

## MINUTES

Historic Preservation Code Review: Citizen Advisory Committee  
May 3, 2017

Members Attending: Per Hogestad, Darryl Austin, Leslie Williams, Brian Cooke, Anita Rehner; Meg Dunn; Janelle Kechter; James McDowell; Matt Robenalt, Chris Aronson, Lisa Ashbach  
Staff: Karen McWilliams, Cassie Bumgarner, Maren Bzdek, Brad Yatabe  
Visitor: Gina Janett

### I. CAC Meeting Dates & Topics:

- Karen passed out a calendar of the topics and dates for upcoming CAC meetings for review. This calendar is based upon Clarion's scope and schedule; the CAC will discuss each topic at the CAC meeting following the City's receipt of Clarion's report on the topic.
- Prior to the discussion on each topic, staff will provide a summary of identified issues for that code section, and relevant case studies for discussion (committee members may continue to submit case study ideas to Karen for this purpose).
- There was a question regarding the August meeting, "Planning 101 and Compatibility," concerning how compatibility would be defined. It was explained that this meeting will include a discussion of terms and meanings, to develop a common understanding among CAC members and staff, which will be relayed to the consultants.
- CAC members asked about the shared understanding of the policy/philosophy behind this effort? How is the basis for our code spelled out? How are philosophical disagreements resolved?
  - The 2014 code review focused on the policies, including review of a 50-year rule, retaining the demolition/alteration process, etc. Council established the policies we follow now, including adding the LPC's review of new development for compatibility with historic resources.
  - The question at hand is how well our codes and processes are supporting these policies. Is the code and/or process effective, is it working, is it clear?
- It was noted that additional public comment will be gathered throughout the review, by Clarion to develop its reports, and by the City through its public outreach efforts. The project website contains summary information for the public to access and comment upon. Clarion's final comprehensive report and findings will be presented to relevant community organizations as well as to boards and commission for comment.
- CAC members agreed that **the July 12 CAC meeting with Clarion should be scheduled for 2 hours, from 11:30 until 1:30.**

### II. Group Discussion of Eligibility, Property Rights, and Due Diligence:

- How do we deal with economic questions that financial incentives cannot address to help strike the balance?
- How do owners know their property is eligible? Should there be a disclosure? Difficulty of doing this on local level, lack of survey, eligibility can change. Ideally, disclosure would be addressed by the state realtors' board.
- Could there be an opportunity to address special situations that the code cannot address, i.e., hardship cases? Note: The City code does not allow us to consider economic hardship specifically.

- It is not a private right to make a profit. Due diligence and caveat emptor are the obligations of the buyer/property owner.

### **III. Review of Article III, Design Review (Applies to Landmark Properties)**

- Karen explained the purpose and typical process for applicants moving through this requirement. All work on the exterior of designated buildings/structures or to the site is reviewed even if it does not require a permit. This includes replacing windows when the window openings are not changed. Most review occurs at the staff level, with more substantive work being reviewed by the LPC. The property owner is required to notify Historic Preservation of all proposed work. Additionally, the automated building permit system notifies us.
- Matt discussed the relevancy of the technical preservation briefs and supporting how-to information in general. He asked if links could be provided to these in the code, noting that the Secretary of the Interior provides guidance through the briefs--not including them with the codes feels like a gap between the requirements and the standards.
  - The Code may not be the best place, as the links change. Links to preservation briefs and other guidance material will be provided on our website. The code was revised in 2014 to describe each process step-by-step as much as possible, and to provide definitions, explanations and information, while avoiding too much replication.
  - Code section 14-48(b) includes Fort Collins' adopted standards, one of which is the federal Secretary of the Interior's Standards. The applicability of the technical briefs, preservation briefs, and other supporting guidelines vary significantly based on the particulars of a project, and are intended to be guidelines rather than standards that must be met.
- Matt: The briefs provide clarity on the interpretation of the Secretary of Interior Standards – the federal interpretation should trump the local interpretation.
  - Darryl: The local interpretation of the Standards should prevail. The Secretary of Interior Standards are written to be interpreted and applied according to the local needs, and vary from community to community.
  - Karen: Each community applies them in ways that are most meaningful for the particular resources, needs, etc. of that city. The NPS recognizes that they are applied not just case-by-case but also on a community-by-community basis. Example in Fort Collins: the City's choice to review only "individually eligible" buildings and structures and not "contributing" buildings/structures, which is a higher standard for review than nearly every other city.
  - Darryl: Important to indicate the hierarchy in the code, that the federal standards provide the framework and the local community's needs prevail. Maybe its a literature solution that conveys the process, what standards apply, and how they relate to our code standards, what resources, references are provided.
- Chris: Issue is, in part, predictability, there is a balance between giving staff and LPC enough discretion to take the particularities of a project into consideration and also to have predictability with a one-size fits all set of Standards. How can we provide better predictability?
  - Flow charts, for each project type, that define our processes, as well as handouts that explain the process in prose form. Also added to the website.

- Question: How do Land Use Code (LUC) and Municipal Code relate to one another? Which trumps?
  - Legally speaking, the LUC and municipal code are one unified code but are divided for practical purposes. So not a problem to have cross-references within the code, although they need to remain separate. Will do a better job of linking the relevant LUC and Municipal Code sections, and make their interrelationship clearer.

#### **IV. Review of Article IV, Demo/Alt Review (Applies to Non-Designated Properties)**

- The Demo/Alt review process was adopted in 1994. Applies to all building permits and all development permits for properties containing building/structures 50+ years old. If work is done without permit, City can double fees, stop work, civil/criminal penalties. Case specific. The language in LUC 3.4.7, which applies to developments, was adopted originally in the Land Development Guidance System (LDGS), which predates City Plan and the LUC.
- Karen explained the process, and that two decisions are typically made: the extent of the work proposed (major or minor); and the eligibility of the building for landmark designation. To make those decisions, the Chair of the LPC and the Director of Community Development and Neighborhood Services consider a variety of information, including current and historical photos; historic documentation, including any previous historic surveys and determinations of eligibility; information on the history of the building and its occupants; the dates, extent and location of previous alterations; the effect of the proposed work on retaining the building's historic characteristics; and its current context or surroundings.
- Matt: we have fallen behind in our architectural inventory efforts. More should be done, and then that information needs to be actively shared with property owners. Karen discussed the budget offer (unfunded) for architectural survey and database development, which would provide that information. Best are more in-depth surveys, but even a windshield level assessment gives the property owners information. Survey is done based primarily on what areas are facing development pressures. Little is done, as it is dictated by budget.
- Bottom line: designated properties are treated differently than non-designated.
- For Demo/Alt Review 50 years is a standard, and buildings that are not yet 50 years are not reviewed. For designation, 50 years is a rule of thumb in Fort Collins; other communities have adopted different thresholds, including 35 and 40 years. Many communities use 50 years as a standard. Reason for a 50 year guideline is to provide more flexibility, but resource would need a high level of significance.