

## City of Fort Collins Neighborhood Meeting

**DATE:** March 27, 2014

**LOCATION:** St. John's Lutheran Church, 300 E. Elizabeth St.

**SUBJECT:** Neighborhood Follow-up Following Demolition of the Button House at 711 Remington Street

**CITY STAFF:** Courtney Levingston, Project Planner  
Karen McWilliams, Historic Preservation Planner  
Mike Gebo, Chief Building Officer  
Sarah Burnett, Neighborhood Development Review Liaison

The meeting began at 6 p.m. with Sarah Burnett providing a brief overview of the meeting. She noted that the meeting was being held to respond to neighborhood questions about events leading to the demolition of the Button House at 711 Remington St. The properties at 705, 711, and 715 Remington are a part of the Remington Row development, which is currently under construction. Many were involved with shaping this proposal to be compatible with the neighborhood. The properties at 705 and 715 Remington were removed in accordance with the development plan. The development plan called for preservation of the Button House, which was on the National Historic Register. Following a request by the developer for an inspection of the Button House by the City's Chief Building Officer in December 2013, it was determined that the property was a "dangerous building", according to City Property Maintenance Codes. At that point, the owner was responsible to abate or remove the structure, at their option. Also at that point, historic preservation protections no longer applied.

She apologized for the City's lack of communication with the neighbors as problems developed this winter. She noted that staff was very aware that these events would be of concern to the neighbors, and had met and planned to hold a meeting or write to neighbors once the building was declared a "dangerous building", but unfortunately the demolition took place before any communication took place. Staff sincerely regrets this lapse, and has taken the opportunity to evaluate how we communicate and how we can do better in the future.

She then invited those present to share their comments and questions for the staff members present.

**Question (Citizen):** I walk past the site regularly, and felt that the preservation of the Button House was a success for the neighborhood. The neighbors felt heard, and felt that project honored the request for preservation. The removal of the other two houses seemed careful. Then, suddenly, the entire base of the Button House was exposed within 1 foot of the foundation. (This was observed in January.) Then, I felt angry and grief filled. What was the excavation process?

**Question (Citizen):** I also saw a shovel within 1 foot of the foundation.

**Response (City):** Because the excavation you describe took place in January, it was after the City's Chief Building Officer determined that the Button House was a "dangerous building". This determination was made in December.

**Question (Citizen):** How was the house demolished and removed so quickly?

**Response (City):** Because it was a small building, it could be done quickly. (Mike Gebo)

**Question (Citizen):** How did they get demolition permits for 705 and 715 Remington?

**Response (City):** During the review process, the houses at 705 and 715 Remington were determined not to be eligible for historic preservation protection, and so the developer was allowed to remove them. The developer was allowed to remove a non-historically significant back porch from the Button House. It is unknown how the foundation was damaged. The Button House was inspected in 2011, and was, at that time, not “dangerous.” But, in December 2013, the stone foundation completely separated. There were cracks in the windows, indicating structural problems. Following inspection of the building, with what I observed, I was obligated to declare it a “dangerous building”. We are not able to determine if/how the work at 705 and 715 Remington contributed to the condition of the Button House. (Mike Gebo)

**Question (Citizen):** Who is responsible for damages? If you’re renovating, shouldn’t you be held responsible if a historic structure is damaged?

**Response (City):** Under current codes, when a building is declared dangerous, the owner is responsible to repair/abate the dangerous condition or to remove the structure, at their option. (Mike Gebo)

**Response (City):** The demolition of the Button House may not end up saving the developer money. They spent additional design fees to bring forward the plan that called for preservation of the Button House. (Karen McWilliams)

**Comment (Citizen):** I am averse to rebuilding a new house to look exactly like the Button House because I do not want to see faux architecture.

**Question (Citizen):** I felt bad that even 705 and 715 Remington were demolished. Was there documentation of the damage to the Button House prior to demolition?

**Question (Citizen):** What else can we do to make sure it (damage and subsequent demolition of a historic house that was supposed to be preserved during a construction process) does not happen again? Can a sign be put up posting that the property is protected?

**Response (City):**

- The City is planning to change the process to better protect historic properties. (Karen McWilliams)
- Currently, as soon as a building is declared dangerous, no regulations apply that would protect structures that had been designated as historic. Staff is proposing new regulations that, if adopted by City Council, would use two differing degrees of dangerous. These would include “dangerous” (in which case the owner of a historically designated or eligible structure would be required by the City to repair it, unless they can show good cause), or “imminent threat” (in which case the owner would have the option of repairing or removing the structure). In the case of the Button House, it would not have been considered an “imminent threat” because it was not occupied and was secured with fencing. The key point is that the City cannot lose the ability to declare buildings dangerous. With the proposed changes, if the Chief Building Officer declared a building “dangerous”, the Chief Building Officer could order the building’s repair. The owners could appeal to the Building Review Board. The Building Review Board’s decision could be appealed to City Council for a final decision. This is the first time that a historic building was demolished, not repaired. (Mike Gebo)
- With the proposed changes, the building would need to be an “imminent threat” before the historic preservation codes (Chapter 14 or LUC 3.4.7) would no longer apply. (Karen McWilliams)

**Comment (Citizen):** I have a photo of the Button House taken on January 30, 2014, and believe that the excavation was too close to the building. *(As noted earlier, the structure was declared a “dangerous building” in December, 2013, so the structure was no longer protected by the historic preservation codes*

on January 30, 2014.) I believe there should be a penalty/fine imposed upon the developer in a case like this, and I am concerned about developers finding and exploiting loopholes. There should be a fund for emergency structural intervention when the owner may be a financial hardship. The property should be restricted from development for five years.

**Comment (Citizen):** I am concerned about a developer intentionally harming historic buildings.

**Question (Citizen):** A suggestion for another step in case an owner would appeal a decision to the Building Review Board: require an independent structural analysis to allow a more objective evaluation, rather than emotional situation during the Board's review.

**Response (City):** This type of analysis is required when appropriate. Occasionally, the City will hire a contractor to perform the analysis to ensure impartiality. (Mike Gebo)

**Question (Citizen):** Will there be anyone to advocate for any historic buildings that could be reviewed by the Building Review Board.

**Response (City):** City staff is supposed to be impartial, and not advocate for any structures. They can present the facts and offer professional opinions. There would be public notification through the Coloradoan's legal notices. The Landmark Preservation Commission could serve an advocacy role.

**Question (Citizen):** There is a range of designations for significance. If it is eligible or still in the historic preservation review process, where does it fit?

**Response (City):** Currently, once a building is declared dangerous, none of the historic preservation codes apply, even to Landmark designated properties. If Council adopts the code changes, properties that are designated on the National, State, and Fort Collins registers, and eligible properties that are undergoing historic preservation review processes, would need to be repaired unless they are found to be an "imminent threat."

**Question (Citizen):** Can there be an initial inspection process? What is the chance that exterior renovations will cause damage?

**Response (City):** There was an initial inspection of the Button House in May 2011; however, there was no further inspection until December 2013, after the removal of the rear addition. Staff agrees that having an inspection right before work is to commence is a very good idea.

**Comment (Citizen):** Where is the accountability? Planning and Historic Preservation spent a lot of time saving the building.

**Question (Citizen):** Can fines be assessed against the excavation company and the developer?

**Response (City):** We cannot say for sure what caused the damage. Maybe the back shed (which was allowed to be removed) held up the structure. The City cannot say/prove that the developer intentionally harmed the structure. The deconstruction of the other two buildings was done carefully, and the foundation could have crumbled when the back shed was removed.

**Question (Citizen):** Was there a flag that everyone should be notified?

**Response (City):** Yes, and as noted early in the meeting, staff sincerely regrets that lapse in communication with the neighbors.

**Question (Citizen):** I think there could be a conspiracy by developers to tear down properties rather than to preserve them, which changes the character of a neighborhood by removing smaller homes, and replacing them with larger ones. Maybe they will propose a larger structure on the site of the Button House.

**Comment (Staff):** If the developer in this case proposed replacing the Button House with a larger structure, it would be processed as a major amendment, and would require a public process with notification letters and a public hearing before the Planning and Zoning Board. If they propose a structure with the same number of bedrooms (2), and very similar in size, and character, it would be subject to review by staff, with no public notice or hearing process.

**Question (Citizen):** Many people have smaller historic homes that they can't afford to fix, and could be forced to sell if the house was deemed dangerous by the City, and required to be repaired. Should there be a limit of say 5% to 10% of the total value of the home?

**Comment (Citizen):** I would be in favor of 5 or 6 figure fines for the developer. (Another resident pointed out that the City would have to prove negligence by the developer.)

**Comment (Citizen):** An idea could be to change the code to require a major amendment in cases where a historic structure that was supposed to be preserved has to be removed during the construction because it was damaged beyond repair; or don't allow the property to be developed for a period of time.

**Comment (Citizen):** I would not want to make someone have to sell their property because they couldn't afford the repair to their property.

**Response (City):** There do need to be some provisions for not being required to follow the code processes if you can show a good reason. There is an appeals process to the Building Review Board. Owners can also use the many financial incentives available for eligible and designated buildings to offset the costs of repairs. Building inspectors do not go out seeking houses that may have structural or other problems. However, if building inspectors are inspecting a furnace, and see other problems, the Chief Building Official is obligated to let them know the house is dangerous. (Mike Gebo)

**Question (Citizen):** How will residents be notified as alternate plans are submitted for the property?

**Response (City):** We will notify those who provide their email addresses tonight by email, and will include any updates in the weekly development review newsletter. It is available online at [fcgov.com/developmentreview/weekreview.php](http://fcgov.com/developmentreview/weekreview.php) and by email subscription at the same webpage.

**Comment (Staff):** Karen McWilliams explained about proposed code changes that will be going to City Council for consideration on Tuesday, April 1. To be implemented, these changes would need to be approved by City Council. If approved at their April 1 and April 15 meetings, the changes would go into effect 10 days after the second reading. These changes are being proposed to help prevent future losses of historic structures. These include:

- A provision for the City Building Official to identify a property as dangerous or, if appropriate, as an "imminent threat". As noted earlier, if a property is designated as "dangerous", and is a historic property, the City Building Official can require its repair and not its demolition. If a property is designated an "imminent threat", historic preservation protections would not apply, and the owner could repair/abate the dangerous condition, or remove the building at their option.
- A provision to strengthen protections for historic properties by requiring a "Plan for Protection" for projects involving alterations to historic buildings or for construction near historic buildings. This plan would be reviewed and approved by the Landmark Preservation Commission. Penalties would apply if the plan was not followed.

**Comment (Citizen):** I would like it if the new building at 711 Remington looked like the Button House.

**Comment (Citizen):** Unless any new structure to replace the Button House is an authentic reconstruction, it is not a replica. I'm concerned about creating a false sense of history, and about compliance with Department of the Interior standards relating to historic preservation.

**Comment (Citizen):** I think the property should be left vacant and used as a park.

**Response (Owner/Developer):** We would consider that. (Robin Bachelet)

**Response (City):** Leaving it vacant would disrupt the pattern of houses facing Remington Street. There is not a pattern of purposely vacant lots in the Laurel School District. (Courtney Levingston) Also, without a house in the center of the new development, there would not be a buffering of the higher buildings that are part of this development, and the result would not be compatible with the character of the neighborhood, and would not reflect the approved plan. (Karen McWilliams)

**Follow-up:**

- Notes from this meeting will be emailed to those in attendance tonight and who provided their email address, and also will be posted on the website at [fcgov.com/developmentreview/agendas.php](http://fcgov.com/developmentreview/agendas.php).
- Information about the proposed code changes that will be considered by City Council on April 1 and 15 will be emailed as well.

**Additional items discussed:**

- "This Week in Development Review" is a weekly newsletter and webpage covering development review and historic preservation news. It is available at [fcgov.com/developmentreview/weekreview.php](http://fcgov.com/developmentreview/weekreview.php), where you can subscribe. Residents can also contact Sarah Burnett at 224-6076 or [sburnett@fcgov.com](mailto:sburnett@fcgov.com) to subscribe.
- A resident mentioned that she likes the yellow development review signs with the numbers to look up projects. (The webpage to look up the sign numbers is [fcgov.com/developmentreview/proposals/](http://fcgov.com/developmentreview/proposals/)).
- A resident mentioned the Transit Oriented Overlay District Parking Study that is underway. More information is available at [fcgov.com/advanceplanning/parkingstudy.php](http://fcgov.com/advanceplanning/parkingstudy.php).
- A resident mentioned the Mason Street Sustainable Development, a pending development proposal for a 7-story building on the southwest corner of Mason & Magnolia Streets. More information about it is available at [fcgov.com/developmentreview/agendas.php](http://fcgov.com/developmentreview/agendas.php) (click on the links for "site plan and elevations" under the neighborhood meeting heading for Mason Street Sustainable Development).