

Regulation of Historic Commercial Districts

Regulation of commercial districts for historic preservation purposes is not now uncommon, although most enabling legislation in the U.S. was drafted in the 1950s and '60s when the movement was focused on protecting historic residential areas; in that period mixed-use or commercial buildings were often designated incidentally in pursuit of different goals. As interest in urban history broadened in the 1970s some localities pursued more comprehensive approaches to preservation.

Early historic districts in Massachusetts were established by special acts of the legislature. In the Beacon Hill Architectural District in Boston (established in 1955), regulating the business area on Charles Street was incidental to protecting the much larger residential community on the Hill. In Lexington, another special act protected the surroundings of Battle Green in 1956. The Commonwealth's enabling legislation for historic districts (M.G.L. Ch 40C), adopted in 1960, drew heavily on the goals and procedures of these legislative acts. When Cambridge adopted the new enabling legislation in 1963, its four historic districts protected landmarks of the American Revolution. Stores on the north side of Church Street were included in the Cambridge Common Historic District not for their intrinsic value but to protect the environs of the Common and the Old Burying Ground.

Boston's Back Bay Architectural District, a residential historic district established in 1964, was expanded in 1974 to cover mixed-use and commercial buildings on Newbury and Boylston streets. New York City's Landmark Preservation Commission, which was founded in 1965, administers dozens of mixed-use historic districts and hundreds of individual mixed-use buildings designated as landmarks – about 36,000 buildings in all. Boston districts include very few buildings individually designated as landmarks; New York districts appear to include a substantial number.

These jurisdictions and many others – including Cambridge – employ an organic approach to regulation of historic districts. Once areas of preservation concern are designated, all the properties within the districts are treated equally for regulatory purposes. Notwithstanding the specific goals or guidelines that may accompany a designation, applications for alterations must be found to be “appropriate” or “not incongruous” in the context of the structure and its surroundings. These decisions are made in a regulatory context in which understanding of the importance of historic resources changes over time. A resource that might not have been valued at the dawn of the historic preservation movement fifty or sixty years ago may now be seen to have great significance. Regulatory decisions regarding a previously undervalued structure might change significantly over time, even though the goals and guidelines of the designation remain the same.

An alternative approach, adopted by the city of San Francisco in the 1970s, classified every building within four downtown conservation districts according to its significance as it was then understood and applied varying standards for review of alterations. According to San Francisco planner Eiliesh Tuffy,

“Cat. I & II buildings are treated as landmark-quality resources for design and preservation review.

“Cat. II buildings have a ... provision for vertical additions. Each Cat. II building was looked at in its surrounding context and then legislated setbacks were tailored for each building, based on the public sightlines for that building. For example, a very low building might have a 75-foot or greater required front setback on a 170-foot lot to shift any vertical massing far to the rear. Likewise, a taller building with more obscured views may only have a 30-foot setback requirement.

“**Cat. III, IV & V** buildings can vary widely, especially depending on the level of alteration that has occurred over the past 40 years under ever-evolving City and Preservation code and design guideline changes. Because of the time lapse since the original survey, we typically request that applicants “fill the gap” by providing permit history and other documentation as part of the project review process to identify existing historic building fabric and possible preservation avenues.

“**Cat. V** buildings were usually not age-eligible at the time of the survey, or general outliers. As a result, they can be perceived as “soft sites” by developers, but sometimes have acquired their own historic significance in the meantime to qualify for reclassification. “

According to preservation consultant Chris VerPlanck,

“Our Conservation Districts got their start in the late 1970s, when San Francisco Architectural Heritage completed the Downtown Survey. Although there was considerable opposition to the survey, once it was completed its findings were incorporated into Article 11 of the Downtown Plan. In addition to protecting buildings of individual importance, the Downtown Plan established four Conservation Districts ranging in size from a dozen properties to several hundred. Buildings within these districts are ranked from Category I – Highest Importance to Category V – No Importance. Demolition is essentially not allowed for Category I or II properties. Category III and IV buildings can be altered as long as the work complies with the Secretary of the Interior’s Standards and Category V Buildings may be demolished provided that the replacement building complies with design guidelines tailored to the individual Conservation District.

“It is my firm opinion that San Francisco’s Article 11 Conservation Districts have had a very positive impact on San Francisco’s urban design, helping to maintain the critical historic character of our Downtown even as it undergoes enormous changes with the unrelenting Tech Boom.”

The weakness of the San Francisco approach is that the perceived significance of buildings evolves through time. Historical knowledge is not static, and buildings categorized as having “no significance” at one point can be appreciated for their architecture or historical significance years later. Buildings cannot be shifted between categories without amending the Downtown Plan, which in San Francisco requires legislative action by the city’s Board of Supervisors.

Cambridge Historical Commission
January 16, 2018

Historic Beacon Hill District

The Historic Beacon Hill district was established in 1955 “promote the ... general welfare ... through the preservation of the historic Beacon Hill District, and to maintain said district as a landmark in the history of architecture and as a tangible reminder of old Boston as it existed in the early days of the Commonwealth” (Acts of 1955, Ch. 616, §2)

SECTION 2. Purpose. — The purpose of this act is to promote the educational, cultural, economic and general welfare of the public through the preservation of the historic Beacon Hill district, and to maintain said district as a landmark in the history of architecture and as a tangible reminder of old Boston as it existed in the early days of the commonwealth.

Guidelines for the district were derived from the legislative mandate to focus on “preservation ... of old Boston” and do not distinguish between residential and commercial structures, except for signs.

“Owners contemplating changes to the exterior of any building visible from a public way within the Historic Beacon Hill district should be aware that no alteration will be approved that is inappropriate to the historical character, architectural design, and materials of the building or its setting. Furthermore, changes over time to buildings are evidence of the history of individual buildings and the neighborhood; some of these changes resulted in major modifications to the style and character of a building and shall be considered part of its historic integrity. Other changes, although not altering the dominant style of the building, may have acquired significance due to age, quality, and irreplaceability, and, if so, shall be considered part of the historic fabric of the building.”

INTRODUCTORY GUIDELINES

1. Original or historically significant materials and/or architectural features shall be maintained and repaired whenever possible rather than replaced.
2. In the event that replacement of existing materials or features is necessary, the new materials shall match the materials being replaced in composition, design, color, texture, and other visible qualities.
3. Replacement of missing architectural features shall be based on evidence of original features, substantiated by physical or pictorial information. Proposals for new work shall be based on evidence of appropriate detail with regard to size, shape, material and design.
4. All architectural changes shall be appropriate either to the original style of the building (if it has not been significantly altered) or to its altered style (if it has been significantly altered to reflect characteristics of a later style).
5. Contemporary design for new buildings may be considered if such design is of excellent quality and is compatible with the size, scale, color, materials, and character of neighboring buildings and environment.
6. All proposals shall show evidence that work will be executed with the highest quality material and workmanship.
7. New openings in facades shall not be allowed, and no changes shall be made to existing window and door openings unless they involve restoration of original features for which there is supporting documentation of the original feature.

8. Work on a single building shall take into account continuity of the architecture and the historic development of each elevation. Identical features (such as windows, lintels, shutters, paint colors, etc.) should match exactly at all stories such that the building is consistent with its architectural style or styles. It is common to find architectural differences between the main façade and secondary elevations, and such features and hierarchies should be respected.

9. Equipment such as HVAC components, solar panels or heaters, wind-energy equipment, telecommunications components, mechanical/electrical installations, parabolic, “dish” or other directional or similar communications antennae must be installed in such a manner that they are not visible from a public way.

10. The Commission will not formally review an application until all zoning issues have been resolved through the Zoning Board of Appeal.

Specific guidelines address masonry, roofs and roof structures, windows, sash and shutters, doors and entries, trim, paint color, and ironwork. The only guidelines applicable to commercial properties address signs:

SIGN GUIDELINES

1. In addition to design review, all signs shall conform to the requirements of Article 11 of the Boston Zoning Code. The term “sign” shall include flat board signs, applied letters, projecting signs, and display boxes.

2. Applicants shall provide sufficient evidence and documentation of a proposal to permit an informed decision by the commission and a subsequent review of compliance. This may include photographs, drawings, samples of materials and paint colors, a summary of other signs on the building, exterior lighting conditions and other appropriate considerations.

3. Approval of a given sign shall be limited to the owner of the business or building and shall not be transferable; signs shall be removed or resubmitted for approval when the operation or purpose of the advertised business changes.

4. Antique signs or faithful replicas may be considered favorably. Documentation of the historical appropriateness of a proposed sign may consist of early photographs and similar sources. The historical appropriateness of a sign for a building shall be considered.

5. The commission will consider: the appearance of a proposed sign on the building and on nearby buildings; the effect of the sign on decorative and other architectural details; and ancillary structures (e.g., supporting brackets) required for installation.

6. Materials and workmanship shall be of excellent quality and durability. Shop drawings showing the façade and the sign in context, as well as a detailed design of the sign, including material, color, lettering, and finish shall be submitted to the commission.

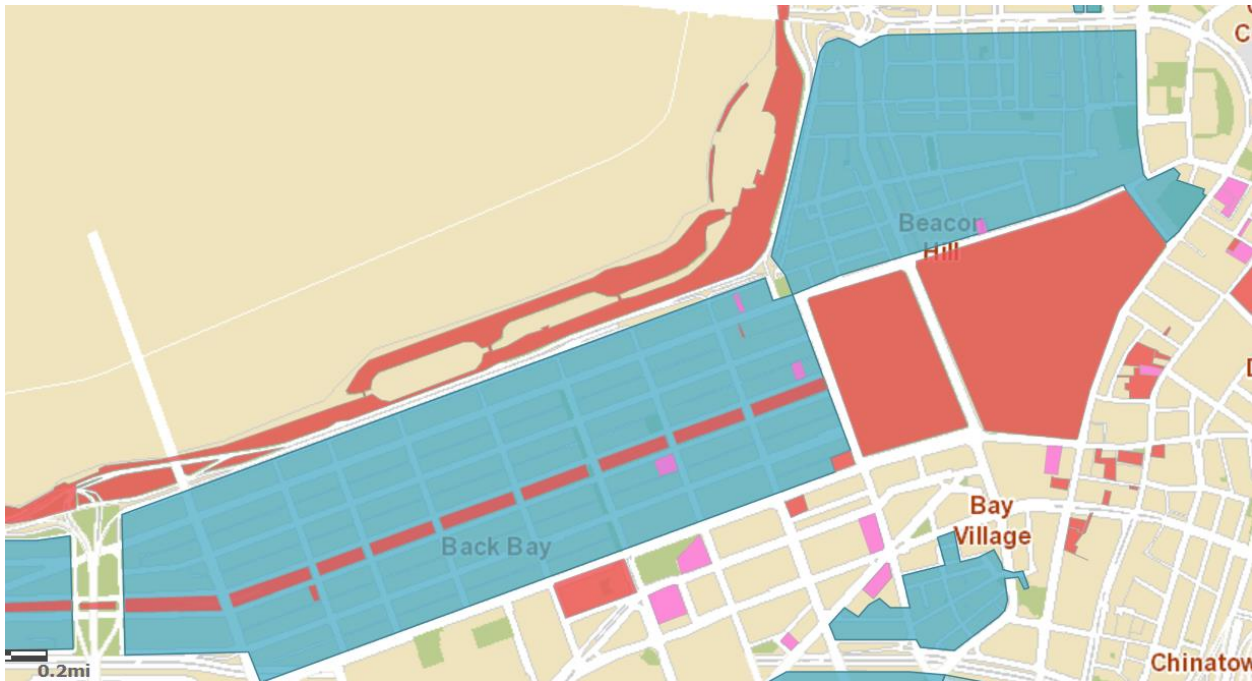
7. The number of signs, their location, and their method of attachment are significant design considerations and each should relate to the size of the shop-front and to the scale of the building.

8. Projecting signs and display boxes shall be considered appropriate in some locations.

9. Graphics shall be limited to a single sign and/or display box per business, except for one additional projecting sign per building.

10. Exterior walls may not be used for display of merchandise or temporary advertising boards.

11. Existing signs of particular historic or architectural merit should be preserved.
12. Neon, back-lit or electronic signs or displays are not permitted on the exterior of buildings and their installation within storefronts is discouraged. Exterior illumination is also discouraged.
13. Signage within storefronts shall be appropriate to the business and should not be excessive.
14. Freestanding signs are not permitted.



Back Bay and Beacon Hill Architectural Districts (blue), landmarks (orange), and pending landmarks (pink)

See https://www.cityofboston.gov/images_documents/Beacon%20Hill%20Architectural%20Commission%20Guidelines_tcm3-17489.pdf for the Beacon Hill guidelines

Cambridge Historical Commission
January 16, 2018

Back Bay Architectural District

The Back Bay Residential District was established in 1966. When it was expanded to include Newbury and Boylston Streets in 1974 it was renamed the Back Bay Architectural District. The original legislative purpose included encouragement of high design standards; preventing the despoliation of the district; strengthen residential property values; foster civic beauty; and strengthen the economy.

SECTION 1. *Purposes.* — The purposes of this act are as follows:
(a) to promote the economic, cultural, educational and general welfare of the public through the encouragement of high design standards for the residential portion of the Back Bay area in the city of Boston; (b) to safeguard the heritage of the city of Boston by preventing the despoliation of a district in that city which reflects important elements of its cultural, social, economic and political history; (c) to stabilize and strengthen residential property values in such area; (d) to foster civic beauty and (e) to strengthen the economy of the commonwealth and the city of Boston.

The Back Bay Architectural Commission issues Certificates of Design Approval, rather than certificates of appropriateness, and can consider “any aesthetic or other factor which it deems to be pertinent. In passing upon

any design, the commission shall consider, (a) the architectural value and significance of the structure and its relationship to the surrounding area; (b) the relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area; (c) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; (d) any landscaping features proposed by the applicant; and (e) any aesthetic or other factor, which it deems to be pertinent.

The legislation instructs the commission “to be strict in its judgement of plans involving substantial new construction or for structures deemed to be valuable,” and “lenient in its judgement of plans for structures of little architectural value except where such plans would seriously impair the architectural value of surrounding structures ...”

The commission shall pass only upon the exterior architectural features of a structure and shall not consider interior arrangements nor the use to be made of the structure. It is the intent of this act that the commission be strict in its judgment of plans involving substantial new construction or for structures deemed to be valuable according to studies performed on behalf of the city, the board or the commission for said area to determine which structures are of architectural value. It is also the intent of this act that the commission shall be lenient in its judgment of plans for structures of little architectural value except where such plans would seriously impair the architectural value of surrounding structures or the surrounding area.

“Construction, features and signage which dimensionally or otherwise are not in compliance with the Boston Zoning Code, including Section 11, the Boston Sign Code, require a Conditional Use Permit from the Zoning Board of Appeal as a prerequisite to BBAC review.”

Guidelines for commercial properties were published in 1990. These are largely devoted to an issue that is unique to Newbury Street, the conversion of brick bow-fronted row houses for commercial purposes, including excavation of front yards.

Remodeling of existing storefronts is allowed under the following guideline:

Remodeling of existing, non-original storefronts is allowed provided that: the remodeling is compatible with the overall architectural character of the building; existing major architectural features are given recognition; and the original architectural detailing within the storefront area is retained as much as possible. In such instances, good contemporary commercial design may be appropriate if complementary in scale and material with the original façade and with the façades of the neighboring structures.

Exterior colors must be approved by the commission. Typical recommended colors for wooden doors include dark stains, or if this is not possible “black and muted browns;” dark greens are also recommended for trim, sash, and the like. Gutters and downspouts must be copper, with dark anodized aluminum allowed on rear elevations.

Signs are considered on a case-by-case basis:

The commission believes that signage of appropriate design and materials can be an architectural ornament, rather than an intrusion. All signage is reviewed on a case-by-case basis: in its design review the Commission considers the design of the sign itself, its effect on architectural details, its method of attachment to the building, and its effect on neighboring buildings. Exceptions to the Boston Sign Code regulations ... require a Conditional Use Permit issued by the Board of Appeal as a prerequisite to BBAC review pertaining to allowable area for signage on a building front may not be exceeded. More minimal signage may be required in order to conform to the architectural character of the building and neighborhood. Signage approvals pertain to a particular applicant and are not transferable. Existing nonconforming signs should be brought into compliance with these guidelines when a new sign is anticipated.

Neon is not allowed on Newbury Street, but will be considered on Boylston Street. Interior signs are subject to review. Banners are considered inappropriate. Outdoor displays of products for sale are discouraged.

Outdoor dining facilities are closely regulated. Enclosures should be iron fences, chains, or planters; wood, plastic or canvas enclosures are not acceptable. “Host or hostess stands and menu boards shall complement the perimeter treatment and furniture.” Umbrellas should be acrylic canvas, have a matte finish, and no signage.

See https://www.cityofboston.gov/images_documents/BBAC%20Commercial%20Guidelines_tcm3-21448.pdf for the Back Bay Commercial Guidelines.

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