

Historic Review of Demolition/Alteration Permits for Single-Family Properties

Fort Collins Historic Preservation Code Review - Summer 2018

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INTRODUCTION AND BACKGROUND

Purpose of this Report

This report supplements the *Fort Collins Historic Preservation Code Review* report completed by Clarion Associates in March 2018. Following review and discussion of the original report, the city identified additional topics for further study. This report specifically addresses the following questions:

1. ***What are the benefits and drawbacks of continuing to conduct historic review of demolition/alteration permits for single-family homes?***
2. ***What is the history of “the 50-year rule” that triggers historic review in Fort Collins? Are there different benchmarks the city should consider using to determine the applicability of the historic review process?***

These questions are being explored because the city is considering modifying the current procedures, including exempting single-family properties from historic review of demolition/alteration permits.

This report includes comparative examples from other cities and highlights lessons learned from two cities that exempt single-family homes from their historic review. In addition, the report explores a variety of different types of benchmarks, or thresholds, for triggering applicability of the demolition/alteration review process. Recommendations for next steps are included for discussion purposes.

Summary of Recommendations

The recommendations provided in this report are summarized below:

- **Start with a Solid Foundation of Survey Work.** Any future changes to the demolition/alteration review process should be preceded by extensive and updated survey work.
- **Tailor the Process to Focus its Scope/Applicability.** Strategically focus the scope and applicability of the process by limiting the review geographically or modifying the benchmarks that are used.
- **Tailor—But Do Not Eliminate—Review of Single-Family Homes.** Because single-family homes account for the majority of these reviews, tailoring the review of these uses could have administrative benefits, but these uses should not be entirely exempted from the review process.
- **Considering Increasing the Level of Protection Afforded by the Process.** Consider changes to the process that increase protections for eligible resources, considering the time and resources that are spent on administering the process.

Background

Historic review is triggered in Fort Collins upon submission of a demolition/alteration permit application for any property that is 50 years of age or older within the city limits and that has not been designated historic. The process does not guarantee protection for a historic resource, but it does provide an opportunity to identify and winnow resources that are worthy of preservation action from those that are not worthy of further preservation action.

The overall process for conducting these reviews is described in the March 2018 report. That report includes a comparative review of similar procedures elsewhere, including how other communities address issues such as demolition delay, concurrent designation, and denial authority. Some of the main recommendations in that report include:

- To improve efficiency and consistency, a decision matrix should be developed for determining whether work is a “minor” or “major” alteration (and the subsequent required process).
- The criteria for approval of a demolition/alteration review should be reevaluated to provide more certainty and consistency, as the ordinance does not currently explain the options for decisions or the standards of review.
- The Design Review Subcommittee’s role in the demolition/alteration review should be clarified.
- The Landmark Preservation Commission’s authority to delay a decision should be extended in order to allow for greater consideration of alternatives to demolition. Additional incentives or tools should also be developed that can be used in these circumstances.

The Current Fort Collins Process: By the Numbers

As background for this report, staff provided estimates of the time involved in administering the current system. In the last five years, Fort Collins staff processed an average of 618 demolition/alteration requests of buildings 50 years and older per year. Almost all of these were reviewed administratively because they involved either minor alterations or the building was determined not eligible for individual designation. Each year, an average of just five major alterations or demolitions proceeded to the Landmark Preservation Commission (LPC), where they were typically approved on the consent agenda provided the application materials were complete.

In terms of review time required per application, staff estimates that the historic review of demolition/alteration permits takes an average of 22 hours per week. Of these reviews, 90 percent are for residential properties. The review adds an average of 1½ weeks of review time to a typical applicant’s building or demolition permit. For properties that require review by the Landmark Preservation Commission (eligible properties undergoing a major alteration), the process adds six to eight weeks.

In staff’s approximation, about 95 percent of these reviews are for properties located within the Old Town neighborhoods. As background on the general age of the city’s housing stock: in 1970 (52 years ago), there were only 13,838 dwelling units in Fort Collins; by 1980, this number had more than doubled, to 30,413.¹ Almost all of these additional dwelling units were constructed outside of the Old Town area and will soon be reaching the 50-year mark.

¹ 1970 Census of Housing, Vol. 1, Part 7: Colorado; C 3.224/3:970 v.1 pt7; 1980 Census of Housing, General housing characteristics: Colorado; C 3.224/3:980 A7; Colorado State University Libraries.

Examples from Other Cities

Building upon the intensive study of peer cities included in the March 2018 report, this supplemental report adds research on nine more cities.² We first highlight two examples that *exempt* single-family homes from a process similar to Fort Collins' historic review of demolition/alteration permits.

Palo Alto, California

Palo Alto is the only city we found that has a review process for historic eligibility upon submission of a demolition permit or permit for substantial exterior alteration, but entirely exempts single-family homes from any such review. Interestingly, Palo Alto has an abundance of resources from the recent past; over 2,000 of the 11,000 mid-century modern homes built by Joseph Eichler in the post-war period are located in Palo Alto.

The city administers historic resources by classifying them into two different groups:

- **Group A: Subject to the review procedures in the historic preservation ordinance**
 - Properties listed on Inventory as Category 1-2
 - Properties listed on Inventory as Category 3-4 and in Downtown area
 - All properties in local historic districts
- **Group B: Not subject to the review procedures in the historic preservation ordinance**
 - Properties listed on Inventory as Category 3-4 located outside the Downtown area
 - Properties on the National or California Register
 - Properties listed in previous surveys as National or State eligible
 - Properties previously determined eligible through a development application
- **Others: Historic Resource Evaluation required to determine eligibility**
 - If a property has not been previously evaluated, a "Historic Resource Evaluation" is required upon the submission of a development application (for alterations or demolition) if the property is more than 45 years old *unless* the building is a single-family residence in a Single-Family Residential zone

We briefly talked with Palo Alto staff about the background of this single-family exemption and lessons learned from its implementation thus far in the city. In 1998, an attempt was made to update their preservation ordinance to better protect eligible and listed properties, but it was met with a "homeowner revolt" and referendum and thus was not updated. This is why only properties in the "Group A" resources noted above receive any protection through their ordinance. Staff noted that, in 2001, due to a "lack of political will for historic preservation," city leaders decided to exempt single-family homes in single-family districts from the historic resource evaluation requirement.

Because of this exemption, Palo Alto staff described their preservation ordinance as lacking protection for potentially significant historic resources (particularly single-family homes) and being largely ineffective. On the other hand, they stated that this policy significantly reduces the number of historic resource

² Please note that these new cities may not be "peer" cities to Fort Collins as was the case in the earlier report; some significantly differ in population size and other factors. These additional cities are simply presented as examples to consider when studying the pros and cons of the historic review of demolition or alterations of single-family homes.

evaluations that are required of their limited staff. They noted that, although their original Inventory was compiled in 1978, more recent historic surveys completed in 1998-2000 included properties built until 1948. Many of their properties built prior to 1948 have already been surveyed and categorized in their Inventory, providing some protection for inventoried properties.

In spite of the ordinance's limitations, Palo Alto does have some policies in place to preserve historic structures. First, an applicant may not pull a demolition permit without an approved building permit for the structure's replacement. The city also has a two-story home review (in place since 2001) to address privacy, mass, and streetscape issues for larger properties developed in mid-century modern neighborhoods, where the original homes were typically only one story. There also are incentives available to encourage the preservation of historic resources. For example, the city offers extra floor area to properties on their Inventory, as well as smaller lot sizes for subdivisions of property with a historic structure.

Recently adopted policies like the one shown below from the city's comprehensive plan show that, perhaps, attitudes towards preservation in Palo Alto are shifting (although staff noted that, for political reasons and absent a historic preservation planner, the policy has not yet been implemented):

Comp Plan Policy L-7.2: If a proposed project would substantially affect the exterior of a potential historic resource that has not been evaluated for inclusion into the City's Historic Resources Inventory, City staff shall consider whether it is eligible for inclusion in State or federal registers prior to the issuance of a demolition or alterations permit. Minor exterior improvements that do not affect the architectural integrity of potentially historic buildings shall be exempt from consideration. Examples of minor improvements may include repair or replacement of features in kind, or other changes that do not alter character-defining features of the building.

Phoenix, Arizona

Phoenix also reviews properties for potential historic eligibility upon submission of a demolition permit, but exempts most single-family homes from this review. This additional historic review was only recently adopted in the Phoenix code. Prior to 2016, all demolition permits were simply subject to a three-day hold. Now, demolition of the following types of properties must undergo "HP review," with public notice, and complete a 30-day waiting period prior to approval of a demolition permit:³

- Commercial or residential properties on the National Register
- Commercial or residential properties previously determined HP eligible
- Commercial or residential properties located in the Downtown Code Zoning District
- Commercial buildings 50 years or older
- Commercial buildings where age of construction cannot be determined

Thus, like the Palo Alto example, only residential properties that have been previously determined eligible have any additional level of review once a demolition permit application is submitted. Single-family

³ City of Phoenix, "Demolition Permit: External Process," https://www.phoenix.gov/pddsite/Documents/TRT/dsd_trt_pdf_00442.pdf; City of Phoenix Building Construction Code, §105.3.1.1

homes outside of the Downtown Core that have never been evaluated for historic significance are not subject to this review and receive no additional review.

In a brief conversation with City of Phoenix staff, they explained that single-family homes were originally excluded entirely because they were considered less threatened than commercial structures and because the number of reviews would have been overwhelming for their staff. However, in 2017, an amendment further extended historic review of demolition permits to all commercial and residential structures within their Downtown area.

In the first year after the demolition review was put in place, over sixty demolition permit applications were submitted. Only four were brought forward to the Historic Preservation Commission to consider historic status. In a newspaper article about the first year of implementation, the historic preservation officer for the city noted that “the overall process has been positive, allowing the preservation department to learn more about the buildings and giving the community and commission more chances to consider and ask for more options.” For example, while a controversial older home in the Downtown area was found to be significant but was not ultimately saved through this demolition delay, additional documentation was obtained through the process than would have previously been received by the City. Staff noted that none of the demolition holds thus far have resulted in a property being listed on the historic register, but in two cases demolition permits were withdrawn and the buildings were not ultimately demolished.⁴

Other Examples

There are a variety of other approaches that cities take to consider historic eligibility when reviewing demolition (or alteration) permits. As noted in the March 2018 report, many cities focus this type of review solely on demolition and do not review alteration proposals. And, as described later in this report, there are a range of different benchmarks that can be used to trigger this type of review.

Many cities do not differentiate between residential or non-residential properties for the purposes of reviewing historic eligibility after application of a demolition or alteration permit. A few examples of these approaches:⁵

- Austin, Texas, reviews demolition permits for all structures over 40 years old.⁶
- Minneapolis, Minnesota, reviews all demolition permits for the structure’s potential historic eligibility, regardless of the structure’s age.⁷
- San Diego, California, reviews the potential historic eligibility of all construction or development permits (demolition and alterations) for parcels containing structures 45 years or older.⁸

⁴ Kara Carlson, “Over a year later, the 30-day demo hold is changing conversations around historic properties,” *Downtown Devil*, <https://downtowndevil.com/2018/05/04/90670/over-a-year-later-the-30-day-demo-hold-is-changing-conversations-around-historic-properties/>

⁵ We found several examples from California regarding potential historic resources – this is likely because of requirements of the California Environmental Quality Act (CEQA) which requires cities to assess impacts on potential historic resources.

⁶ City of Austin, “Audit Report: Demolition Permits,”

[https://www.austintexas.gov/sites/default/files/files/Auditor/Audit_Reports/Demolition Permits_August 2017 .pdf](https://www.austintexas.gov/sites/default/files/files/Auditor/Audit_Reports/Demolition%20Permits_August%202017_.pdf)

⁷ City of Minneapolis Building Code, §117.30(d)

⁸ San Diego Municipal Code, §143.0212

- Santa Cruz, California, reviews the proposed demolition of any property already listed on their Historic Building Survey.⁹
- Spokane, Washington, reviews all demolition permits for structures over 50 year old. Spokane does not allow demolition permits to be issued for designated or eligible structures within their downtown area until a permit for the structure's replacement is approved. Like Fort Collins, Spokane does not use an inventory but rather reviews the eligibility of properties on a case-by-case basis once permits are submitted.¹⁰

In addition to Phoenix and Palo Alto described above, some other cities also have particular processes for single-family homes in regards to demolition and historic eligibility. For example:

- San Jose, California, requires a "Single-Family Home Permit" for the construction or remodeling of properties that are listed on their Historic Resources Inventory but have not been designated. A public hearing for the permit is required if the alteration does not meet particular requirements.¹¹
- Portland, Oregon, places a mandatory 35-day demolition delay on the demolition of all single- or two- family dwelling units, regardless of age or historic eligibility.¹²

1: THE MERITS OF HISTORIC REVIEW OF SINGLE-FAMILY DEMOLITION/ALTERATION PERMITS

Building on the background and case studies presented above, the remainder of this report examines two policy questions. The first of these is:

- ***What are the benefits and drawbacks of continuing to conduct historic review of demolition/alteration permits for single-family homes?***

To help inform this community discussion, the following sections look generally at the benefits and drawbacks of historic review of demolitions/alteration permits for single-family properties, based on both the case studies above and also our general experience.

Benefits of Single-Family Review

Protection from Demolition or Alterations Impacting Eligibility

The most obvious benefit associated with requiring demolition/alteration review for single-family homes is that potentially eligible properties may be reviewed before they are lost—either through demolition or through a significant alteration that destroys the resource's historic integrity.

⁹ Santa Cruz Municipal Code, §24.08.1012

¹⁰ Spokane Municipal Code, §17D.100.230

¹¹ City of San Jose, "Single-Family House Permit," <http://www.sanjoseca.gov/index.aspx?nid=2110>

¹² City of Portland, "Demolition Delay FAQ's," <https://www.portlandoregon.gov/bds/article/514634>

In Fort Collins, although the Landmark Preservation Commission is limited in its authority to deny a demolition/alteration permit (see March 2018 report for further details), the existing process still offers an important measure of protection, in that additional documentation of the property is completed and there is an opportunity for a public hearing regarding the proposed project. Of course, the demolition/alteration review process does not entirely protect the potential resource; the only option for regulatory protection stemming from the review process would be a (likely non-consensual) designation.

Full Range of Designated Resources

Including single-family homes in the demolition/alteration permit review allows Fort Collins to ultimately consider protections for a more comprehensive range of historic resources. Although single-family homes may not be as publicly visible, used, or experienced as commercial buildings, they nevertheless play an important role in expressing the history and evolution of a city. In Palo Alto, the lack of any type of review or protection for single-family homes was cited as a major deficiency of their current program.

Opportunity to Discuss Benefits of Designation

The demolition/alteration review process is often a good opportunity for property owners to meet with staff and learn about the benefits of designation and also the financial incentives that can become available to them if their property is designated. This was something that was positively noted by Phoenix staff in the implementation of their demolition delay provisions. The opportunity for this conversation could potentially save eligible homes as property owners are made aware of the available incentives.

Drawbacks of Single-Family Review

Administrative Efficiency and Preservation Program Focus

As noted above, there are approximately 600 demolition/alteration reviews in Fort Collins per year. Staff estimates that the review of single-family homes amounts to 90 percent of all demolition/alteration reviews. Reviewing the demolition and alterations of single-family homes places a significant burden of time and resources on Fort Collins staff to administer. If single-family homes were exempted from the review, that time could be reallocated to focusing the historic preservation planners' time and energy on continued survey work and the designated resources of Fort Collins.

Customer Review Time

The added permit review time for single-family property owners is a drawback of including single-family homes in demolition/alteration review. From a customer's perspective, the demolition/alteration review process can add up to two weeks to their permit approval process for even an ineligible building, and longer if it is determined to be a major alteration and an eligible landmark. Staff estimates that the average historic review time is one and a half weeks for an ineligible property.

Recommendations

In light of these general pros and cons, as well as the experiences of other cities discussed above, this section identifies potential improvements to the Fort Collins demolition/alteration review process for discussion and consideration.

Start with a Solid Foundation of Survey Work

This initial recommendation was made in the March 2018 report, but it deserves emphasis: Additional survey work should be completed in Fort Collins and will be vital to the success of any modifications to the demolition/alteration review process. If the city wishes to ultimately make major modifications like exempting an entire category of structures, it should first lay a proper foundation through extensive and updated survey work that minimizes the need for case-by-case determinations of eligibility. For now, the focus should be on improving the information available about potential historic resources rather than significantly scaling back the review process. This will ensure that the process continues to be efficient and user-friendly, no matter what modifications are made. Further, such historic surveys should be scheduled for regular future updates. Additional detail on surveys and how they can help streamline the review process is in the concluding section of this report.

Tailor the Process to Focus its Scope/Applicability

In addition to undertaking more survey work, we propose that the city consider tailoring the demolition/alteration review process to more strategically focus its scope and applicability. Considering the age of buildings in Fort Collins and the large number of resources at or soon to pass the 50-year benchmark, we believe the current practice of reviewing all such structures will become unsustainable in the future without expanding the number of staff. The current practice also limits the focus of the preservation program and shifts time away from survey work and designated resources, and requiring instead a significant amount of time for demolition/alteration reviews, which rarely lead to designation and provide only limited protection. Focusing the applicability of the demolition/alteration review process would make the system more administratively efficient and reduce the number of required reviews, leaving more time for other preservation priorities.

In particular, we recommend the city consider identifying a particular geographic area or areas in which demolition/alteration review would be required, either of all types of resources or of a particular type. For example, the city could review all types of properties over 50 years of age, including single-family homes, within the Old Town neighborhoods, but review only commercial properties elsewhere in the city if they meet the 50-year benchmark. This would be similar to the Phoenix model described earlier. This is just one example, and there may be other ways to focus reviews.

In addition to geographic limitations, rethinking the 50-year benchmarks used to trigger demolition/alteration review could help better focus the review on the most potentially significant resources. Possible alternatives to the 50-year threshold are discussed in the next section of this report.

Tailor–But Do Not Eliminate–Review of Single-Family Homes

Another type of tailoring to consider is to scale back, but not eliminate, the focus on single-family properties in the demolition/alteration review. Generally, we do not believe that eliminating an entire class of potential historic resources (such as single-family homes) from demolition/alteration review throughout the city is a sound preservation practice. Nevertheless, understanding the administrative and relatively limited level of protection provided by the existing review process, it may make sense to consider limiting the geographic areas of the city in which single-family review applies. (This could be an even more limited area than the scaled-back map for the overall demolition/alteration review discussed above.) This could

better focus the resources of the preservation program and allow for some shorter review times for properties outside of that area.

One of the risks of this change is that significant single-family homes outside of the geographic area may be lost without any documentation or public process as they would be afforded now. To avoid this, the city could also consider using an inventory approach, as used by many of the example cities in this report. Single-family homes that are deemed eligible through survey work could potentially be added to the inventory, which would then trigger a required demolition/alteration review, even if they are not located within the specific geographic area noted above. This would allow for some protection, in the form of additional review, of the more significant single-family homes, which are more likely to be from the more recent past, without requiring the case-by-case review of all single family homes in order to find the ones worthy of preserving.

Consider Increasing the Level of Protection Afforded by the Process

Finally, Fort Collins should also focus on increasing the level of protection that the demolition/alteration review process affords. One of the concerns we heard from staff is that the process takes a significant amount of time to administer, but the LPC is limited in its ability to deny an application or ultimately prevent the demolition or alteration—even for eligible resources that are proposed to be demolished or altered. The review process just delays the result, rather than providing clear protection of the resource. Only if a property is ultimately designated would it truly be protected with the regulatory tools available in the Fort Collins ordinance. Recommendations and best practices research from other communities on this topic are in the March 2018 report.

2: THE “50-YEAR RULE” AND OTHER BENCHMARKS

Introduction

The second policy question examined in this report is:

- ***What is the history of “the 50-year rule” that triggers historic review in Fort Collins? Are there different benchmarks the city should consider using to determine the applicability of the historic review process?***

The “50-year rule” is a historic preservation convention under which, generally speaking, only buildings 50 years of age or older may be considered for historic designation. The 50-year threshold sometimes also acts as a threshold for imposing higher levels of development review. This section reviews the history of the 50-year rule and looks at the pros and cons of alternative benchmarks used by other cities.

The 50-year rule is integral to the current administration of the Fort Collins preservation ordinance and particularly demolition/alteration review. Section 14-71 of the Fort Collins Municipal Code states that “no structure (or portion thereof) fifty (50) years of age or older that meets one (1) or more of the standards of eligibility... may be demolished or altered nor shall any permit for such demolition or alteration be issued” until the demolition/alteration review process has been completed. In this way, the benchmark is used as a filter to provide the opportunity to evaluate the significance of an undesignated property over 50 years of age before it is altered or demolished. However, this requires a case-by-case analysis of a property’s significance to determine what processes apply, and the lack of exceptions to the 50-year standard offers little flexibility.

Although widely adopted in preservation programs around the country, the 50-year rule does have shortcomings—most notably, that strict application of the rule runs the risk of eliminating protections for worthy historic resources from the recent past. In order to analyze whether this benchmark is truly a best practice, it is important to first understand the history of the rule and its influence on preservation programs throughout the country.

The 50-Year Rule

The origin of the “50-year rule” lies in the National Park Service’s National Register Criteria for Evaluation. The “criteria considerations” note that “properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they... [are] of exceptional significance.” Since originally adopted in the mid-twentieth century, the rule has become engrained in preservation programs throughout the country and has become accepted common practice in municipal historic preservation since its establishment.¹³

Prior to adoption of the 50-year rule, one of the first benchmarks used by the National Park Service to evaluate the historic significance of a site was a cut-off date of 1870. Before World War II, anything built

¹³ National Register Criteria for Evaluation, National Register Bulletin: How to Apply the National Register Criteria for Evaluation, https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm

after 1870 could not be considered historic. This date was chosen in large part to avoid potential controversies associated with sites constructed after the Civil War. However, this cut-off date was widely criticized as arbitrary and by 1941 was replaced with more flexible approaches. During World War II, the National Park Service established a separate rule that no site could be considered for association with an individual until 25 years after their death. By the 1950s, the Park System Advisory Board adopted a rule that required that properties be at least 50 years old. The 50-year rule was tested by these boards and the National Park Service from the 1930s until it was codified in 1961 in the Surplus Property Act and brought forward as part of the National Register criteria for evaluation a few years later.¹⁴

The establishment of the 50-year rule was intended largely to avoid arguments and debate, as more contemporary sites were more likely to “lead to controversial questions.” At the time of the rule’s codification, the Assistant Secretary of the Interior noted that decision-makers “believe this to be a well-considered requirement because it is calculated to assure that by an appropriate lapse of time historic matters will be considered in their proper perspective.” The 50-year limit ensures almost two generations detachment to allow for historic perspective. It also allows for the “passage of enough time to provide some historic context within which to judge the significance of a structure, neighborhood, or physical setting is an elemental component of historic designation.”¹⁵

At the time of its adoption, there were concerns that the 50-year rule would become too restrictive when applied at the state and local government level, but the decision-makers thought the intended flexibility of the guideline was clear. The subsequent designation of important younger historic resources, including cultural landmarks (like Graceland) and modern architecture (like Dulles Airport), in the first few decades after the rule was established illustrated how exceptions could be made to the 50-year rule for sites of special significance.¹⁶

Some concerns about the unintended restriction of the 50-year rule have proved true. For example, some advocates for mid-century modern resources have criticized the “undue influence of the 50-year criterion on the conceptual framework of preservation” and note that it is often a stumbling block for protecting more recent buildings. Also, many critics agree that the 50-year benchmark has often been misconstrued as a strict rule, although its original intent was as a guideline.¹⁷

Beyond being used to determine eligibility for the National Register, many cities have adopted similar age-based limits to determine eligibility for local designation. In addition, some cities (like Fort Collins) use the 50-year rule as a benchmark to establish the applicability of certain development review processes. For instance, many cities with demolition delay ordinances or with demolition review, only review proposed demolitions of properties over 50 years in age. This allows for a greater level of predictability as it clearly differentiates which properties are subject to certain review processes.

¹⁴ John H. Sprinkle, “The 50-Year Rule,” *Crafting Preservation Criteria: The National Register of Historic Places and American Historic Preservation*, New York: Routledge, 2014

¹⁵ Sprinkle; James R. Brindell, “Improving the Standards and Process of Historic Designation,” *The Urban Lawyer*

¹⁶ Sprinkle

¹⁷ Elaine Stiles, “50 Years Reconsidered,” *Forum Journal and Forum Focus*, National Trust for Historic Preservation; Carroll Van West, “The fifty-year stumbling block,” *National Council on Public History*

In summary, although commonly used across the country, the 50-year rule does have limitations, particularly in cities that have allowed it to become an inflexible barrier to the consideration of newer resources. In studying the history of the 50-year rule, it is clear that it was originally intended to be a flexible guideline and a starting point for consideration of a property's significance, rather than an absolute rule.

Benchmarks Used By Other Cities

Due to the strong influence of the National Register criteria, the 50-year threshold is the most commonly used benchmark for designation or demolition reviews by local governments throughout the country. However, some cities do set different age limits for designation or other preservation reviews.¹⁸ A few of the different benchmarks used by other cities include:

- Austin, Texas, requires that properties be at least 50 years old for designation, but reviews all proposed demolitions of properties that are 40 years of age or older for eligibility.
- Denver, Colorado, requires only that a property be at least 30 years old in order to be designated. The city reviews all demolition permits, regardless of age, for the property's potential historic significance.
- New York City, which has over 36,000 designated historic buildings, requires only that a property be at least 30 years of age to be designated.
- Portland, Oregon, does not require a property to be of any minimum age in order to be designated. The city only reviews the demolition of properties that are listed on their historic inventory or are locally or nationally designated.
- Seattle, Washington, requires that properties be at least 25 years old to qualify for designation.

Other Types of Benchmarks

The 50-year rule and other age-specific thresholds are not the only types of benchmarks that may be used for designation and review purposes. The sections below evaluate the benefits and drawbacks of other approaches. Some examples are included because they have been raised in previous Fort Collins discussions with stakeholders, while others are based on our review of other communities. Generally, criteria for considering whether a benchmark is an effective tool include administrative efficiency, predictability, and overall impact on the full range of designated resources in the community.

Limiting Reviews Geographically

Instead of the 50-year rule, designations or demolition reviews may be limited in scope geographically (as recommended in the earlier section on the Fort Collins demolition/alteration process). For example, only properties within a defined area could be designated as historic resources, or demolition review would only be required for properties within that area. The benefits of this approach include limiting the number of reviews, targeting preservation efforts to specific areas, and not relying on properties being any particular age to warrant designation or demolition protection.

¹⁸ As in the previous section, we look at cities of all sizes throughout the country rather than focusing on the peer cities studied in the March 2018 report. We find that, in general, larger cities are more likely to have crafted their own regulations rather than strictly follow the National Register's example.

For example, Dallas, Texas, has several different Demolition Delay Overlay Districts that require historic review prior to the issuance of a demolition permit. Areas within the city but outside of these special districts can simply pull a demolition permit with no evaluation of the property's eligibility for designation. It is important to note that Dallas has extensive surveys of the areas within the demolition delay overlay districts that have already evaluated the significance of resources and which they use in the case of a proposed demolition, so they do not require the case-by-case determination of eligibility that is often needed in Fort Collins.¹⁹

A concern with this approach is that limiting designation to only a portion of the community may be less likely to protect the full range of historic resources that is representative of the history and evolution of the city. There may be significant resources just outside the boundary that would not be protected under such an approach. On the other hand, because it doesn't rely on a particular age, this approach may better protect significant resources of the recent past that are within the geographic boundary than the 50-year rule. Also, due to the spatial patterns of the development of most cities, it is likely that by setting a geographic boundary, a de facto age of structures is also set (for instance, if all properties within the area happen to have been built before 1980) and may exclude resources of different types or ages. It is also important to consider that it may prove politically difficult to amend those boundaries over time to capture or protect different resources.

Tailoring the Review Process to the Age of Properties

Some communities tailor the level of time and attention devoted to development review based on the age of the property, with older properties (which may be considered more significant) given more attention than younger properties. This is an approach currently used by Charleston, South Carolina, which in some areas of the city reviews all demolitions of buildings 50 years of age or older, and all alterations visible from the street if the building is over 100 years old. Some other communities tailor the decision-maker based on age. Boulder, Colorado, has different reviewers for proposed demolitions of buildings over 50 years old based on the year the building was built; if a property was built prior to 1940, a committee must review its eligibility, while the eligibility of buildings built after 1940 is reviewed by staff.²⁰

Fort Collins currently applies the same level of review for all permits for demolition or alteration of buildings 50 years of age or older. An alternative approach might be to tailor the review process or the scope of permits reviewed based on a property's age. For example, the demolition of a building over 50 years of age would need historic review, and historic review of alterations could be limited to older buildings (of a certain age determined by Fort Collins).

The most obvious benefit to such an approach is that it could limit the number of reviews of alterations that would have to be completed. Because such a significant portion of the Fort Collins building stock was

¹⁹ City of Dallas, "Demolition Delay Overlay Districts,"

<https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Demolition-Delay-Overlay-Districts.aspx>

²⁰ City of Charleston, "Board of Architectural Review," <http://www.charleston-sc.gov/index.aspx?NID=293>; City of Boulder Municipal Code §9-11-23, https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT9LAUSCO_CH11HIPR_9-11-23REPEDETEREOTEREUNODE

built in the post-war period, this could limit the need to review each alteration of houses built before 1968. A downside is that there are risks that some resources may lose integrity due to incompatible alterations (some of which may be fairly major) that are not reviewed. However, with this option, an additional review would still be in place to protect (or at least delay and allow for alternatives to be explored) the full demolition of buildings over 50 years. A potential issue with this approach is that applicants may manipulate their designs so as to avoid meeting a definition of full “demolition,” although clear standards and definitions could be developed to prevent those types of workarounds.

Identifying a Certain Number to Designate or Determine Eligible

Another type of benchmark that has been brought up by Fort Collins stakeholders is identifying a certain number of properties to designate or determine as eligible. Goals for such an approach might be to ensure that the preservation program focuses on just the most important resources, and/or does not outpace the ability of staff to administer the program. Fort Collins currently has about 250 landmarks and three historic districts. In theory, a maximum “cap” could be set on the number of properties to be designated or identified as eligible for designation. For instance, Fort Collins could set a goal of 100 properties to identify as potentially significant or set a maximum of 400 landmarks. We were unable to find any examples of communities that use this approach. Presumably, cities would identify the “most significant” resources to save, up to a certain number.

A potential benefit of this approach is that it would create a predictable and manageable number of historic resources. In our view, though, even determining the correct number of resources could be fairly arbitrary. In addition, it raises the question of what would happen when you have reached the maximum number of properties but then there is another to designate – would you have to remove a designated site or just stop designating properties from that point on? What if the new resource is considered much more significant or threatened than one that is already on the list? This option is largely out of line with most preservation practice throughout the country. It is a rigid approach based on a likely arbitrary number that would not allow for the evolution of historic preservation of a community.

Filtering by Characteristics, Architectural Style, or other Features

Rather than use 50 years as the threshold for designation or demolition/alteration review, another benchmark that has been mentioned by stakeholders is reviewing only properties that exhibit certain characteristics, architectural styles, or other features. We have not found any examples of communities that have taken this approach. As noted above, historic significance can be based on a wide variety of factors, based on different historic contexts, and can include many different architectural styles. The main benefit of this approach would be limiting the number of required reviews.

However, choosing the characteristics or architectural styles that would be either designated or require demolition review would be a difficult task to do objectively. The community may have very differing opinions about the styles or characteristics that are most important to preserve. Even if a few factors could be chosen by consensus, Fort Collins would not end up with a representative group of designated resources. The full spectrum of historic significance and the rich and diverse history of the city would not be captured by limiting designation or demolition protection to a particular style or characteristic.

Setting a Specific Cut-off Date

As noted above, in the early 20th century, the National Park Service originally used a cut-off date of 1870 to determine whether sites were significant. This approach was widely criticized throughout its implementation. A cut-off date would establish one particular year at which everything built before it could be considered for historic significance, and everything after that date would not be considered historic. This option has been brought up by stakeholders in the past. In our research, we were unable to find a modern example of a community that uses this approach; however, exhaustive surveys of every community's benchmarks are not available so that is not to say that one does not exist.

Using a cut-off date is a definitive and clear option as it is one date that does not change. However, it would not allow for the evaluation of properties that may gain significance over time (with ensuing further historic perspective). In addition, of all of the options for benchmarks for historic review, it may be viewed as the most arbitrary, as it would be extremely difficult to objectively choose one date at which everything before may be historic and everything after is not. In comparison, the 50-year rule at least changes over time and allows properties to "come of age" historically.

3: SURVEYS AND INVENTORIES

Supplementing the Demolition/Alteration Review Process with Resource Inventories and Surveys

As we described in detail in the *Demolition/Alteration Processes and Related Issues* section of the March 2018 report, many cities maintain inventories of properties that have been determined to be eligible for designation or not, either through a survey or other means, but have not yet been formally designated. One of our main recommendations in the March 2018 report was for Fort Collins to focus on completing survey work to proactively identify eligible resources and create an inventory of eligible historic resources.

Regardless of which type of benchmark is used or how the demolition/alteration review process is tailored, supplementing the process inventories and survey information is vital. The analysis in this report underscores the immense benefits that could occur if Fort Collins did have more rigorous and thorough survey work done and could establish an inventory. Having an inventory of the determinations of property's significance, completed—either through survey work or through former determinations of eligibility—could inform a much more administratively efficient demolition/alteration review process that is also more predictable for property owners.

The survey information contained within an inventory would be valuable in implementing any of the various benchmark options that are reviewed above. For instance, the information could be used to identify a set geographic area in which to limit demolition review, or to determine the age limits for demolition versus alteration reviews.

The proactive use of inventories and surveys also can help minimize (even eliminate) the need for case-by-case project reviews, which can be more subject to controversy or becoming politicized. It also puts property owners on notice that they may be subject to additional historic reviews before they are already in the process of submitting for a permit. However, there are some limitations to the use of an inventory based on survey work as well, as it will need to be updated over time.

Ranking Historic Resources in Surveys

Some cities also incorporate ranking systems into their historic inventories that identify a property's relative level of historic significance based on initial research and documentation. Such rankings can provide additional support for a benchmark-based system that tailors project reviews based on the significance of a particular resource.

For example, Portland, Oregon, has a Historic Resources Inventory in which resources are ranked I, II, or III based on varying levels of significance to be considered for designation. The ranked resources are given tiered levels of protection through a demolition delay.²¹

Chicago, Illinois, used a ranking system when creating their Historic Resources Survey that analyzed the historic and architectural importance of all buildings built before 1940. (The ranking system is provided

²¹ City of Portland, "Historic Resource Designations," <https://www.portlandoregon.gov/bps/article/132551>

below as an example.) The survey was completed in 1995 and took a decade to complete. This was a huge effort but it only affords protection to properties built before 1940. Now, almost 25 years after the survey was completed, it may be necessary to update the inventory with properties built in the more recent past or those that have gained historic significance over time.²²

Chicago, Illinois: Historic Resources Survey Ranking System

- RED (RD) properties possess some architectural feature or historical association that made them potentially significant in the broader context of the City of Chicago, the State of Illinois, or the United States of America. About 300 properties are categorized as "Red" in the CHRS.
- ORANGE (OR) properties possess some architectural feature or historical association that made them potentially significant in the context of the surrounding community. About 9,600 properties are categorized as "Orange" in the CHRS.
- YELLOW (YL) properties are relatively unaltered, pre-1940s that are part of a concentration of significant buildings. Properties with this color ranking that are included in the ISS or located within designated or potential Chicago Landmark districts were included in the CHRS.
- YELLOW-GREEN (YG) properties are pre-1940s whose exteriors—at the time of the survey—were covered with artificial siding, but which are part of a concentration of significant buildings. Properties with this color ranking that are included in the ISS or located within designated or potential Chicago Landmark districts were included in the CHRS.
- GREEN (GN) properties are pre-1940s whose exteriors have been slightly altered from their original condition. Properties with this color ranking that are included in the ISS or located within designated or potential Chicago Landmark districts were included in the CHRS.
- PURPLE (PL) properties are pre-1940s whose exteriors have been extensively altered from their original condition. Properties with this color ranking that are included in the ISS or located within designated or potential Chicago Landmark districts were included in the CHRS.
- BLUE (BL) properties are those constructed after 1940. These properties are considered too recent to be properly evaluated for architectural and historical significance and were generally not included in the CHRS database. However, properties already considered for individual Chicago Landmark designation and properties located within designated Chicago Landmark districts are included in the CHRS.

Establishing Survey Priorities

Regardless of the type of benchmark used (including if the current system is maintained), further survey work is vital to the future of the Fort Collins preservation program. Because limited funding is available for surveys, many cities strategize or complete plans to prioritize the use of limited survey work. Boulder, Colorado, is currently starting work on a Historic Resource Survey Plan, which will assess the city's current records and set priorities for further surveys, in order to make the overall preservation program more proactive and predictable.²³

Another example is found in the City of Minneapolis, and its *Historic Resources Inventory Capstone*. The capstone identifies gaps in current surveys (such as geographic, quality of survey, property type emphasis, or data discrepancies), and gives recommendations about priorities for future surveys to address these survey gaps and ensure adequate distribution and diversity of resource types. In addition, the capstone places particular emphasis on analyzing the potential historic resources' alignment with land use planning

²² City of Chicago, "Chicago Historic Resources Survey," <http://webapps1.cityofchicago.org/landmarkswb/web/historicsurvey.htm>

²³ City of Boulder, "Historic Resource Survey Plan," <https://boulder.colorado.gov/pages/historic-resource-survey-plan>

strategies and identifies which resources might be most threatened based on the land use guidance for their area (such as guidance for significant redevelopment).²⁴

This type of document could prove immensely helpful in Fort Collins, and could be valuable when used in conjunction with many of the potential changes analyzed above. For instance, categorizing the potential historic resources and identifying priorities for designation could be much more useful than attempting to identify a certain number of historic resources to designate. This survey work and analysis could also help to identify the most significant resources of the recent past, which could be valuable depending on the modifications made to the demolition/alteration review process.

²⁴ City of Minneapolis, "Historic Resources Inventory Capstone,"
<http://www.minneapolismn.gov/www/groups/public/@cped/documents/webcontent/wcms1p-114144.pdf>