a viable approach to Urban Renewal and general planning. In Savannah, the private sector was not just given a part; it initiated the move towards preservation. The public agencies supported that direction.

C. RESULTS

As a result of Savannah's efforts, a large number of buildings have been saved from demolition and have been preserved. A sense of scale and the quality of a unique urban fabric contribute to the city's vitality. Although a good deal of restoration has taken place, the city is not a museum, but is a vital, inhabited area. It will hopefully remain that way. To aid and guide the city in pursuing its program are four major effects:

1. There is a general good feeling about the rehabilitation of the historic district, and therefore an active interest to continue the program.

2. There are revolving funds, receptive lending institutions (banks), and a strong private organization to aid anyone interested in becoming involved in the rehabilitation of the district.

3. A list of criteria, and a legal mechanism to substantiate the criteria, help to protect both the city and

the developer or designer. Furthermore, a board of review has been established to interpret for the city the criteria, and to decide whether or not a project complies with the criteria.

4. To remind the city that the program is not finished is the existence of the poor, some of whom were moved out of structures in the historic district, many of whom reside in poor conditions on the outskirts of the historic district.

C.1. A GENERAL GOOD FEELING

A general good feeling about the preservation activities in the city seems to have settled over many residents. Not only residents, but also local agencies seem to be generally satisfied with the program. It is surely due to the fact that everyone - private citizen or local planning agency employee - feels he or she is partly responsible.

Unlike Newburyport, where there was no cooperation between local planning agencies and private citizens, Savannah managed a large cooperative effort. The private sector feels it is responsible - for having started the move, established a sympathetic and powerful organization, and even privately purchased and rehabilitated structures. The Urban Renewal Authority considers itself responsible; much of the area was renewal area and furthermore, it funded the study which resulted in the Historic Savannah Plan and the criteria. The local planning authority of course feels it was very instrumental; as the local planning authority, it is responsible for the

general planning of the area and was responsible for the passage of the historic district zoning amendment to the city zoning ordinance. Everyone feels he or she has had a part in the changes taking place; the ideal planning technique occurred by chance!

C.2. INCENTIVES

Incentives have essentially been built into the program as a result of its relative success. The revolving fund set up early in the program is secure and still available. Furthermore, banks are quite receptive to applications for loans for work in the district. Added convenience and incentive is provided by Historic Savannah Foundation, Inc. which remains active in the program (indeed, is moving its headquarters to the west side of the district, to a William Jay building, in order to restore a valuable building and establish its leadership in an area still needing a good deal of work). Besides providing tours, information and services, Historic Savannah Foundation will generally help the private citizen/investor to find loans or services needed for a project.

C.3. CRITERIA AND REVIEW BOARD

Sixteen criteria were proposed, six to be met in order for a building permit to be approved. One of the six must be height. The proposed criteria are the following:

1. Height
2. Proportion of the buildings front facades
3. Proportion of openings within the facade
4. Rhythm of solids to voids in front facade
5. Rhythm of spacing of buildings on streets

6. Rhythm of entrance and/or porch projections
7. Relationship of materials
8. Relationship of textures
9. Relationship of color
10. Relationship of architectural detail
11. Relationship of roof shapes
12. Walls of continuity
13. Relationship of landscaping
14. Ground cover
15. Scale
16. Directional expression of front elevation

Obviously, the criteria contain all the virtuous qualities discussed in architectural treatises and schools, except perhaps setback (although it could be argued that this is covered under "walls of continuity"). The list is an extension of those characteristics listed in earlier zoning ordinances for historic districts, such as Charleston, New Orleans' Vieux Carre and Alexandria, Virginia. In his 1971 article in Historic Preservation, Mr. Muldawer generously offers, "It may be that experience gained through specific attempts to apply the 16 criteria will result in substantial alteration of them."² I would suggest that it is also clarification and elaboration of them which is needed.

In Appendix A can be found the zoning amendment, as passed, for Savannah's historic district. In Section 9, paragraphs 6a and following, are included the criteria. Only 11 paragraphs enumerate the 16 criteria: materials, texture and color have been lumped together in paragraph (g); "Relationship of architectural details", "Relationship of landscaping" and "Ground cover" have been omitted (Landscaping is vaguely mentioned in paragraph (i) "Walls of continuity."). Height is not required

in the passed amendment, nor is there an indication of the number of criteria which must be met.

Upon examination, the criteria listed in paragraphs (a) through (k) seem vague. For example, the height must be "visually compatible with adjacent buildings." What is meant by "visually compatible"? Is 5 feet difference permissible? 10 feet? Visually compatible in whose eyes? None of the criteria are very clearly described. A Savannah citizen and active member of the preservation activities there, however, said that he did not believe the criteria should be too specific, but should allow for considerable flexibility. Certainly flexibility is desirable. Is it flexibility, however, when a 10 story building goes up on a square where the predominant height is 3 stories? How much latitude should the review board be given?

The criteria are a simple list. There seems to be no set of priorities. Beyond "visually compatible" height, there is no indication as to what criterion might be more important than another. Furthermore, it seems a criterion is met or not met; there is no provision for partial compliance. Surely, in some cases a range of 1 to 5, or even 1 to 3, would be more useful.

REVIEW BOARD

As established by the zoning ordinance, the board of review is to be composed of citizens "who shall be residents of the city of Savannah interested in the preservation and development of the Historic Area." There is no requirement for expertise in the field of architecture, architectural

history or landscape architecture. Certainly some background in architectural history and the ability to read architectural drawings would benefit a review board which must decide on the appropriateness of design for alterations or new constructions!

The review board consists of six members. It is surprising that a decision-making body should be created with an even number of members. It would seem that, when one is setting up a decision-making body, one would not want to handicap the group by giving it an even number of members, thereby allowing for the possibility of tie votes.

The members are appointed by the Mayor and Aldermen of the city. There is no indication that names should be chosen from lists presented by different civic or citizen groups. The board is not salaried. There is some possibility that positions on the board become patronage. The possibility is diminished by the fact that members are not to be paid; still the board can have considerable economic influence. Persons with a vested interest may be more willing to serve than those without, unless other incentives were provided.

Among the complaints made by members of the review board and by city residents was the fact that many members did not take the job seriously, and did not discuss the problems enough among themselves. When asked if being paid would help, each said no. Several said better leadership would help; but the review board must choose its own chairman, so only the board itself can effect a solution to that problem. It seems quite appropriate, however,

that the members of the board of review should be remunerated for their time and expertise. They are expected to make decisions on behalf of the city as professionals (using whatever their professions or backgrounds offer them in the way of expertise). Remuneration and recognition for work done could only help the attitudes and professional image of the board. If patronage is a concern, a suitable process of providing the Mayor and Aldermen with lists of names from which to choose members would not be difficult to establish.

Other complaints included (1) lack of expertise in reading architectural drawings, (2) an even number of members and (3) lack of "guts" in dealing with large, politically-advantaged developers of whose proposals they disapproved. Suggestions have been made regarding (1) and (2). Of six relatively new projects in the historic district, only two have come under the jurisdiction of the board of review, and therefore the implemented criteria, because of the board's late establishment. One project is a parking garage on Reynold's Square, the other an office building on Johnson Square. Neither is finished at this time.

The board and many city residents are displeased with both projects. The materials of the parking garage are totally foreign to the city. The new office building, to be steel-structured, marble-faced and large-windowed, is replacing structures which were usable. Residents seem to be displeased

with the appearances of the structures, more so of the parking garage than the office building (the office building relates more to its surroundings of large office-type buildings). The board members are unhappy basically because they had difficulty dealing with such high-powered developers. Remuneration for their work and a more professional image should also help the board deal with this third problem.

C.4. THE POOR WERE NOT INCLUDED

An unknown number (see note 27 of footnotes) of low-income residents of the old part of the city were forced out when preservation activities began. Many still reside in poor conditions in Zone II of the district or on the outskirts. Zone II is necessarily slated for preservation activity; one city resident and active preservationist has purchased two separate rows of buildings outside the district with plans to rehabilitate them with appropriate state or federal monies and rent them to the same residents for the same price. Though a small step, the move is an impressive one and may make Savannah an exemplary city for reasons other than her criteria and historic architecture. One would hope, however, that this exemplary consideration for the low-income would extend itself into the Zone II areas inhabited by low-income persons and that the forcing-out (for financial or other reasons) of the low-income which is typical of preservation might be minimized.

Another move has been suggested - to extend the historic district to include some of these poorer areas. The wisdom of

that move is questionable. On one hand, the area should be given protection from fast changes such as high-rise buildings and new materials. On the other hand, if the criteria are as conservatively interpreted as they have been by the review board, alterations and new construction might be too costly to allow the present low rents; the unfortunate evacuations of Zone I of the historic district might repeat themselves. These kinds of problems will be addressed more specifically in Chapter Nine. In any case, however, Savannah may find that either her approach or her zoning ordinance need substantial review if a larger area is to be considered.

C.5 GENERAL COMMENT

What has been considered throughout the country as quite a successful program, must also be considered quite limited. So far, only the well-to-do have been able to afford the expenses of preservation. Depending upon the precedents set by the review board and the trends set by some residents, even the well-to-do may not long be able to afford the materials and techniques required for good restoration or for "compatible" new construction.

The program is still quite new. There may be forthcoming changes in the criteria and review board. Already the review board has enumerated its suggestions for additions and changes to the ordinance. The suggestions are so far limited to (1) phraseology, such as, change the word contemporary to non-rated

(i.e., not rated in the survey of the area as Exceptionable, Excellent or Notable.), (2) adding another (a seventh) member, and (3) such details as inserting phrases to make a statement clearer. As the board and city gain experience, more changes may come. Certainly the general attitude seems to be a flexible one, but it seems somehow combined with a drive to over-
scrub, "museumify" certain squares and areas of the city. The following case may give some perspective on this and will lead to a proposal for a somewhat different approach.

CHAPTER SEVEN FOOTNOTES

¹Robert Castell, an architect, was a friend of Oglethorpe. He died in 1729. "Castell's tragic, useless death has often been cited as one of the prime motivations which led [Oglethorpe] to champion prison reform in Parliament and to participate so diligently in creating the Georgia colony as a rehabilitation center for unfortunate debtors and religious refugees." (Turpin C. Bannister, "Oglethorpe's Sources for the Savannah Plan", Journal of the Society of Architectural Historians, vol. 20 (May, 1961), p.50.)

²The view by Gordon, according to Mr. Bannister, was engraved in London, dedicated to the Trustees, "and was probably intended to be a promotional pamphlet." (Ibid., p.49).

³Land was also inheritable by men only. All of this was presumably to encourage male heirs and the continuance of a strong army.

⁴Bannister, p.61.

⁵Ibid., p.48.

⁶Ibid., pp. 49-50.

⁷Ibid., p.49.

⁸Kenneth Coleman, "Savannah-Georgia's Port City", Antiques at Savannah, reprinted from Antiques Magazine (March, 1967), p.2.

⁹Walter Charlton Hartridge, "Architectural Trends in Savannah", Antiques at Savannah, p.4.

¹⁰Ibid.

¹¹Coleman, p.2.

¹²Ibid., p.3.

¹³Ibid.

¹⁴Leslie Coram, "Savannah Historic District" (unpublished article for Historic Savannah Foundation, Inc.), p.1.

¹⁵See full reference in 1 supra.

¹⁶In 1885, the librarian of the Georgia Historical Society, William Harden, presented a paper, "A Suggestion as to the Origin of the Plan of Savannah" in which he proposed the theory

that Oglethorpe had derived his ideas for the plan of Savannah from Castell's book. (Bannister, p.50).

¹⁷ Ibid.

¹⁸ Edmund Bacon, Design of Cities (New York: The Viking Press, 1974), p.217.

¹⁹ Bannister, p.56.

²⁰ Ibid., p.55.

²¹ Bannister (p.49) cites Francis Moore, A Voyage to Georgia begun in the Year 1735 (London, 1744), which was reprinted in Collections of the Georgia Historical Society (Savannah, 1840), I, 30-33.

²² For the development of the Squares see Bannister, pp.47-48 or Bacon, pp.220-221. See also Appendix B.

²³ Coram, p.2.

²⁴ Ibid., p.3.

²⁵ Department of Urban Renewal, Savannah, Preliminary Report on Urban Renewal (Savannah, October, 1957).

²⁶ The articles were reprinted by the Department of Urban Renewal, An Approach to Urban Renewal in Savannah, Georgia (Savannah, August, 1957).

²⁷ Although there are no statistics available on the number of people who were moved out for urban renewal, or because of increased financial pressures in the area, or the number who simply moved out by choice, census data offers some indication. Table 7-1 contains 1960 and 1970 census data by tracts in Savannah, and general population figures for 1950, 1960 and 1970.

The city population remained relatively constant between 1950 and 1960, with a loss of approximately 2000 residents. Between 1960 and 1970, however, there was a decrease of approximately 31,000 residents or 20.7%. Among tracts with the larger losses were those in the historic district.

The historic district consists of tracts 3, 8 and 9 (see Figures 7-6 and 7-7 for tracts of historic district and surrounds). In tract 3, there was a loss of 37% of the white population and 57% of the non-white population between 1960 and 1970. During the same period the median family income increased from \$3,405 to \$8,523, and the average number of persons per household dropped from 2.4 to 1.55.

In tract 8, there was a 58% decrease in white population and 54% decrease in non-white population. The median family income increased from \$3,875 to \$4,290, and the average number of persons per household dropped from 2.94 to 2.02.

		TOTAL POPULATION	WHITE	NON-WHITE	POPULATION OVER 5 YEARS OF AGE	POPULATION IN SAME HOUSE IN 1955/1965	POPULATION UNDER 18 YRS.	AVG. NUMBER OF PERSONS/HSEHLD	MEDIAN FAMILY INCOME	MEDIAN FAMILY & UNRELATED INDI- VIDUAL INCOME
City	1950	151,481	92,934	58,547						
	1960	149,245	95,987	53,228	130,065	55,627	56,658	3.4	\$4,761	\$3,841
	1970	118,349	64,650	53,111	108,415	57,064	40,597	3.04	7,143	5,252
Tract 2	1960	1,629	8	1,621	1,334	728	734	3.72	2,024	1,732
	1970	507	9	548	468	100	284	2.95	1,956	1,839
Tract 3+4	1960	2,599	2,087	512	2,447	807	482	2.4	*3,405	2,677
	1970	1,512	1,296	216	1,526	668	129	1.55	8,523	4,618
Tract 5	1960	3,514	1,317	2,197	2,917	709	1,742	3.7	2,303	2,103
	1970	2,776	789	1,987	2,488	1,085	1,412	3.37	2,608	2,401
Tract 7	1960	1,609	2	1,607	1,412	583	614	3.49	1,904	1,503
	1970	883	1	882	780	378	478	3.58	2,297	1,819
Tract 8	1960	2,117	1,381	736	1,930	503	521	2.94	3,975	2,704
	1970	915	574	341	991	442	206	2.02	4,290	3,820
Tract 9	1960	1,800	1,564	236	1,672	539	433	2.28	3,708	2,731
	1970	1,006	931	75	816	323	128	1.89	7,433	4,056
Tracts 10+11	1960	7,107	227	6,880	6,246	2,948	2,748	3.38	2,888	2,017
	1970	6,200	989	5,211	5,676	3,668	2,391	3.01	4,213	2,782
Tract 13	1960	2,741	1,050	1,691	2,454	688	805	3.07	2,954	2,015
	1970	1,701	313	1,388	1,559	819	507	2.65	4,000	2,500
Tract 15	1960	2,065	1,757	308	1,908	661	539	2.53	4,225	3,223
	1970	1,295	628	667	1,165	495	426	2.49	5,907	4,370

Table 7-1
Census Data for Savannah

CENSUS TRACTS IN THE SAVANNAH SMSA

INSET MAP - SAVANNAH CITY AND ADJACENT AREA

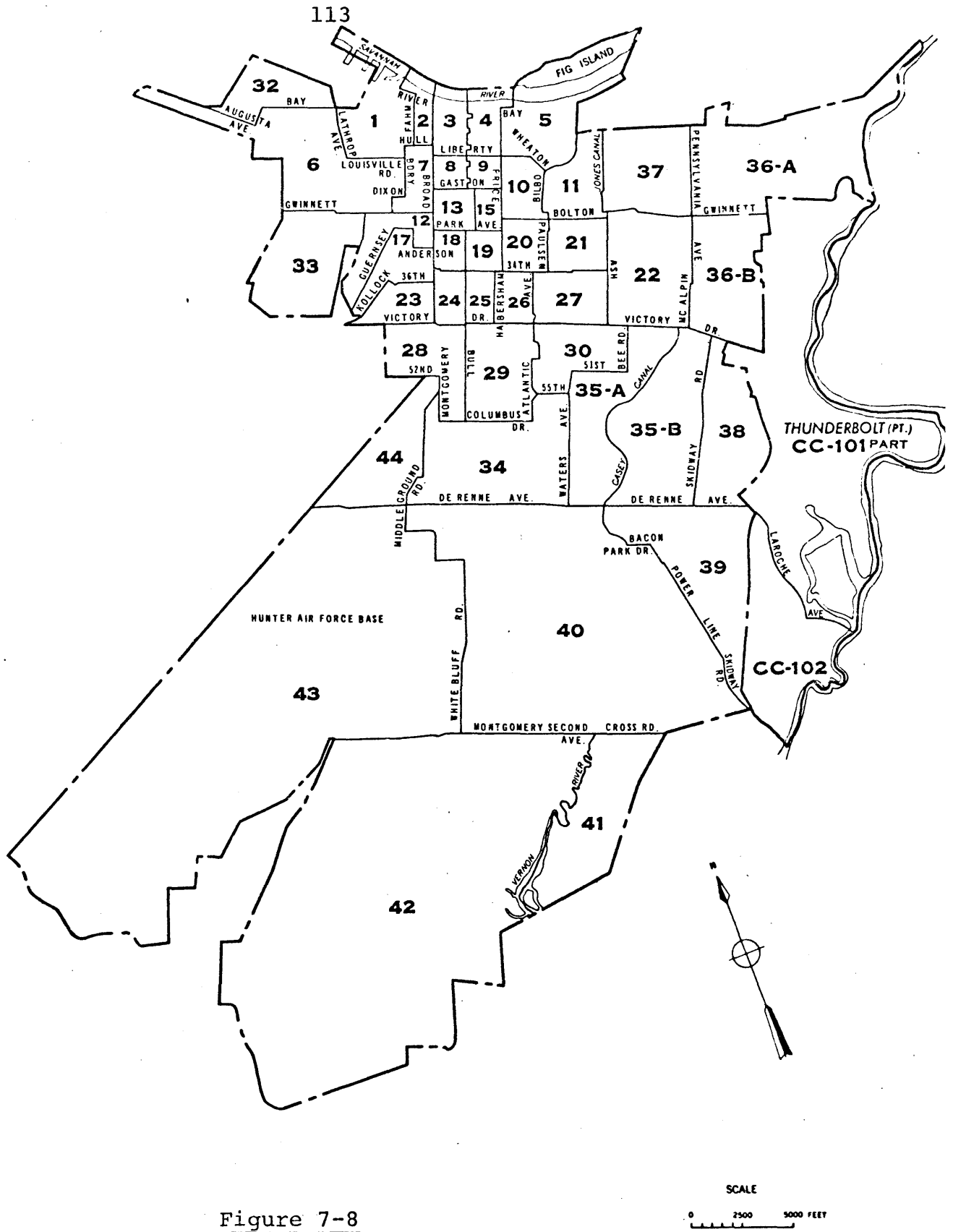
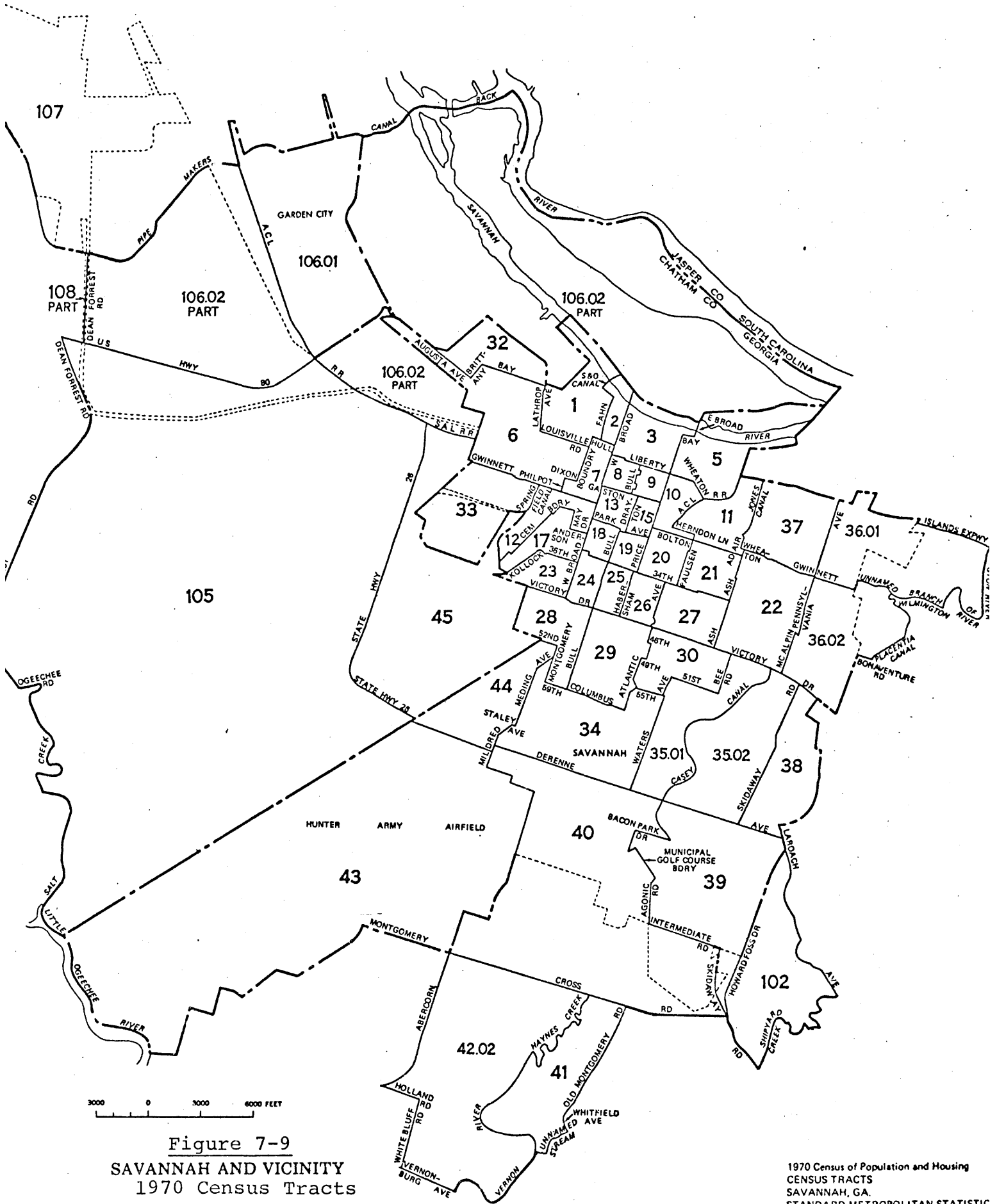


Figure 7-8
Savannah and Vicinity
1960 Census Tracts



3000 0 3000 6000 FEET

Figure 7-9
SAVANNAH AND VICINITY
1970 Census Tracts

In tract 9, there was a loss of 40% of the white population and a loss of 69% of the non-white population. Median family income increased from \$3,708 to \$7,433 and the average number of persons per household dropped from 2.28 to 1.89.

Altogether, the historic district demonstrates a markedly higher increase in median family income and the lowest average number of persons per household in that area of the city. Though it is difficult to feel certain about conclusions drawn from such data, it is presumably safe to say that:

- (1) a number of higher income residents moved into the area, with relatively small families.
- (2) a number of lower income residents moved out of the area.

(1950, 1960 and 1970 U.S. Census, Population and Housing.)

²⁸ Paul Muldawer, AIA, "Criteria of Urban Design Relatedness", Historic Preservation, Vol. 23, No. 1 (January-March 1971), p.32.

CHAPTER EIGHT: A ZONING PROPOSAL FOR NEW YORK CITY

The Urban Design Council of New York City was asked in 1971 by Mayor Lindsay to "investigate ways to improve the quality of the City's new housing."¹ After fifteen months, the Design Council published its findings as a zoning proposal, calling it Housing Quality: A Program for Zoning Reform.

A. BACKGROUND

Highlights of New York City's Zoning history were mentioned briefly in Chapter Four. In 1916, New York was the first city to establish zoning.² The intent was to regulate for sufficient air and light in buildings, and to provide adequate separation of residential and industrial areas for the general health and welfare of the city. It was not until 1961 that the first Zoning Ordinance was replaced. The 1961 Resolution had taken many years of preparation and was considered a great achievement. Within a decade, however, its faults became evident. As Barnett points out:

The minimum standards written into the zoning became the specification of a new residential zoning type: a tower which was two or three times as tall as the neighboring buildings, surrounded by open space that was seldom pleasant, often dangerous, and, in low density districts, almost invariably filled with parked cars. The open areas break the continuity of the street facade, the tall towers frequently throw nearby buildings into shade for much of the day. The zoning takes little account of difference in neighborhood and changes in topography; and because of the restrictive nature of the regulations, the same stereotypes are repeated all over the City.³

In an effort to deal with as many of these problems as possible, the Design Council set itself six basic tasks:

1. To determine what quality means, and provide for it.
2. To make that quality measurable.
3. To avoid setting minimum standards.
4. To recognize and encourage variety among neighborhoods.
5. To codify the review process in such a way that developers would know what was expected of them from the outset of a project.
6. To find an effective vehicle for achieving these aims.

B. PROCESS

Two parameters were set for determining quality: equity and objectivity. "To be acceptable an element [of quality] must hold equally true for the Borough of Queens as for the Borough of Manhattan and equally true for high-income as well as low-income tenants."⁴ For objectivity the aim was to make all elements measurable, thereby necessarily eliminating "those elements which primarily involve subjective value judgements."⁵

Once these parameters were set, the Design Council sought some reference points from which to orient the elements of quality. Neighborhood and tenant were chosen:

We have shaped the definition around those forces which have the most immediate, and ultimately most sustaining, vested interest in the quality of housing; namely the neighborhood and the tenant.⁶

It was the assumption of the Design Council that "quality in housing may not exist independent of its surroundings"⁷ and that housing quality is relevant only in terms of the tenant. Four major elements or areas where quality is of concern were then identified: neighborhood impact, recreation space, security and safety, apartment. Within each area, elements of quality were sought.

In order to make these elements objective, each element was given measurability. This was done by providing a simple formula so that some number or value could be arrived at.

To avoid establishing minimum standards, the Design Council tried to set goals. Furthermore, it decided to allow for partial compliance in meeting the criteria. That is, even less than full compliance with a criterion may still result in points towards the project's being acceptable.

In an attempt to recognize the individuality of a neighborhood, the Design Council set out to establish every criterion in reference to the existing context of the neighborhood. That is, every criterion was to be measured against what existed in the neighborhood already. Inherent in this approach is a premise which makes this zoning proposal unique; it accepts as a given the character of a neighborhood. It seeks to limit the rate of

change of existing characteristics such as height limitation, set back, etc.. It recognizes and supports the existing fabric by establishing criteria to reference the present context.

A point system and formulae for calculating percent compliance achieved by a project were sought, so that developers would know from the outset of a project what was expected of them and whether or not a project would be acceptable. This approach was also meant to relieve some of the pressure on review boards and make the review process more publicly accessible and comprehensible: "Our intention from the outset has been to place the design and zoning process in the public domain."⁸

As a vehicle for empowering or implementing their program, the Design Council chose zoning:

Although we considered several approaches, including the Building Code and the Housing and Maintenance Code, we soon realized that zoning is the appropriate vehicle. For surely it is axiomatic that zoning designs the city.⁹

C. RESULTS

The resulting program has all those characteristics the Design Council sought. Quality was made measurable by the establishment of quality elements under the four major areas neighborhood impact, recreation space, security and safety, and apartment. (See Figure 8-1). Simple formulae were created to be applied to the elements. From a formula for a particular

Figure 8-1
HOUSING QUALITY PROGRAM

Program Elements

MAXIMUM VALUE			MAXIMUM VALUE		
NEIGHBORHOOD IMPACT			SECURITY AND SAFETY		
	Built Up	Non Built Up			
1. Street wall setback*	4.55	n.a.**	1. Vis. from public space to elevator door or general circulation stair	3.90	
2. Sunlight in open space*	3.60	4.70	2. Vis. of priv. outdoor space from lobby*	3.90	
3. Length of street wall*	3.60	7.55	3. Surveillance from large apartments	3.30	
4. Shadow on buildings*	3.05	5.40	4. No. of apts. serviced by lobby	2.90	
5. Height of street wall*	3.05	n.a.	5. Vis. of parking from exit point*	2.25	
6. Street trees*	2.85	4.15	6. Vis. of parking area from lobby	2.20	
7. Height of building*	2.15	n.a.	7. Distance from elevator to apt.*	1.85	
8. Transparency ratio at ground floor*	2.15	3.20	8. Road separation*	1.80	
	<u>25.00</u>	<u>25.00</u>	9. Vis. from elevator door or general circulation stair to apartment door*	1.80	
			10. Visibility of mail room	<u>1.10</u>	
				<u>25.00</u>	
			APARTMENTS		
RECREATION SPACE			1. Size of apartment*	3.75	
1. Type and size*	8.50		2. Sunlight in apartment*	3.20	
2. Winter sun	5.00		3. Window size*	3.20	
3. Landscaping	2.75		4. Visual privacy--apt. to apt.*	3.20	
4. Covered parking	2.65		5. Visual privacy--street to apt.	1.75	
5. Visibility of parking*	2.65		6. Balconies	1.70	
6. Trees*	2.45		7. Daylight in hallways	1.50	
7. Seating	1.00		8. Distance from parking to garage exit*	1.50	
	<u>25.00</u>		9. Daylight in kitchen	1.50	
			10. Pram and bicycle storage	1.30	
			11. Waste storage facilities*	1.20	
			12. Garbage pickup facilities*	<u>1.20</u>	
				<u>25.00</u>	

120

*Minimum compliance levels established

**n.a.--not applicable

element, a percent compliance (e.g., 85%) may be reached. Then according to the percent compliance calculated, a value can be assigned from a given chart. For example, to calculate percent compliance of the setback of a proposed building the following two formulae are given:

$(A/B)100 = \%$: when the proposed setback is more than the existing setback.

$(B/A)100 = \%$: when the proposed setback is less than the existing setback.

Where A is the distance in feet from the street property line to the edge of the existing building and B is the distance in feet from the street property line to the edge of the proposed building nearest existing building.

Once the percent compliance is known, a value may be assigned. For the above example, the following values are listed for compliance:

50%	= .00	(note: 50% is the minimum compliance required)
60%	= .38	
70%	= .79	
80%	=1.5.	
90%	=2.40	
100%	=4.55	

100% represents compliance with existing characteristics.

Once a developer calculates the number of points his project achieves, he knows whether or not the project may be built. With minimum compliance, a project may be built, but the developer will be restricted in height or other areas; if, for example, 100% compliance is achieved then the developer is permitted maximum height and other conditions which presumably interest him.

By setting goals according to existing neighborhood characteristics, the uniqueness of the neighborhood is maintained. The formulae render decisions regarding compliance clear and structured. Zoning, because of its broad applicability, was chosen as the legal mechanism to support the program. The program as proposed would not invalidate the existing zoning ordinance, but would work with it.

Notably the program recognizes that goals will not always be achieved, that they should vary according to neighborhood and furthermore, that choice is an imperative element. A major concern of the Design Council was to avoid inherently requiring greater expense to achieve compliance. After testing and cost analyses, the Council feels "confident that this objective has been met."¹⁰

The proposal raises several questions, such as, can the decision process actually be so simplified? What if the neighborhood is not considered a comfortable or desirable one, even by its residents? Is the proposal's assumption that increased FAR brings increased income valid?

The assumption that the more space utilized brings more return on the investment is presently valid, at least up to a point beyond which no developer would venture. That point or limit is defined by the town or city.

It would not be against the nature of this proposal to include a neighborhood weighting factor. With this factor, the neighborhood might weigh certain elements which they consider important, or they might establish elements which they would like to encourage but which do not exist, or do not exist to the extent desired.

The simplification of the process is perhaps exaggerated. A review board responsible for final decisions and a program evaluation process would most likely be necessary in the long run.

It was explained in Chapter Three why this zoning proposal has been considered a form of preservation. By its nature the program tends to preserve, while allowing for the slow evolution of, the existing fabric of a neighborhood. It is the neighborhood impact section which has most bearing on architectural preservation; its criteria demonstrate a concern for the continuing reference to scale, height, setback, spacing of buildings and landscaping. The program's allowance for partial compliance recognizes reality, that goals are not always achievable.

The proposal is valuable for its new approach to zoning and its attention to existing context of a city and neighborhood.

CHAPTER EIGHT FOOTNOTES

¹ Urban Design Council of the City of New York, Housing Quality: A Program for Zoning Reform (New York, 1973), p.1.

² Jonathan Barnett, Urban Design as Public Policy (New York: McGraw-Hill, 1974), p.31.

³ Ibid., p. 179.

⁴ Urban Design Council, p.7.

⁵ Ibid.

⁶ Ibid., p. 1.

⁷ Ibid.

⁸ Ibid., p.4.

⁹ Ibid., p. 2.

¹⁰ Ibid., p. 15. See "Cost Implications", p. 15 following, for a discussion of the Council's three strategies to check the cost implications of their proposed program.

CHAPTER NINE: PROPOSAL FOR AN ALTERNATIVE APPROACH TO PRESERVATION

The cases of Newburyport and Savannah and the UDC proposal pointed up some basic needs of a preservation program. First, there must be a defined approach and concomitant plan. No real decision was made in Newburyport as to what to do about preservation. A few vague phrases were scattered in "a Handbook for Developers". The case demonstrated that nondecision is also a decision. Furthermore, there must be a legal mechanism to implement the policy.

Second, open lines of communication between planning agencies and the private sector must be established. Without a cooperative effort, no program will succeed. There are many ways to involve individuals, from public hearings and meetings to membership on a review board. There are also several ways in which involvement may be discussed: (1) in terms of the mechanisms allowing for involvement such as the establishment of a review board; (2) in terms of time, i.e., at which points in time during the program is public involvement to occur?; and (3) level of access, i.e., through what agencies and at what level of power to individuals enter the process? It was the lack of good communication in Newburyport which was responsible in large measure for the fiasco which occurred.

In Newburyport, no mechanisms, points in time, or agencies were provided for the public to become involved in the

process; because the public wanted to voice their opinions, they had to form a group. This group, because of the circumstances, was forced to become an opposition group. It was the exemplary cooperation in Savannah which was the strength of that program. Mechanisms as elementary as low cost loans and a revolving fund to help local citizens purchase houses and rehabilitate them were provided. A review board was established. This is a mechanism whereby a few periodically appointed city residents are responsible for decisions regarding the appropriateness of the changes in the historic district. In terms of time, public interest seems to have initiated the program and to have remained involved. It was essentially through Historic Savannah Foundation, which established the revolving fund and was a powerful voice in the program, that most private citizens entered the process.

Third, a general program, rather than one specific only to a particular neighborhood, should be implemented. This general program would be a base. Then, if a more specific program is required, it may be added. A general program can avoid the marked delineation between a historic district and its fringes, the jump between maximum protection of existing architecture and none. A broader and less restrictive program could offer greater protection in general for municipal areas (e.g., alleviating special problems at district edges such as blight or unfair advantages for speculators) and would at the same time have a decreased tendency to force lower income residents

out of their homes.

Fourth, there must be a clear procedure for deciding upon appropriateness of alterations and new construction. Most historic districts choose to have review boards do this. The Urban Design Council tried to provide guidelines sufficiently clear and measurable to reduce the need for a review board. Having both options would be the best solution. A review board whose membership includes persons familiar with architectural history, for example, and the ability to read architectural drawings would be useful. The board must have clearly stated organizational and operational procedures. This would not make up for a lack of clarity in the guidelines, however. That is not to say the guidelines must be as specific as those of the UDC proposal, but that they should better indicate the stated policy than, for example, those guidelines of Savannah which are quite vague.

Fifth, any program providing incentives such as tax relief or financial advantages to developers, rather than restrictions, will be received more positively by all parts of the private sector. Many types of incentives are possible. Besides tax relief and financial advantages to developers, home loans at special interest rates and special public/private tradeoffs are other possibilities. Few people would not like their neighborhoods protected from abrupt change or structures which do not relate at all to the neighborhood.

Lastly, a provision should be made for neighborhood weighting factors. If neighborhood residents are not happy with characteristics of their neighborhood, they should be given the opportunity to say so and to help establish kinds of changes to be encouraged in the area. This procedure involves residents in a program from its inception and gives them some control in determining the future of their homes and neighborhood.

The proposed approach to preservation is based upon three assumptions:

1. Municipal zoning regulations restrict the uses of real property. The right to regulate is based on the public health, welfare and safety interpretation of municipalities' police power. Protection from abrupt and undesirable changes (from the inhabitants' points of view) in the environment should qualify as regulation in support of general public health and welfare. In order to insure its responsiveness to its constituency, municipal government must be aware of the degree to which it extends controls over real property in the name of preservation. Regulations which require resources in excess of those available to the majority of constituents in a regulated area should be avoided.

2. To further its preservation policy, it is the duty of the municipality to provide (a) clearly stated policy, open to suggestion and public hearing; (b) information and consultation regarding means for accomplishing specifics (e.g., treating sandstone lintels or replacing windows); and (c) some incentives

for following the policy and some ways to alleviate the burden on property owners where possible; and (d) an evaluation process for assessing results of the program and a communications mechanism for feeding back reactions for future policy decisions.

3. In general, people value their resources, their history and their own neighborhoods. Given a program of contextual planning which would recognize the uniqueness of their neighborhoods and resources, they would be receptive to such a program if it provided a flexible framework of incentives and controls.

Discussion concerning the proposed approach to preservation is focussed on eight topics: (1) legal mechanism, (2) policy, (3) information services, (4) Certificate of Appropriateness, (5) Board of Review, (6) criteria and directives to the Board of Review, (7) incentives, and (8) provision for increased specificity.

LEGAL MECHANISM

Because the proposed policy must be broadly applicable to an entire municipality, the most effective legal tool for implementing the policy is zoning. Zoning's broad applicability and its ability to be molded easily were discussed in Chapter Four. As a program evolves, other legal mechanisms, such as facade easements, restrictive covenants and building codes may be called into play. For a broad program, however, zoning provides a tested legal base.

The proposed program, as a zoning amendment, would not invalidate the existing municipal zoning ordinance, but would effectively sit on top of it, adding a level of specificity or contextual awareness. Where the ordinance and the amendment conflict, the amendment would take precedence.

The amendment should include directives on all of the following categories.

POLICY

A general policy for municipal preservation should strive for least possible disruption of citizens' lives and surroundings. Requiring all proposals for change in an area to pay heed to the existing context and fabric of the area, a policy should also allow for the area's gradual evolution. In the last section below, provision for a more specific approach is suggested. At this level, however, the policy should be generally applicable for an entire municipality, as well as for all municipalities. As stated, the policy should incorporate an intent to (a) preserve as far as possible the environment for the benefit of the present and future generations, (b) protect areas of our cities from undesirable and incongruent changes which supporting contextually compatible change and evolution, (c) allow for the preservation and/or restoration of historic buildings and areas, and (d) establish a facility for providing information and consulting services regarding methods and materials for preservation and restoration.

INFORMATION SERVICE

In order to encourage any preservation policy, information services to the public should be provided. The services could be in two parts. First, a consulting board should be available by phone to the public, a kind of preservation "hot-line". A call to the consulting board might result in a referral to a book or manual for information needed to accomplish a specific task, or in a visit by a member of the consulting board or the building department.

Secondly, a library of books, manuals, even videotapes should be established. A useful organization for the library would be the establishment of libraries in local little city halls. The duplication of documents would not be very costly and such decentralization would provide increased accessibility to information. It would also further the move towards strengthening little city halls presently underway in many municipalities.

CERTIFICATE OF APPROPRIATENESS

The need for a Certificate of Appropriateness or Approval (but hereafter called Approval) for (a) demolition, (b) moving, (c) alterations to exterior or (d) new construction of a building must be stated. A Certificate of Approval is different from a Building Permit. Building Permits would remain under the jurisdiction of the Building Department and would be granted according to municipal building and safety codes. Where demolition, moving, exterior alterations or new construction

are concerned, however, a Certificate of Approval must be secured. The Certificate of Approval is granted by a Board of Review, established to consider the effect of proposed changes on the existing neighborhood according to established criteria. Once a Certificate of Approval is granted, a Building Permit or permit to demolish may be sought from the Building Department.

BOARD OF REVIEW

A Board of Review should be established to decide upon the appropriateness of demolition, moving, alteration or construction of a building according to given criteria.

The Board should consist of an odd number of members, perhaps seven or nine. Members' skills should include the ability to read architectural drawings, a knowledge of architectural history (including general American developments), a particular interest in local history and an understanding of the workings of the economic market. Professions which should be represented on the Board are architect, historian and realtor or developer. A landscape architect would be a further asset. The Board may be appointed by the Mayor or City Council, but appointees should be selected from lists of three names each supplied by local organizations, such as the local chapter of the AIA and the local historical society. The members of the Board should have staggered appointments, perhaps two or three

years in length but not coterminous with the Mayor's term of office.

The jurisdiction of the Board shall be limited to Certificates of Approval. The Board members should be remunerated for services rendered pursuant to Board activities. A schedule of regular meetings should be established (e.g., monthly, bi-monthly) according to the needs of the municipality. The Board may elect its own chairman and any other officers deemed necessary. Furthermore, the Board should be provided with support staff (one or more, depending upon the level of activity).

For larger cities, local boards should be established to support the municipal Board. The local boards may be based at the little city halls and elected by their respective areas. These boards should be encouraged to include the necessary skills and characteristics suggested for the municipal Board above. The local boards would make recommendations to the municipal Board based on the same criteria, perhaps modified according to local needs. The right of the individual to appeal a decision by the Board should be clearly stated and the appeals process clearly delineated.

CRITERIA AND DIRECTIVES TO BOARD

Directives to the Board should include specific provision for demolition. If demolition is to be approved but the building

seems valuable according to the given criteria, a period of 14 to 30 days could be allowed before a certificate is issued. During this period, the Board should be responsible for posting notices in an attempt to find a buyer who agrees not to demolish the building. Relocation should be permitted only where it seems to be the best available solution. Board action similar to that for demolition would be pursued.

Criteria for evaluation of appropriateness should not be severely restrictive. Restrictions should be limited to context, except where a neighborhood has chosen to set preferred goals which vary from the context. Criteria should be measurable.

The actual criteria to be applied to an area may vary according to municipality and neighborhood, but it is recommended that they be quite generally applicable for this program; if more specificity and restrictions are desired to be required, those may be handled separately as suggested. Generally applicable criteria are the following:

Setback

Height of Streetwall

Height of building

Proportions of openings in facade

Transparency on ground floor

Continuity of street walls and facades

Directional Expression of front elevation ✓

Shadows cast ✓

Landscaping ✓

Signs ✓

Other

Brief descriptions of these criteria may be found in Appendix C.

In order to make the criteria measurable, six basic steps may be followed:

1. Set a maximum number of points for all criteria, such as 100.

2. Divide number from #1 above by the number of criteria. The result is the base.

3. Set priorities for each of the criteria. This could be done using a very simple technique: assign asterisks according to considered importance. (One criterion might have the same number of asterisks as another.)

4. Assign maximum point values to each criterion. This might be done as follows:

- a. Assign a weight value (WV) to the asterisk, such as .15 or 15 (Note: WV should be a decimal to avoid to large a variation between maximum point values of criteria).
- b. Find median number of asterisk.
- c. For each criterion: (1) Find K, where $K =$

number of asterisks for criterion - median number of asterisks, and (2) Add (K x WV) + Base. The result is the maximum value for the criterion. (Note: whether K is positive or negative will determine whether maximum value will be under or over Base.)

5. Establish simple formulae for each criterion.

This may be done by providing formulae to arrive at a percent compliance. The existing context or preferred goals may be set as full compliance. In each case measure proposed compliance against existing (or preferred) criteria. For example, height of a building might have the following formulae applied:

A = existing or preferred height

B = proposed height

$A/B \times 100 = \text{___}\%$ (where B greater than A)

$B/A \times 100 = \text{___}\%$ (where A is greater than B)

6. Points achieved for a criterion may be calculated by multiplying the percent compliance times the maximum value for the criterion. For example, 80% compliance X 8.15 maximum value = 6.52. A chart of percent compliances and corresponding assignable points could be created for each criterion.

The criterion "Other" is provided to indicate that localities can establish their own criteria. Although the criteria suggested are fairly general, others may be necessary for or better suited to certain localities.

INCENTIVES

A number of techniques are available to insure concrete benefits beyond vague promises to minimize drastic changes in the environment or to support existing fabric. Among possible incentives are the following:

1. Tax Relief. Tax relief may be provided for commercial structures and for residential structures. Techniques for this were discussed in Chapter Four.

2. Incentives for Developers. Incentives for developers may be built into the zoning amendment, such as allowing the developer to build to maximum height or capacity for increased income, if he achieves maximum points for his project.

3. Public/Private Tradeoffs. The municipality could transfer property rights in alleys for use as rear gardens in exchange for front gardens to be converted to public domain. Conversely, the municipality could increase front garden area by narrowing a thoroughfare in exchange for rear garden property to be converted to a service alley or a communal garden. The municipality could offer a neighborhood park, or additional trees and tree maintenance, or cobblestone sidewalks to neighborhoods involved in preservation activities. Since municipal funds probably could not support all these projects simultaneously, exemplary neighborhoods, in terms of highest percent compliance for local preservation projects, could be awarded these benefits periodically.

4. Facade Easements. The municipality might purchase facade easements from interested homeowners. This would take

a maintenance burden off the owner as well as preserve valuable historic structures for the municipality and the public.

5. Loans. The municipality could insure the availability of low interest loans for purchase, preservation or contextual rehabilitation of structures.

MORE SPECIFICITY

If a more specific or restrictive program is desired by a neighborhood or area, such a program may be added as another level to the zoning ordinance. That is, a more specific program such as that of Savannah or other historic districts could be added as a second zoning amendment. As the proposed first amendment would take precedence over the already existent zoning ordinance, so the second amendment would take precedence over the first.

This organization provides the possibility of the existence of more restrictive historic districts on a base of general contextual preservation. Changes in an historic district zoning amendment would not affect the contextual zoning amendment. The problems of a marked delineation between an historic district and its fringes are thus diminished. Sensitive protection is provided on a city-wide basis.

Substantively, the historic district amendment should be similar to the basic amendment proposed. That is, the topics

Policy, Information, Certificate, Board, Criteria and Incentives should be covered. If desired, a local review board for the district could be established. Criteria might reflect those Savannah criteria not mentioned above, such as:

Proportion of the building's front facade

Rhythm of solids to voids

Rhythm of spacing of buildings on street

Rhythm of entrance and/or porch projections

Relationship of roof shapes

Scale of building

Other architectural elements which might be considered are projections, bay spacings and dormers. In every case, however, the criteria should be quantifiable and provision for less than full compliance should be made as per the suggestions for a contextual program.

Such an approach to preservation is flexible; it provides a broad, protective program but allows for the further specificity which many cities and towns have chosen for relatively small areas. The approach is broadly applicable. Increased attention to context in general planning and design might prevent the kinds of problems which have plagued housing projects since the forties - e.g., loss of scale, lack of project's relationship with surroundings and alienation of inhabitant. Finally, while contextual planning as an idea is not new, the increased focus on surroundings and concern for the fabric, for the real environments of our cities, should benefit both designers and inhabitants.

APPENDIX A
Historic District Zoning Amendment
for Savannah

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO ESTABLISH THE HISTORIC DISTRICT: TO PROVIDE REGULATIONS THEREIN: TO PROVIDE FOR ZONES WITHIN SAID DISTRICT: TO REPEAL ALL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, in Council assembled.

SECTION 1

Purpose: The purpose of the Historic District is to promote the educational, cultural, economic and general welfare of the City pursuant to the provisions of the amendment to Article XI of the Constitution of Georgia, ratified November 5, 1968 (Ga. Laws 1968, Page 1591).

SECTION 2

Boundaries: The boundaries of the Historic District shall be the "area bounded on the north by the Savannah River; on the east by Randolph Street between the Savannah River and Broughton Street and by East Broad Street between Broughton and Gwinnett Streets; on the south by Gwinnett Street; and on the west by West Boundary Street." Within said District Zones shall be designated as Historic Zone I and Historic Zone II on the zoning map of the City.

SECTION 3

Relationship to Zoning Districts: The Historic District regulations as provided herein for zones within said District are intended to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the historic area. In all zoning districts lying within the boundaries of the Historic District the regulations for both the zoning district and the Historic Zone shall apply. Whenever there is conflict between the regulations of the zoning district and the regulations of the Historic Zone, the more restrictive shall apply.

SECTION 4

Classification of buildings and structures: Within the Historic District, all buildings and structures shall be classified and designated on the Historic Building Map adopted and approved by the Mayor and Aldermen and made a part of the zoning map. Such buildings and structures shall be divided into two (2) classes:

1. **Historic:**

Those buildings classified as Historic shall possess identified historical or architectural merit of a degree warranting their preservation. They shall be further classified as:

- A. Exceptional
- B. Excellent
- C. Notable

D. Of value as part of the scene

2. **Contemporary:**

Those buildings and structures not classified on the Historic Building Map as Exceptional, Excellent, Notable, or Of value as part of the scene.

SECTION 5

Certificate of Appropriateness required. A certificate of appropriateness issued by the Zoning Administrator after approval by the Board of Review shall be required before a permit is issued for any of the following:

A. Within all zones of the Historic District:

- 1. Demolition of a historic building.
- 2. Moving a historic building.
- 3. Material change in the exterior appearance of existing buildings classified as Historic by additions, reconstruction, alteration, or maintenance involving exterior color change; and

B. Within Historic Zone I:

- 1. Any new construction of a principal building or accessory building or structure subject to view from a public street.
- 2. Change in existing walls and fences, or construction of new walls and fences, if along public street rights-of-way, excluding lanes.
- 3. Material change in the exterior appearance of existing contemporary buildings by additions, reconstruction, alteration, or maintenance involving exterior color change, if subject to view from a public street.

SECTION 6

Application for certificate of appropriateness. Application for a certificate of appropriateness shall be made in the office of the Zoning Administrator on forms provided therefor, obtainable at said Office. Detailed drawing, plans or specifications shall not be required but each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes or new construction as are reasonably required for the Board of Review and the Zoning Administrator to make a decision.

SECTION 7

Action on applications for certificate of appropriateness. The Zoning Administrator shall transmit the application for a certificate of appropriateness, together with the supporting information and material, to the Board of Review for approval. The Board of Review shall act upon the application within thirty days after the filing thereof, otherwise the application shall be deemed to be approved and a certificate of appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made and the

Board of Review may advise the applicant and make recommendations in regard to the appropriateness. If the Board of Review approves the application, a certificate of appropriateness shall be issued. If the certificate of appropriateness is issued, the application shall be processed in the same manner as applications for building or demolition permits. If the Board of Review disapproves the application, a certificate of appropriateness shall not be issued. The Board shall state its reasons in writing, and the Zoning Administrator shall advise the applicant and a permit shall not be issued.

SECTION 8

Board of Review.

- 1. **Creation and composition.** There is hereby created a Board of Review, which shall consist of six members appointed by the Mayor and Aldermen who shall be residents of the City of Savannah interested in the preservation and development of the Historic Area.
- 2. **Jurisdiction.** The Board's jurisdiction shall be limited to the Historic District. The Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or preservation that affect visual quality of the Historic Area. They shall not consider detailed design, interior arrangements or building features not subject to public view nor shall they make any requirement except for the purpose of preventing development or demolition obviously incongruous to the Historic Area surroundings.
- 3. **Terms of office.** The terms of office shall consist of six members appointed by first appointed, two shall be appointed for one year, two for two years, and two for three years.
- 4. **Serve without pay.** Members of the Board shall serve without pay.
- 5. **Organization.** The Board shall elect from its membership a Chairman and a Vice-Chairman who shall serve for terms of one year and who shall be eligible for re-election. The Chairman shall preside over the Board and shall have the right to vote. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Director of Inspections as the Zoning Administrator shall serve as Secretary of the Board.

A majority of the members of the Board shall constitute a quorum, however no application for approval shall be denied except by the affirmative vote of a majority of the entire Board.

The Board shall adopt rules for the transaction of its business and consideration of applications not inconsistent herewith which shall provide for the time and place of regular meetings and for the calling of special meetings. All meetings of the Board shall be open to the

public and a public record shall be kept of the Board's resolutions, proceedings and actions.

Assistance of Director of Inspections. The Director of Inspections (as Zoning Administrator) shall provide such technical, administrative, and clerical assistance as required by the Board of Review.

Meetings. The Board shall hold regular meetings, at least monthly, to review applications for certificates of appropriateness.

SECTION 9

Development Standards:

Preservation of Historic buildings within all zones in the Historic District. A building or structure, classified as Historic, or any part thereof, or any appurtenance related thereto including but not limited to stone walls, fences, light fixtures, steps, paving and signs shall only be moved, reconstructed, altered or maintained in a manner that will preserve the historical and architectural character of the building, structure or appurtenance thereto.

Demolition of Historic buildings. Whenever a property owner shows that a building classified as Historic is incapable of earning an economic return on its value, as appraised by a qualified real estate appraiser, and the Board of Review fails to approve the issuance of a certificate of appropriateness, such building may be demolished, provided, however, that before a demolition permit is issued, notice of proposed demolition shall be given as follows:

1. For buildings rated Exceptional: 12 months.
2. For buildings rated Excellent: Six months.
3. For buildings rated Notable: Four months.

For buildings of value as part of the scene: Two months.

Notice shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than fifteen days prior to the date of the permit, and the first notice of which shall be published no more than fifteen days after the application for a permit to demolish is filed. The purpose of this section is to further the purposes of this ordinance by preserving historic buildings which are important to the education, culture, traditions and the economic values of the City, and to afford the City, interested persons, historical societies' or organiza-

tions the opportunity to acquire or to arrange for the preservation of such buildings. The Board of Review may at any time during such stay approve a certificate of appropriateness in which event a permit shall be issued without further delay.

3. **Relocation of historic buildings.** A historic building shall not be relocated on another site unless it is shown that the preservation on its existing site is not consistent with the purposes of this section, or such building will not earn an economic return for the owner of such building on such site.
4. **Protective maintenance of historic buildings.** Historic buildings shall be maintained to meet the requirements of the Minimum Housing Code and the Building Code.
5. **Contemporary buildings, Zone I.** The construction of a new building, or structure, and the moving, reconstruction, alteration, major maintenance or repair involving a color change materially affecting the external appearance of any existing contemporary building, structure, or appurtenance thereof within Zone I shall be generally of such design, form, proportion, mass, configuration, building material, texture, color and location on a Lot as will be compatible with other buildings in the Historic Area, and particularly with buildings designated as Historic and with squares and places to which it is visually related.
6. **Visual compatibility factors.** Within said Zone I, new construction and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed in color shall be visually compatible with buildings, squares and places to which they are visually related generally in terms of the following factors:
 - a. **Height.** The height of proposed building shall be visually compatible with adjacent buildings.
 - b. **Proportion of building's front facade.** The relationship of the width of building to the height of the front elevation shall be visually compatible to buildings, squares and places to which it is visually related.
 - c. **Proportion of openings within the facility.** The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings, squares and places to which the building is visually related.
 - d. **Rhythm of solids to voids in front facades.** The relationship of solids to voids in the front facade of a build-

ing shall be visually compatible with buildings, squares and places to which it is visually related.

- e. **Rhythm of spacing of buildings on streets.** The relationship of building to the open space between it and adjoining buildings shall be visually compatible to the buildings, squares and places to which it is visually related.
 - f. **Rhythm of entrance and/or porch projection.** The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to the buildings, squares and places to which it is visually related.
 - g. **Relationship of materials, texture and color.** The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 - h. **Roof shapes.** The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
 - i. **Walls of continuity.** Appurtenances of a building such as walls, wrought-iron fences, evergreen landscape masses, building facades shall, if necessary, form cohesive walls of enclosure along a street, to insure visual compatibility of the building to the buildings, squares and places to which it is visually related.
 - j. **Scale of a building.** The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings, squares and places to which it is visually related.
 - k. **Directional expression of front elevation.** A building shall be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character.
7. **Contemporary Buildings, Zone II.** All applicable standards as provided in the zoning ordinance shall apply as the Development Standards for Zone II of the Historic District.

SECTION 10

ALL ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11

This Ordinance shall be administered with and as a part of the Zoning Ordinance.

APPENDIX B

Evolution of the Savannah Plan

1733

1733

1790

1790

1801

1801

1841

1815

1815

1735

1799

1815

1815

1856

1856

(from Historic Savannah Foundation, Inc., Historic Savannah (Savannah, 1968), p.11)

APPENDIX C
Criteria for Evaluation

For purposes of these descriptions, a streetwall is the wall of a building closest to the street. If a building is located on a corner lot, it will have at least two streetwalls.

Although the streetwall is usually a facade, it can also be a wall surrounding a building set back somewhat from the street.

SETBACK

The setback is the distance from the street property line to the streetwall. Streetwalls of new buildings should have setbacks compatible with adjacent buildings.

STREETWALL HEIGHT

The height of the streetwall is the distance from ground level to the topmost part of the streetwall. The goal of this criterion is to have new streetwalls approximate the height of adjacent streetwalls.

HEIGHT OF BUILDING

The height of a building is its height from ground level to the top of the roof or other large architectural feature (excluding chimneys). The goal here is to approximate the average height of adjacent buildings.

PROPORTIONS OF OPENINGS IN FACADES

This concerns the relationship of the heights to the widths of openings in facades. The proportion of height to width for

openings in new facades should be consistent with those of openings in existing neighboring facades. The additional relationships between opening heights and widths to facade height and width should also receive some attention.

TRANSPARENCY ON GROUND FLOOR

The amount of transparent materials used in the ground floor facades of adjacent buildings should indicate the extent to which transparent materials can be employed in ground floor facades of new buildings.

CONTINUITY OF STREET WALLS

This criterion applies to street walls and deals with maintenance of street wall continuity. Existing continuity along a street can be disrupted considerably either by leaving excessively large or excessively small openings between a new building and adjacent buildings or by removing an existing building. The goal of this criterion is to maintain the continuity of street walls.

DIRECTIONAL EXPRESSION OF FRONT ELEVATION

Buildings in a neighborhood or area generally have a predominant proportion of their front facades. For example, in Newburyport, many of the Federal commercial buildings exhibit a proportion of approximately 2:1, height to width. Any new construction in that area, no matter what the width of the facade, should

introduce verticals or other architectural details to relate to the established directional expression of adjacent facades. New buildings should reflect the directional expression of adjacent buildings.

SHADOWS CAST

An area overlay of the year-round shadow pattern for a proposed building should be prepared. Proposed buildings should attempt to minimize shadows cast on adjacent open areas and structures.

LANDSCAPING

Proposed projects should include landscaping which reflects the scope and pattern of existing landscaping in adjacent areas.

SIGNS

Signs should relate to the fabric of the area in which they are located. Lights, colors and other attention-attracting features should be in keeping with the area. Proportions, height above the ground and projection from building or streetwall are measurable and should be regulated.

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