

City of Fort Collins

Historic Preservation Code Review



March 2018

CLARION

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Introduction

BACKGROUND

The City of Fort Collins Historic Preservation Program

The City of Fort Collins has long been at the forefront of historic preservation in the state and the nation. In 1968, the Landmark Preservation Commission was established and the city's first historic preservation ordinance was adopted. Since that time, nearly 250 local landmarks have been designated as well as three local historic districts. Many more properties in the city have also been designated at a state or national level. Over the decades, Fort Collins has been successful at preserving historic resources through designation and the review of alterations to historic properties. These designated properties help to portray the long history and unique character of Fort Collins.

While the City of Fort Collins Historic Preservation Program is impressive in many respects, there are a few areas for potential improvement that are highlighted in this report. These changes could help to improve process efficiency, increase the clarity and user-friendliness of the ordinance, and better ensure compatibility as the city continues to evolve and grow. This report analyzes various aspects of the existing codes and processes and proposes improvements to an already strong, well-respected, and resilient historic preservation program.

Report Organization

This document compiles a series of reports that examine the City of Fort Collins' historic preservation codes and processes, which are located in the Municipal Code and the Land Use Code. A review of best practices in peer cities statewide and nationwide was completed to compare the Fort Collins preservation codes and processes to those in other cities.

The four sections of this report focus on the following topics:

A. Landmark Designation Codes & Processes

B. Design Review Codes & Processes and Compatible Infill in Districts

C. Development Review and Infill Codes & Processes

D. Demolition/Alteration Codes & Processes, Dangerous Conditions, and Demolition by Neglect

Each section of this report briefly summarizes the current conditions of the Fort Collins codes and processes related to the section topic, discusses the main issues associated with that topic, highlights various approaches used throughout the county, and provides conclusions and recommendations for improvements in Fort Collins.

Prior to consolidation into this document, each report was reviewed by the Citizen Advisory Committee (CAC), Landmark Preservation Commission (LPC), and City staff. The Citizen Advisory Committee is made up of a variety of stakeholders including historians, architects, real estate developers, realtors, landmark owners, homeowners, local history group members, and others. The feedback from the CAC and LPC on each of the recommendations has been integrated throughout the consolidated report. Look for this symbol throughout the report:



CAC & LPC FEEDBACK

Survey

City staff is currently conducting a survey to obtain additional public input on the recommendations in this summary report. The results of that survey will be attached to this report as an appendix prior to City Council review of this report.

PEER CITIES

The following table compares the basic characteristics of the cities we studied for this report. The peer cities researched were determined based on similar characteristics to Fort Collins: a population size between 90,000 and 300,000 people, the presence of a large university, a growing or stable population, and a robust preservation program determined by number of historic districts and landmarks.

CITY	2016 POPULATION (APPROX.)	STUDENT POPULATION (APPROX.)	POPULATION GROWTH RATE 2000-2016	HISTORIC RESOURCES
Fort Collins, Colorado	164,000	33,000 <i>Colorado State University</i>	Growing: 36%	248 landmarks, 3 historic districts
Berkeley, California	121,000	40,000 <i>University of California, Berkeley</i>	Growing: 18%	281 landmarks, 4 historic districts, and 39 structures of merit
Boise, Idaho	223,000	22,000 <i>Boise State University</i>	Growing: 14%	30 landmarks, 9 historic districts
Boulder, Colorado	108,000	32,000 <i>University of Colorado Boulder</i>	Growing: 14%	186 landmarks, 10 historic districts, 75 structures of merit
Cambridge, Massachusetts	111,000	33,000 <i>Harvard University & Massachusetts Institute of Technology</i>	Growing/ stable: 9%	30 landmarks, 2 historic districts, 4 conservation districts, and 39 properties with conservation easements
Denton, Texas	134,000	53,000 <i>University of North Texas & Texas Woman's University</i>	Growing: 60%	2 historic districts, 1 conservation district
Eugene, Oregon	167,000	23,000 <i>University of Oregon</i>	Growing: 20%	60 landmarks and 2 historic districts
Gainesville, Florida	132,000	52,000 <i>University of Florida</i>	Growing: 16%	10 landmarks and 5 historic districts
Lincoln, Nebraska	280,000	25,000 <i>University of Nebraska</i>	Growing: 23%	160 landmarks, 18 historic districts
Madison, Wisconsin	253,000	43,000 <i>University of Wisconsin</i>	Growing: 20%	182 landmarks, 5 historic districts
Norman, Oklahoma	122,000	31,000 <i>University of Oklahoma</i>	Growing: 26%	3 historic districts
Provo, Utah	117,000	33,000 <i>Brigham Young University</i>	Growing/ stable: 11%	150 landmarks, 2 historic districts
Santa Barbara, California	92,000	24,000 <i>University of California, Santa Barbara</i>	Growing/ stable: 3%	124 landmarks, 3 historic districts, 132 structures of merit
Syracuse, New York	143,000	21,000 <i>Syracuse University</i>	Stable: -2%	59 landmarks, 4 historic districts

SUMMARY OF RECOMMENDATIONS

The following sections of this report review four topics in detail and provide conclusions and recommendations for each topic based on peer city research. The recommendations are summarized below:

LANDMARK DESIGNATION	
Designation Process	<ul style="list-style-type: none"> • Reevaluate interim control provision and potentially allow design review applications during the designation process.
Owner Consent to Designation	<ul style="list-style-type: none"> • Consider the inclusion of additional criteria for decision-makers to use when reviewing a nonconsensual designation.
Designation Criteria	<ul style="list-style-type: none"> • Better integrate the criteria for designation with the decision-making process for designation. • Consider including a criterion that qualifies properties listed or eligible for the National or State Register for local landmark designation.
Alternative Types of Designation	<ul style="list-style-type: none"> • Consider additional types of designation such as conservation districts or structures of merit.
Linking Zoning & Preservation	<ul style="list-style-type: none"> • Consider historic overlay zoning as a way to better integrate preservation and zoning. • Provide searchable map of landmarks and districts for development review applicants to check early on whether their property is landmarked.
Commission Membership	<ul style="list-style-type: none"> • Consider more specific requirements for commission membership.
Historic Surveys	<ul style="list-style-type: none"> • Specify that one of the duties of the Landmark Preservation Commission is to direct historic surveys to be completed and regularly updated. • Develop partnership with other organizations to develop a program for regularly surveying historic properties. • Prioritize the completion of survey work and regular updating of existing surveys.
DESIGN REVIEW	
Design Review Generally	<ul style="list-style-type: none"> • Rename the design review process as a “certificate of appropriateness” process. • Develop a decision matrix to increase predictability of required review processes.
Commission Review	<ul style="list-style-type: none"> • Make conceptual review an optional step. • Consider establishing a time limit for final review. • Consider more specific requirements for appellants.
Administrative Review	<ul style="list-style-type: none"> • Adopt guiding document that identifies specific types of work that can be delegated to staff for review.
Review Standards Generally	<ul style="list-style-type: none"> • Establish mandatory approval criteria rather than “considerations.” • Add specificity to the “standards of the City” reference in the criteria for approval.
Review Standards for Demolition	<ul style="list-style-type: none"> • Consider additional criteria for the approval of demolition.
Review Standards for Compatible Infill	<ul style="list-style-type: none"> • Consider codifying general compatibility standards for new construction. • Clarify the role of the adopted design guidelines and standards. • Develop design guidelines for additional districts or general design guidelines.

DEVELOPMENT REVIEW	
Development Review Process	<ul style="list-style-type: none"> • Clarify the purpose and intent of the historic resources component of the Development Review process. • Clarify the procedural requirements to obtain a recommendation from the LPC. • Use new terminology, such as "Historic Resource Compatibility Review," instead of "Development Review."
Applicability of Process	<ul style="list-style-type: none"> • Establish a consistent and predictable geographic limit for the review, such as a Historic Resource Compatibility Review matrix. • Develop context-based standards that are not based on eligibility to ensure compatibility in certain areas of the city. • Consider reviewing impact on eligible resources only if they are on-site or abutting a development project. • Focus on survey work to develop an inventory of eligible historic resources.
Clarity and Organization	<ul style="list-style-type: none"> • Redraft Section 3.4.7 for clarity and to improve the organization, clarifying the purpose, applicability, and standards of the process.
DEMOLITION REVIEW	
Demolition/Alteration Review Process	<ul style="list-style-type: none"> • Clarify the role of the Design Review Subcommittee. • Consider using a decision matrix to more clearly differentiate between minor and major alterations. • Reevaluate the criteria for approval and potentially add an economic hardship determination. • Consider increasing the amount of time that the LPC can delay a decision in order to find alternatives to demolition.
Determinations of Eligibility	<ul style="list-style-type: none"> • Focus on completing survey work to proactively identify eligible resources. • Create an inventory of eligible historic resources. • Reconsider the five-year period of validity. Consider a process for property owners to obtain a certificate of ineligibility with a five year limit on validity.
Demolition by Neglect	<ul style="list-style-type: none"> • Specify the types of repairs that are required to prevent demolition by neglect. • Increase penalties for properties undergoing demolition by neglect. • If an inventory of eligible resources is created, extend maintenance requirements to eligible structures on the inventory. • Incorporate preservation-related requirements in the general property maintenance standards. • Develop financial incentives to assist with required property maintenance.
Public Safety Exclusions	<ul style="list-style-type: none"> • Clarify the requirement to fix dangerous conditions when deemed repairable by the building official. • Review relevant building code definitions. • Improve coordination between the LPC/preservation staff and the building official in regards to dangerous buildings.



Landmark Designation

Background

INTRODUCTION

This section of the report includes a review of the City of Fort Collins' codes and processes for landmark designation, including nonconsensual designation. The codes reviewed for this section include Chapter 2, Article III and Chapter 14, Articles I and II of the Municipal Code. This section assesses the program area's current conditions and provides recommendations for proposed improvements.

Organizational Recommendations

First, we identified some organizational issues with Articles I and II of Chapter 14 that could be improved and increase the user-friendliness of the document. Overall, subheaders for various topics would be much more helpful than long, undivided paragraphs, and content should be organized to align with the process. For example, Section 14-21 is a very long paragraph that could be made much easier to read by dividing it into subsections with subheaders, multi-level lists, and nested information. Simple organizational restructuring would greatly help to clarify the ordinance.

CAC & LPC FEEDBACK

CAC: Supports organizational restructuring of codes. Add more explanations for clarity.

LPC: Supports organizational restructuring of code. Also include graphics.



Research Topics

A. DESIGNATION PROCESS

Preservation ordinances must set forth a procedure for the designation of landmarks and historic districts. Designation is the primary mechanism through which local properties are protected. The designation of a property often has significant implications for that property. The ordinance must ensure that an owner of a property proposed for historic designation is given notice of the proposed designation and an opportunity for a hearing. Communities should ensure that written findings of fact are prepared at the time of the designation decision. A summary of the evidence presented, a recitation of standards applied, and a brief statement of the reasons why the commission took the action it did is sufficient.

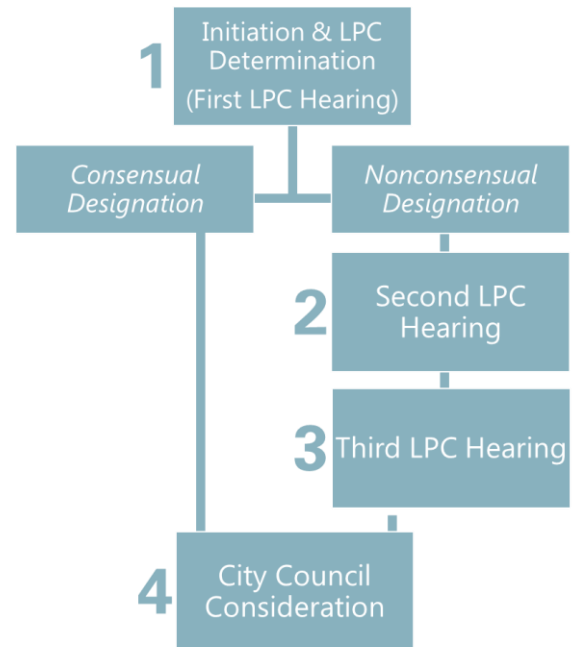
Designation Process in Fort Collins

The landmark designation process is established in Article II, Chapter 14 of the Fort Collins Municipal Code. Since 1971, Fort Collins has designated 248 landmarks and three landmark districts covering 79 properties: Old Town, Sheely Drive, and Whitcomb Street. The process follows the steps described below.

Step One: Initiation & LPC Determination (First LPC Hearing)

The designation of a landmark or a landmark district may be initiated by the Landmark Preservation Commission (LPC), the property owner, or any three or more residents of the City. The LPC then determines whether the property or district meets the criteria of a landmark or a landmark district. If it does, then the LPC directs staff to investigate the “benefits” of designation. Notification of the owner is required if the applicant is not the property owner. Nonconsensual designation is permitted, provided either the LPC or at least three residents initiate the designation.

Interim Control: Once the LPC directs staff to investigate the “benefits” of designation, no building permits can be issued for the construction, alteration, or demolition of the property under consideration. This delay in issuing a building permit is limited to 180 days. (However, the City Council can authorize construction, alterations, or demolition if necessary for public health, welfare, or safety.)



Step Two: Second LPC Hearing

Consensual Designation: If the owner consents to designation, the LPC may adopt a resolution recommending designation of a landmark or a landmark district without requiring additional staff review,

notice, or a hearing. In this case, step three below does not apply and the resolution is forwarded directly to the City Council for consideration.

Nonconsensual Designation: In this case, a public hearing is held before the LPC to determine whether to proceed with the designation process without the consent of the property owners. The LPC may adopt a resolution indicating the property's eligibility for designation and schedule a third public hearing (step three below). Properties are evaluated based on the standards for determining eligibility in Section 14-5. If the property is already listed on the State or National Register, the LPC may adopt a resolution to forward the designation directly to the City Council with a recommendation to designate the property without requiring a third public hearing. If the LPC does not adopt either of the two resolution options, the designation process ends.

Step Three: Third LPC Hearing

Notice: Thirty days before the hearing, notice is sent to all the owners of property proposed for designation and to the Director. Fifteen days before the public hearing, signs are posted and legal notice is published in the newspaper.

Hearing for Nonconsensual Designations: A third public hearing may be held for nonconsensual designations within 35 days of the second hearing. The LPC can modify the designation proposal but cannot extend the boundaries of the land without re-noticing and re-hearing the designation.

Step Four: City Council Consideration

The City Council then considers the designation within 75 days. If the City Council does not approve the designation, any pending applications for alteration or demolition are exempt from the demolition/alteration review process. If approved by the City Council, the property or district becomes a landmark or landmark district.

Process in Peer Cities

The designation processes in the peer cities we studied are generally similar to the process in Fort Collins. A designation is typically first taken to a public hearing of the preservation commission, then a recommendation is sent to the City Council, which makes the decision on designation. Some cities, like Gainesville, Lincoln, Norman, and Syracuse hold an additional public hearing at the Planning Commission and forward the recommendation of the Planning Commission to the City Council as well.¹

Maximum Time Limits

Several cities establish maximum time limits for the various steps of the process. For example:

- Berkeley requires a public hearing within 70 days of receiving a complete application.
- Boulder requires a designation hearing between 60 to 120 days after an application is submitted or an initiation resolution, then a public hearing at the City Council within 100 days of the Landmarks Board decision, and then written findings and conclusions within 45 days of that hearing date.

¹ Gainesville [30-112\(d\)\(3\)](#); Lincoln [2-27-120](#); Norman [22.429.3\(6\)](#); Syracuse [VII-5-C](#)

- Eugene requires a public hearing within 60 days of receiving a complete application.
- Gainesville requires the preservation commission to review the nomination and prepare a recommendation within 90 days of the nomination hearing.
- Lincoln requires a public hearing within 90 days of receiving a complete application.
- Santa Barbara requires their landmarks commission to hold a public hearing within 35 days of their resolution of intention to designate.²

Public Input

Of the cities we studied, the city process with the most public input requirements in their ordinance was Boulder's process for the designation of historic districts. First, a public meeting must be held prior to the public hearing. Design guidelines for the district must also be developed and there must be opportunity for public comment on the guidelines prior to the public hearing. Additionally, a public questionnaire and copy of draft design guidelines are required to be sent out to all property owners in the district prior to the public hearing.³

Interim Control

Only a few of the cities we studied explicitly restrict any building permit issuance to properties during the designation process, like Fort Collins' interim control provisions. One example, Norman, does not permit any alterations while a designation is pending and does not set a time limit for designations.⁴

Of the cities that address this issue, most allow applications for alterations during the designation process but place a time limit on the overall designation process. For instance, Boulder does not allow any permits to construct, alter, remove, or demolish any feature of a proposed landmark or in a proposed district without a landmark alteration certificate, as shown in the excerpt below. However, Boulder sets a 365-day overall time limit for the designation process.

Boulder, Colorado

9-11-11. Construction on Proposed Landmark Sites or in Proposed Districts.

No permit shall be issued to construct, alter, remove or demolish any structure or other feature on a proposed landmark site or in a proposed historic district after an application has been filed by an owner or after the landmarks board or city council has approved a resolution initiating the designation of such landmark site or area under section 9-11-3, "Initiation of Designation for Individual Landmarks and Historic Districts," B.R.C. 1981. No such permit application filed after such date shall be approved by the city manager while proceedings are pending on such designation unless the applicant obtains an alteration certificate pursuant to sections 9-11-13, "Landmark Alteration Certificate Application," 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," 9-11-15, "Landmark Alteration Certificate Hearing," 9-11-16, "Call-Up by City Council," 9-11-17, "Issuance of Landmark Alteration Certificate," and 9-11-18, "Standards for Landmark Alteration Certificate Applications," B.R.C. 1981. If three hundred and sixty-five days have elapsed from the date of the initiation of the designation and final city council action has not been completed, the manager shall approve the permit application.

² Santa Barbara [22.22.050](#); Gainesville [30-112\(d\)\(3\)](#); Lincoln [2-27-120](#); Berkeley [3.24.130](#); Eugene [9.7305](#); Boulder [9-11-3](#)

³ Boulder [9-11-4](#)

⁴ Norman [22.429.3\(6\)\(j\)](#)

Similarly, Berkeley allows permit applications for properties on initiated landmark sites or in initiated historic districts, but they must follow the same permit application process as a designated landmark or district. Berkeley requires designations to be approved, disapproved, or modified within 180 days of the commission's public hearing. In Santa Barbara, alterations to sites recommended for designation are not permitted except pursuant to the typical alteration review process for designated landmarks. Resolutions of designation must be adopted by the City Council within 90 days.⁵

Conclusion and Recommendations

There are several good aspects of the current designation process in Fort Collins compared to the other cities we studied. The opportunity for a streamlined designation process in Fort Collins (without additional staff review, notice, or a hearing) for properties where the owner consents to designation is more flexible than most cities and allows for a potentially quicker process. Also, some cities require an additional public hearing before the city's planning commission, but Fort Collins does not, making the process faster.

Recommendation

- Reevaluate interim control provision and potentially allow design review applications during the designation process.

While several other cities restrict permit issuance during the designation process with similar time limits as Fort Collins' 180-day delay, Fort Collins' interim control provision (Section 14-30) is more explicitly restrictive as it does not provide an owner the option to apply for a permit review during that time. Fort Collins should consider allowing properties being studied for designation to apply for design review for alterations, rather than simply having to wait out the 180-day holding period.

There are benefits and downsides to this potential change. This would be a more flexible approach, particularly for property owners with nonconsensual designations in process, as it would allow proposed alterations to be reviewed without waiting for the designation to be complete. It could allow relatively minor changes to be made without delaying a project by up to six months. However, it may prove difficult to review changes to a property without having a designation study to review those changes against. The existing criteria for design review, particularly in regard to historical or architectural character, may be more difficult to apply to this type of situation. Ideally, the initiation of the designation would identify the most character-defining features of the property and therefore assist in a review of any changes.

CAC & LPC FEEDBACK

CAC: Supports. LPC should be able to approve alterations if appropriate during the interim control period.

LPC: Supports. Agrees with Clarion and CAC. Work needs LPC approval.

⁵ Berkeley [3.24.150](#); Santa Barbara [22.080](#)

B. DESIGNATION CRITERIA

The goal of a comprehensive preservation program should be to consider, recognize, and protect the full range of resources that represent the community's history. Clear criteria for local historic designation are a crucial aspect of a successful preservation ordinance. Recognizing that there are a variety of reasons for designation (aesthetic, historic, social, cultural, or economic, and others), communities typically have great latitude in deciding what resources should be designated. An effective preservation ordinance must do more than just state that the preservation commission can designate structures of, for instance, "historical merit." The ordinance should give meaning to such key terms.

Designation Criteria in Fort Collins

In the Fort Collins ordinance, the criteria for local designation are not listed in Article II with the procedures for designation. One of the first steps in initiating designation is for the LPC is to determine whether a "site, structure, object or district meets the criteria of a landmark or landmark district," but the criteria are not specifically listed or even cross-referenced. In Section 14-1: Definitions, "landmark or landmark district" is defined by nine listed factors that appear similar to designation criteria:

Fort Collins: Section 14-1

Landmark or landmark district shall mean any site, structure, object or improvement and its surrounding environs or a group of sites, structures, objects or improvements or both and their surrounding environs:

- (1) Which has a special character or special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation; or
- (2) Wherein any event of major historic significance with a measurable effect upon society took place; or
- (3) Which is closely identified with a person or group of persons who have had some measurable influence on society; or
- (4) Wherein the broad cultural, political, economic or social heritage of the community is exemplified; or
- (5) Which faithfully portrays the environment of a group of people in an era of history characterized by a distinctive architectural style or which embodies those distinguishing characteristics of an architectural-type specimen or which is the work of an architect or master builder whose individual work has influenced the development of the City; or
- (6) Which, because of being a part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based upon a historic, cultural or architectural significance; or
- (7) Which, due to unique location or singular physical characteristic, represents an established, familiar and significant visual feature of the neighborhood, community or City; or
- (8) Officially designated as a Fort Collins landmark or Fort Collins landmark district pursuant to the provisions of this Chapter; or
- (9) Officially designated as a state or national landmark or landmark district.

However, in reviewing the city's designation studies, it appears that the studies evaluate significance based on the standards for determining eligibility in Section 14-5 (shown below). Yet no reference to Section 14-5 is made in the designation procedures. (Note that the determination of eligibility process, review of integrity, and treatment of contributing properties are reviewed in more detail in the Topic D section of this report.) Sections 14-1 and 14-5 address similar concepts in regards to the significance of landmarks and landmark districts but differ slightly, making it unclear which would be the correct criteria to use.

Fort Collins: Section 14-5

(2) Standards for determining significance:

- a. *Events*. Properties may be determined to be significant if they are associated with events that have made a recognizable contribution to the broad patterns of the history of the community, State or Nation. A property can be associated with either (or both) of two (2) types of events:
 1. A specific event marking an important moment in Fort Collins prehistory or history; and/or
 2. A pattern of events or a historic trend that made a recognizable contribution to the development of the community, State or Nation.
- b. *Persons/Groups*. Properties may be determined to be significant if they are associated with the lives of persons or groups of persons recognizable in the history of the community, State or Nation whose specific contributions to that history can be identified and documented.
- c. *Design/Construction*. Properties may be determined to be significant if they embody the identifiable characteristics of a type, period or method of construction; represent the work of a craftsman or architect whose work is distinguishable from others by its characteristic style and quality; possess high artistic values or design concepts; or are part of a recognizable and distinguishable group of properties. This standard applies to such disciplines as formal and vernacular architecture, landscape architecture, engineering and artwork, by either an individual or a group. A property can be significant not only for the way it was originally constructed or crafted, but also for the way it was adapted at a later period, or for the way it illustrates changing tastes, attitudes, and/or uses over a period of time. Examples are residential buildings which represent the socioeconomic classes within a community, but which frequently are vernacular in nature and do not have high artistic values.
- d. *Information potential*. Properties may be determined to be significant if they have yielded, or may be likely to yield, information important in prehistory or history.

Designation Criteria in Peer Cities

The criteria for local designation are fairly similar in all of the peer cities we studied. While terminology varies, generally most cities reference distinctive architectural styles, work of master builders or architects, locations of significant events, association with significant people, and similar features as criteria for designation.

Some cities, like Eugene, refer to the National Register Criteria for Evaluation, while others have crafted detailed criteria based on many different facets of significance. Eugene also includes additional criteria, based on National Register guidance, for properties with special circumstances, such as properties that have been moved or are less than 50 years old. Several peer cities including Denton, Provo, and Berkeley list National Register listing or eligibility as its own separate criterion for designation.⁶

Another variable between the various peer cities is the number of criteria required to be met in order to be designated. Both Provo and Gainesville require properties to meet more than one of their criteria.⁷

Boise is a representative example of typical designation criteria:

⁶ Eugene [9.8165](#); Berkeley [3.24.110](#); Provo [16.05.020](#); Denton [35.254](#)

⁷ Provo [16.05.020](#); Gainesville [30-112\(d\)\(3\)](#)

Boise, Idaho

11-05-09(6)(A). Criteria for Designation

The buildings, sites, structures and objects of an historic district shall meet one of the following 3 criteria:

- (1) *Historical or Cultural Importance*
 - (a) Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation; or is associated with the life of a person significant in the past; or
 - (b) Is the site of an historic event with a significant effect upon society; or
 - (c) Exemplifies the cultural, political, economic, social, educational or historic heritage of the community; or
 - (d) By being part of or related to a street, square, park or other distinctive area, should be developed or preserved according to a plan based on historic, cultural or architectural motif; or
 - (e) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or city; or
- (2) *Architectural Importance*
 - (a) Portrays the environment in an era of history characterized by a distinctive architectural style; or
 - (b) Embodies those distinguishing characteristics of an architectural-type or engineering specimen; or
 - (c) Is the work of a designer, architect or craftsman whose individual work has significantly influenced the development of the city, state or nation; or
 - (d) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
- (3) *Archeological Importance*
 - (a) Has yielded or may be likely to yield, information important in pre-history or history.
 - (b) Contains or is likely to contain physical remains, such as fossils, relics, monuments, art or symbols, of past human life and activities.

Some designation criteria are vague and often up to interpretation. One example of vague language is found in Boulder's ordinance, which, instead of listing criteria for designation, simply states that the city council is authorized to designate properties "having a special character and historical, architectural or aesthetic interest or value."⁸ To assist in the interpretation of this vague provision, Boulder adopted a separate ordinance in 1975 with significance criteria to use when evaluating applications for landmarks and historic districts. A detriment of this practice is that this separate document is not referenced in the code and thus is not very transparent for the general public.

Conclusion & Recommendations

Criteria

Many peer cities have similar designation criteria, though they vary widely in specificity and language. Fort Collins' criteria are less vague than several of the other cities we studied. However, because the Fort Collins ordinance does not clearly list the criteria for designation with the overall procedures for designation (Chapter 14, Article II), it is not clear that the standards for the determination of eligibility in Section 14-5 should be used rather than the factors listed in the definition of

Recommendation

- Better integrate the criteria for designation with the decision-making process for designation.
- Consider including a criterion that qualifies properties listed or eligible for the National or State Register for local landmark designation.

⁸ Boulder 9-11-2

“landmark or landmark district” in Section 14-1. We recommend relocating and better integrating the criteria for designation with the explanation of the process for decision-making. While the content of the standards for eligibility are typical of many communities we studied and likely not in need of major changes, organizational improvements would more clearly tie the determination of eligibility standards to the designation process.

CAC & LPC FEEDBACK

CAC: Agrees.

LPC: Agrees. Relocate and better integrate the criteria for designation with the explanation of the process for decision-making.

National or State Register Properties

An additional item to consider is the inclusion of a specific criterion qualifying properties listed or eligible for the National or State Register for local landmark designation. This may help simplify the local designation of these properties, where the National Register criteria may not perfectly mirror the local criteria. Also, it should be noted that the inclusion of “Officially designated as a state or national landmark or landmark district” in the definition of “landmark or landmark district” in Section 14-1 may cause confusion about the applicability of the provisions in the ordinance.

CAC & LPC FEEDBACK

CAC: Majority not in favor; if implemented, could result in treating some properties differently than others; if retroactive, should require appropriate public process.

LPC: Does not support. Concern that this borders on a non-consensual designation.

C. OWNER CONSENT TO DESIGNATION

Around the country, some preservation ordinances allow property owners to object to historic designation, potentially exempting those properties from the community's preservation program. Most owner consent provisions take one of three basic approaches:

- The first is to give owners an absolute veto over designation *if they file a written objection*, putting the onus on the property owner to clearly object to designation;
- Another approach is to prohibit designation without the *affirmative, express consent* of a historic property owner or a majority of owners in a proposed district, requiring all designations to obtain consent from the property owner; and
- A third variety requires a *supermajority vote* of the governing body for designation if an owner or majority of owners object; these are often called "owner objection" or "protest" provisions.

Practical experience around the country shows that it is difficult to craft an effective historic preservation program if owner consent is required. Inevitably, the city will lose significant structures or deleterious alterations will be made. The challenge is to balance preservation goals and the needs of the community as a whole with the need to bring property owners into the preservation process in a positive manner. The majority of preservation ordinances around the country allow nonconsensual designation.

Some concerns about nonconsensual designation emerge in circumstances where designations are initiated without an owner's consent that may be considered by some to be frivolous or unrelated to historic preservation. For these situations, it can be useful to build in some heightened level of control in the ordinance or the process that helps to evaluate the motivations and merits of a nonconsensual designation and balance community interests against those of individual property owners.

Owner Consent to Designation in Fort Collins

As noted previously, Fort Collins does not require owner consent for designation by the City Council. The LPC, or a group of at least three residents, may initiate designation. The ordinance was amended in 2014 to require at least three residents (previously only one resident was required) to submit a designation application. The process for nonconsensual designation requires two additional LPC hearings and additional staff review, as discussed in the "designation process" section of this report. Nonconsensual designation also requires a supermajority affirmative vote of six LPC members.

Owner Consent to Designation in Peer Cities

Communities similar to Fort Collins have incorporated a variety of owner consent provisions into their ordinances. Some, like Madison and Santa Barbara, simply allow any person to apply for a designation. Others, like Fort Collins, require a certain number of people to apply for a designation without the consent

of the property owners; this number ranges widely from 10 residents in Cambridge to 50 residents in Berkeley.⁹

In the case of historic districts, a more common practice is to require a specific percentage of owners to consent to designation. In Boulder, 25 percent of owners in a proposed historic district must consent to designation. Berkeley requires the application to be “subscribed by or on behalf of a majority” of owners or residents in the proposed district.¹⁰ Lincoln’s ordinance states that no district can be designated if written protests are received by 51% or more of the property owners within the district.

Another approach is to include additional criteria that the decision makers should use when considering whether the move forward with a nonconsensual designation, as Boulder does. An example of this approach used in Boulder is shown in the excerpt below. Similar to Fort Collins, Boulder holds an additional public hearing for designation applications that are made by preservation organizations or designations for districts without the required number of consenting owners.

Boulder, Colorado

9-11-3. Initiation of Designation for Individual Landmarks and Historic Districts.

- (d) *Criteria for Review:* In determining whether to initiate the designation of an application that is made by a historic preservation organization or less than all of the property owners pursuant to paragraph (a)(3) or (a)(4) of this section, the council or the landmarks board may consider, without limitation, whether:
- (1) There is probable cause to believe that the building or district may be eligible for designation as an individual landmark or historic district consistent with the purposes and standards in sections 9-11-1, "Legislative Intent," 9-11-2, "City Council May Designate or Amend Landmarks and Historic Districts," and 9-16-1, "General Definitions," B.R.C. 1981;
 - (2) There are currently resources available that would allow the city manager to complete all of the community outreach and historic analysis necessary for the application;
 - (3) There is community and neighborhood support for the proposed designation;
 - (4) The buildings or features may need the protections provided through designation;
 - (5) The potential boundaries for the proposed district are appropriate;
 - (6) In balance, the proposed designation is consistent with the goals and policies of the Boulder Valley Comprehensive Plan; or
 - (7) The proposed designation would generally be in the public interest.

Other peer cities require a higher threshold for approval of nonconsensual designations. For instance, Gainesville requires a 6/7 vote of their city commission or a 6/9 vote of their historic preservation board to approve a nomination of an individual landmark without the owner’s consent, rather than the typical majority vote requirement. Lincoln requires that 2/3 of councilmembers approve a petition for designation of a landmark rather than a majority vote.¹¹

Some cities influence designation applications by people other than property owners by having an increased fee. None of the peer cities we studied take this approach, but it is worth noting an example

⁹ Madison [41.07](#); Santa Barbara [22.22.050](#); Cambridge [2.78.180\(D\)](#); Berkeley [3.24.120](#)

¹⁰ Boulder: [9-11-3](#); Berkeley [3.24.120](#); Lincoln [27.57.120](#)

¹¹ Gainesville [30-112\(d\)\(3\)](#); Lincoln [27.57.120](#)

from Denver for comparison. In Denver, an owner-initiated designation has an application fee of \$250, while an application by someone other than the applicant is \$875. Although we did not find the designation application fees for each of the cities we studied, those we found had a range of designation application fees, ranging from \$25 in Boulder to \$100 in Berkeley.

Conclusion & Recommendations

Fort Collins' owner consent provisions are comparable to similar communities and likely does not require major overhaul. The two extra public hearings required by Fort Collins allow for greater consideration of the merits of continuing with a designation study without an owner's consent than programs in some of the other cities.

The requirement of three residents to initiate a designation is sufficient and we do not believe there is quantifiable value in increasing the number of residents required to initiate a nonconsensual designation. Additionally, while it may be reasonable to charge a fee to recoup costs of designation studies, we do not see this as a necessary or ideal tool to dissuade frivolous designations. A thoughtful process with opportunity for public input and proper consideration by the decision-makers, rather than the fee or the number of applicants, should determine whether designations move forward without the consent of an owner.

We do recommend considering the inclusion of additional criteria for decision-makers to use when reviewing a nonconsensual designation. This would guide decision-makers to weigh a variety of factors, such as comprehensive plan support and the likelihood of ultimately designating the property before entering into what is likely a contentious process. Without criteria, decisions may be more subjective and may be unduly influenced by controversy or other political reasons. Another option is to simply require a supermajority vote to move forward with an initiated designation when an owner does not consent. This creates a higher bar for nonconsensual designations, which would potentially limit the number of designations that move forward without an owner's consent.

Recommendation

- Consider the inclusion of additional criteria for decision-makers to use when reviewing a nonconsensual designation.

CAC & LPC FEEDBACK

CAC: Review length of process; look for process improvements that would fulfill goals while simplifying the process:

- > Spell out in the code the steps taken to investigate a property's eligibility for designation. [Ch. 14-21]
- > Clarify what the phrase "benefits to the City" means [Ch. 14-21].
- > Add sustainability as a benefit.
- > Signatures of three residents on application initiating consideration of non-consensual designation is appropriate number; do not change.
- > No fee should be charged.
- > Application does not designate a property; it brings to attention of the LPC and Council.

LPC: Agrees with CAC on all the above.

D. ALTERNATIVE TYPES OF DESIGNATION

Around the country, different types of designation are sometimes used to tailor review processes to the resource's level of significance. Historic preservation programs should reserve the strictest levels of review for the most valuable resources and provide flexibility for other less significant resources where changes may have a smaller impact. The term "landmark" is often reserved for the most important properties that receive the highest level of protection. Many cities throughout the country also have a "structure of merit" level of designation that recognizes a property's significance that does not rise to the level of landmark status, and is often more honorific than regulatory. Structures of merit must meet specific criteria to recognize their significance and the community maintains a record of these properties. Some, but not all, communities require review of alterations to structures of merit.

Additionally, many communities around the country have adopted conservation districts. These are areas where there is a particular style or character that is intended to be preserved, but where formal designation is not desired or appropriate for a variety of reasons. Sometimes called "historic district light," these are alternative ways to protect areas with cohesive characteristics. The designation of a conservation district often mirrors that for historic districts, and modifications to properties are reviewed according to design guidelines, though typically with a more streamlined process. Conservation districts are more typically owner-initiated and enforced by the neighborhood itself. For these reasons, conservation districts are often more efficient, require less staff resources, and can overall be easier for a city to administer.

Alternative Types of Designation in Fort Collins

Fort Collins does not currently recognize different levels or types of designation such as structures of merit or conservation districts. There are simply individual landmarks and landmark districts. The "determination of eligibility" process does result in some recognition of potential historic status. Properties are determined eligible for designation for a period of five years, resulting in required demolition/alteration review processes. (The determination of eligibility process is reviewed in more detail in the Topic D section of this report.)

Alternative Types of Designation in Peer Cities

Several of the cities we studied included structures of merit or similar alternative types of designation. Boulder, Berkeley, and Santa Barbara all have three types of designation: landmarks, districts, and structures of merit. The intent of the structure of merit program in Boulder is simply to "recognize and encourage the protection, enhancement and use of such structures" and the designation does not "impose any additional regulations or controls" on the properties. We learned from a conversation with City of Boulder staff that when the structure of merit program was established in the 1980s, the designation required demolition review for structures of merit that were under 50 years old. However, this requirement was removed in the early 1990s and the structure of merit designation is now purely honorary, with no additional review or maintenance requirements.

Berkeley and Santa Barbara, on the other hand, require the review of alterations to structures of merit. Provo has a “historic site” designation which functions similarly to a structure of merit designation in other cities, but specifically requires documentation of a property prior to demolition.¹² The following example from Berkeley shows criteria used for designation of structures of merit:

Berkeley, California

3.24.110 Landmarks, historic districts and structures of merit--Designation--Criteria for consideration.

- B. *Structures of merit.* Criteria which the commission shall use when considering a structure for structure of merit designation are as follows:
1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.
 2. Specific criteria include, but are not limited to one or more of the following:
 - a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.
 - b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.
 - c. The structure is a good example of architectural design.
 - d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings.

Conclusion & Recommendations

Although Fort Collins has a strong landmark designation program, with nearly 250 landmarks designated (far more than many of the peer cities), Fort Collins could consider additional alternative types of designation such as conservation districts or structures of merit. There may be areas of the city that are well suited to a conservation district or properties that do not rise to the level of landmark designation but would be good candidates for a structure of merit designation.

Particularly when considering the relatively few historic districts that have been designated in Fort Collins (in comparison to some of the peer cities), these alternative types of designation may be a better option for some parts of the city. A structure of merit or conservation district program with a streamlined or simplified review process may assist in the review of less significant resources that are worth preserving in a more flexible manner than typical landmark or district designation.

Recommendation

- Consider additional types of designation such as conservation districts or structures of merit.

¹² Boulder [9-11-21](#); Berkeley [3.24](#); Santa Barbara [22.22.085](#); Provo [16.04.040](#)

In creating additional levels of designation, it is important to be realistic about the administrative capacity of the department in handling the designation and ongoing administration of these alternatively designated properties. Even purely honorific programs will require some staff resources to administer. Identifying these properties would also likely need to be based upon area-wide surveys, so there may be additional surveying work that needs to be done first. However, the potential for greater administrative efficiency of these alternative types of designations may prove to ultimately create less of an administrative burden than typical designation.



CAC & LPC FEEDBACK

CAC: Investigate conservation districts further. Also consider if there should be separate processes for commercial vs. residential properties; for single property designation vs. district designation.

LPC: Structures of Merit-type program would add significantly to staff workload and impact financial programs with minimal benefit. Focus on Overlay Zoning as a better tool.

E. LINKING ZONING & PRESERVATION

Many local governments integrate their historic preservation regulations into their local zoning ordinance. This can help to better link zoning and preservation together through the development review process and emphasize the need for consideration of preservation issues alongside other zoning and land use related issues.

The most common approach used to link zoning and preservation is to create historic preservation overlay zones. Overlay zoning is a tool that layers an additional set of regulations on top of the regulations that apply in the underlying zoning district, when special conditions are present. Overlay districts often are used to regulate special use areas or to protect sensitive environmental resources. Overlay zoning also can be used to provide special protection and regulation for historic resources, either individually or in historic districts. Historic overlay districts typically provide for special review of modifications to designated historical resources, yet the underlying densities and dimensional requirements and use restrictions typically continue to apply.

One of the principal advantages of using overlay zoning to protect historic resources can be a strengthened linkage between preservation and other community land use objectives, since the preservation efforts become more closely integrated into the overall development review process. This is an especially helpful approach where the preservation ordinance is administered by the same personnel as other development review functions. When historic preservation is included in the list of zoning districts, this puts the applicant on notice that special provisions apply (similar to a floodplain overlay district).

Though overlay zoning typically adds an additional layer of protection for historic resources, it is also an opportunity to provide special accommodations and special forms of zoning relief that may provide additional preservation incentives to owners of these resources.

Zoning & Preservation in Fort Collins

In Fort Collins, the landmark preservation regulations are currently part of the Municipal Code, a separate document from the Land Use Code. Though zoning and preservation are fairly integrated in practice, the development review process is guided by the two separate sets of regulations and a property owner or development applicant must become familiar with each. The city does not use a historic overlay district to regulate historic properties. In fact, the city has only one overlay district, the Transit-Oriented Development (TOD) Overlay District. When landmarked, properties retain their existing zoning classifications. The Land Use Code does address some preservation issues in Section 3.4.7: Historic and Cultural Resources, which are analyzed in detail in the Topic C section of the report regarding Development Review.

Zoning & Preservation in Peer Cities

Several of the peer cities we studied incorporate preservation into their zoning ordinances by using historic overlay districts, including Boise, Norman, and Eugene.¹³ The following information from the City of Eugene's website helps to explain how the historic overlay works and the benefits of this tool:¹⁴

Eugene, Oregon

The S-H Historic Zoning designation is used selectively to help ensure the conservation of historic properties in Eugene. The S-H Historic overlay designation allows greater flexibility with allowable uses and development standards for the property, with a goal of finding a use that is compatible with the historic character of the property that will help ensure its continued productive use.

An example of this is a professional office in a historic house in a residential district where such an office would not normally be permitted. Before a property can receive the S-H Historic zoning designation it must first be designated as a city landmark or be listed in the National Register of Historic Places.

Conclusion & Recommendations

Overlay Zoning

While Fort Collins' historic preservation program is already fairly intertwined with the development review process in practice, the City may want to consider better linking preservation regulations with zoning regulations. One important tool could be the use of historic overlay zoning. This could facilitate some new incentives, such as zoning flexibility, for designated properties. Additionally, it would make the designation status of a property clear from the outset of any development inquiry. Typically, this type of overlay zoning district could be applied to all currently landmarked properties or properties within a historic district. However, it can also become a mechanism that is used as an alternative form of designation, as discussed in the subsection above.

Recommendations

- Consider historic overlay zoning as a way to better integrate preservation and zoning.
- Provide searchable map of landmarks and districts for development review applicants to check early on whether their property is landmarked.

CAC & LPC FEEDBACK

CAC: Investigate. Provides more flexibility while providing options for maintaining character. Creates predictability. Would like more information.

LPC: Interesting idea. Investigate further. Preserves overall character with less regulation. Would like Clarion to study.

¹³ Boise [11-05-09](#); Norman [22.429.3\(6\)](#); Eugene [9.8165](#)

¹⁴ City of Eugene, "[Historic Designation](#)"

Mapping

Even if historic overlay districts are not utilized, we recommend Fort Collins provide a searchable map of landmarks and historic districts on the development review website for people to check whether their property is landmarked. While there is a list of landmarks and PDF maps of the districts available on the website, no overall searchable map is currently available. Many peer cities we researched included this type of a mapping tool on their websites. Integrating this with the existing zoning map on the “FCMaps” site would be very valuable.

CAC & LPC FEEDBACK

CAC: Supports. Strongly noted need for additional survey and staff.

LPC: Supports. Need for additional survey and staff.

F. COMMISSION MEMBERSHIP

The membership of the Landmark Preservation Commission is an important aspect of the designation process and the overall preservation program. Each jurisdiction should consider whether to require professional qualifications for some, or all, members of the review body. Qualifications are important from both a legal and a practical standpoint and different communities use different approaches. Some communities require that a few or all members be trained in history, architecture, archaeology, or a related field, in order to ensure that preservation decisions benefit from professional expertise. Other communities require no such qualifications and simply ask that members express an interest in preservation in order to serve.

There are merits to both approaches. A broad-based membership can protect the ordinance and its administration from a claim of arbitrariness and can help distinguish preservation restrictions from other aesthetic controls that are sometimes invalidated by courts. On the other hand, some observers argue that the overall quality of preservation and design review in the community suffers if commission members do not have solid credentials and the experience necessary to carry out their responsibilities. There is value in having an overall mix of backgrounds on a preservation commission, while also requiring a certain number of the commissioners to meet certain criteria.

Commission Membership in Fort Collins

The Fort Collins Landmark Preservation Commission consists of nine members that are appointed by the City Council. Four of the commissioners must be “professionals in preservation-related disciplines.” A list of examples of these disciplines is provided, such as architecture, architectural history, archaeology, history, urban planning, or cultural anthropology. The ordinance also notes that the City Council must “give due consideration to maintaining a balance of interests and skills in the composition of the Commission and to the individual qualifications of the candidates” when making appointments. The balance of commissioners need not meet any specific requirements per the ordinance.

Commission Membership in Peer Cities

Like Fort Collins, most communities we studied have specific requirements for the members of their preservation commissions. However, these requirements can range from very general to very specific. For example, Boulder merely requires members to be “architectural or urban planning professionals,” and Boise requires only that appointments are made “with due regard to the proper representation of such fields as history, architecture, urban planning, archeology and law.” Many cities note something similar to Eugene, that members should have “demonstrable interest, competence, or knowledge of historic preservation.”¹⁵

Some cities have more specific requirements, such as professional architectural historians, certified public accountants, licensed real estate professionals, certified architects, or certified landscape architects. Some cities, like Madison (shown below) require that at least two of the commissioners meet the Professional

¹⁵ Boulder [2-3-7](#); Boise [11-05-09\(2\)](#); Eugene [2.355](#)

Qualifications Standards established by the United States Secretary of the Interior for History, Archeology, Architectural History, Architecture, or Historic Architecture. A few cities such as Cambridge and Syracuse specify that members are chosen from nominations from various associations, like a historical association, the American Institute of Architects, or a real estate board. One outlier in our research was Berkeley, which does not list specific requirements or interests for commissioners, but simply has each individual councilmember appoint their own representative.¹⁶

Madison, Wisconsin

33.19. Landmarks Commission.

(1) *Composition and Terms.* A Landmarks Commission is hereby created, consisting of seven (7) members. One (1) shall be a historian; at least one (1) shall be a licensed architect, one (1) shall be a licensed real estate professional; one (1) shall be an Alder; and three (3) shall be resident members, at least one of whom has expertise in construction. Each member shall have, to the highest extent practicable, a known interest in historic preservation. Of the membership, at least two (2) shall meet the Professional Qualifications Standards established by the United States Secretary of the Interior for History, Archeology, Architectural History, Architecture, or Historic Architecture. The Mayor shall appoint the commissioners subject to confirmation by the Common Council. The term for each member shall be three (3) years. The terms shall be staggered.

Conclusion and Recommendations

Fort Collins' Landmark Preservation Commission membership requirements are fairly similar to the peer cities we studied with no major issues to address. However, Fort Collins could consider more specific requirements in Section 2-277 than simply "professionals in preservation-related disciplines," such as at least one certified architect, or at least one member that meets the Secretary of the Interior's Professional Qualifications Standards. We understand that due to Certified Local Government (CLG) requirements, four of the nine members of the LPC are required to meet the standards. However, this is not a requirement that is stated in the ordinance and could therefore be clarified. There may be some concern in finding qualified applicants if the requirements are too strict. However, we found that many cities of similar size to Fort Collins have more detailed requirements and are able to find qualified commissioners. We recommend limiting the requirements to only a portion of the commission, as is currently the practice in Fort Collins. The specific skills and qualifications to require will need to be thoroughly evaluated.

Recommendation

- Consider more specific requirements for commission membership.

CAC & LPC FEEDBACK

CAC: Requirements are sufficient (are federal Certified Local Government requirements) but should be repeated or referenced in Chapter 14.

LPC: Same. Follows CLG requirements; are more rigorous than other City boards. Repeat in Chapter 14. Also need to publicize better.

¹⁶ Madison [33.19](#); Cambridge [2.78.010](#); Syracuse [VII-3-B](#); Berkeley [3.24.030](#)

G. HISTORIC SURVEYS

The most effective preservation ordinances are supported by thorough, methodical studies and surveys of the community's archaeological and historic resources. In the landmark Penn Central case, the Supreme Court pointed out the importance of background surveys and studies, stating that the "function...of identifying properties and areas of historical and architectural importance is critical to any landmark preservation effort." Historic building surveys provide information for a variety of local government purposes. They are a key element in making preservation planning complementary with development goals and help to evaluate the impact of new development. They also enable planning decisions to be made against a preservation background. By making information available early in project planning processes, such surveys help review processes operate more efficiently.

Resources of potential historical significance should be surveyed and the archaeological, architectural, or historical significance of individual resources and districts documented before designation takes place. The importance of conducting historic resource surveys before designation occurs cannot be overestimated. Local officials will look to such surveys for guidance when presented with development applications that affect historical resources. Also, some landowners may challenge designations and permit denials. Using the survey as a guide, communities then should choose carefully those individual resources, neighborhoods or districts it believes worth preserving. Attention to detail in the survey and designation stages proves immensely valuable at later stages.

Once communities have completed initial surveys and designated landmarks and districts, they should ensure that the survey is periodically reviewed and updated. Resources that were overlooked the first time around may be discovered, or some that were consciously omitted may assume a new significance. What a community considers unworthy of protection may change over the course of only a few years. For this reason, many ordinances contain provisions requiring that the survey be "periodically" updated. Though influenced by language in the ordinance, surveys are mostly governed administratively outside of the ordinance.

Historic Surveys in Fort Collins

The Fort Collins ordinance is largely silent on historic surveys, except for one of the functions listed for the Landmark Preservation Commission in Division 19, Section 2-278: "To advise the City Council and City staff regarding the identification and evaluation of historic resources within the Growth Management Area and provide information regarding the significance of the resources, the nature and degree of threat to their preservation and methods for their protection." No further specificity is provided on a survey program. The city's website houses many historical contexts, survey reports, and development grants completed over the last twenty years on the "Historic Projects" page. There are a wide range of topics and areas of Fort Collins covered by these documents.

Historic Surveys in Peer Cities

Many cities we studied do not explicitly integrate historic surveys into their ordinance, but many city websites detail their survey programs. Santa Barbara, Boise, and Provo are three examples of integration of surveys into the ordinance.¹⁷ The Provo example shows a requirement to update surveys every 10 years:

Provo, Utah

16.02.020. Duties and Powers.

The Landmarks Commission shall have the following duties and powers:

- (1) *Survey and Inventory Community Historic Resources.* The Landmarks Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten (10) years.

Since the peer cities we studied are all locations of large universities, many of these survey programs appear to be supported by or partnered with the local university. For example, Gainesville notes on their website that survey teams partner with students in the university's historic preservation program and other community volunteers. Eugene also notes that their survey program has been underway since the 1980s in cooperation with the Oregon State Historic Preservation Office and the University of Oregon Historic Preservation Program.¹⁸

Gainesville is currently completing a mid-century survey of the city, as it states that buildings constructed from 1930 through 1970 were not assessed in previous surveys that had taken place in the 1980s and 1990s. In describing the importance of this survey, Gainesville notes that its "dramatic growth following the Second World War was accompanied by a transformation of the city's architecture, as mid-century modern design began to appear in suburban homes, commercial properties and motels, among other vernacular building types. Because mid-century architecture represents such a large departure from architecture that came before it, the survey will increase knowledge and awareness of Gainesville's Modern architecture, and provide a basis for updating historic resources inventories and the city's Design Guidelines."¹⁹ This appears similar to the *Fort Collins Postwar Development 1945-1969 Survey* that was completed in 2011. Considering the significant continued growth through the 1970s in Fort Collins, future planning for ongoing historic surveys is vital.

¹⁷ Santa Barbara [22.22.030](#); Boise [11-02-05](#); Provo [16.02.020](#)

¹⁸ City of Gainesville, "[Mid-Century Survey](#)"; City of Eugene, "[Eugene Cultural Resource Program](#)"

¹⁹ City of Gainesville, "[Mid-Century Survey](#)"

Conclusion & Recommendations

Duty to Survey and Partnerships

While many of the peer cities did not directly address historic surveys in the ordinance, there are several improvements that Fort Collins could make based on the examples that do address surveys. First, one of the duties of the Landmark Preservation Commission could be to more explicitly direct historic surveys to be completed and also specify a time at which they must be updated.

While it may not be integrated into the ordinance, the City should work with Colorado State University's public history students, History Colorado, or other organizations to develop a program for regularly surveying historic properties.

Recommendations

- Specify that one of the duties of the Landmark Preservation Commission is to direct historic surveys to be completed and regularly updated.
- Develop partnership with other organizations to develop a program for regularly surveying historic properties.
- Prioritize the completion of survey work and regular updating of existing surveys.

CAC & LPC FEEDBACK

CAC: Supports. Strongly notes need for additional survey. Far behind.

LPC: Supports. Critical need for funding for on-going survey.

Prioritize Survey Work

Considering the substantial growth that occurred after 1970 in Fort Collins, soon many properties will reach the 50-year age limit and thorough, regularly updated documentation and survey work will help immensely in future decisions related to these properties. Funding and completing survey work should be a high priority for the Fort Collins historic preservation program as it will result in the more efficient and predictable administration of all elements of the program.

CAC & LPC FEEDBACK

CAC: Supports. Survey should be highest priority. Requires consistent on-going funding and support in City budget.

LPC: Supports. Survey is highest priority. Foundation of all other work. Need for on-going funding.

2

**Designated Resources:
Processes & Standards
for Review**

Background

INTRODUCTION

This section of the report includes a review of the City of Fort Collins' codes and processes related to design review of designated resources and compatible infill in historic districts. The documents reviewed for this report include Chapter 14, Articles I and III, of the Municipal Code and the city's adopted design guidelines. This report assesses the program area's current conditions and provides recommendations for proposed improvements.

Organizational Recommendations

As recommended in the Topic section above, we propose organizational improvements to Chapter 14 to complement the substantive recommendations that are the principal focus of this report. The important procedural steps in Section 14-46 should be better integrated with the criteria and additional procedural requirements in 14-48. A better system of organization for Article III may be:

- Applicability (including portions of 14-46 and 14-47);
- Process (including portions of 14-46 and 14-47);
- Administrative process (14-49);
- Criteria to be applied (14-48); and
- The assorted provisions in Section 14-50 through 14-55.

Simple organizational restructuring as well as incorporating subsections with subheaders, multi-level lists, and nested information would greatly help to clarify the ordinance.



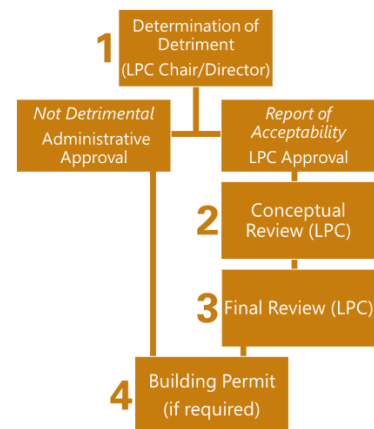
Research Topics

A. DESIGN REVIEW GENERALLY

In the previous report, we studied the designation of historic resources. This report looks at what happens when designated resources are modified or altered, or as new structures are built within designated historic districts. Design review is one of the main tools used to protect historic resources after they are designated. A thoughtful and thorough review process allows historic resources to evolve and accommodate new occupants and growing families while still respecting their historic significance.

Design Review Generally in Fort Collins

In Fort Collins, the process of reviewing modifications or demolitions of designated resources and new construction in historic districts is referred to in practice as “design review,” although that term does not appear in the ordinance. Article III of Chapter 14 details the requirements for construction, alteration, or demolition of designated historic resources. The first step is a “determination of detriment.” If the proposal is found by the Landmark Preservation Commission (LPC) Chair and the Director not to be detrimental to the designated resource, it may be considered administratively (by staff) without a public hearing; otherwise, it is considered by the commission following a public hearing. The procedures for both administrative review and commission-level review are described in more detail in the following sections of this report. Whether the decision is made by staff or by the commission, a final “report of acceptability” is issued to authorize proposed changes and to authorize the issuance of a building permit if required.



In 2016, 17 design review applications were reviewed by the full LPC and approximately 20 design review applications were reviewed by staff. (For comparison purposes, roughly 700 demolition/alteration reviews of resources that are not designated are completed in Fort Collins per year.)

Design Review Generally in Peer Cities

Unlike Fort Collins, most cities we reviewed (with a handful of exceptions) use the term “Certificate of Appropriateness” to refer to the formal authorization for new construction in historic districts or alterations to designated resources. This is a relatively common term in use throughout the country and is recognized by many property owners, developers, and local staff and officials as a distinct process associated with historic preservation.

Beyond the terminology, the actual design review processes are quite similar in most cities, with applications heard before the preservation commission, decisions made based on a particular set of criteria, and an opportunity to appeal the commission’s decision to the city council. Almost all cities also

allow for an administrative-level review (usually without a public hearing) for more straightforward applications. These are projects that typically are more modest in scale and do not require a public hearing because the impacts on other properties are expected to be minor.

A common feature in these ordinances is a clear, upfront identification of the types of projects that are subject to full commission review (and public hearing), and thus will require more resources and time to pursue than the relatively simpler projects decided by staff. For example, Madison authorizes administrative review but requires its commission to formally adopt a list of the types of work that can be approved administratively. Boise uses a helpful, user-friendly tool that we did not see in any other communities called a “decision matrix” to identify the type of review required for different types of work, as well as an enumerated list of items that do not require review.²⁰ The ordinance references this decision matrix. Portions of the matrix and the list of exempted work are shown below:

Boise, Idaho

11-03-04(20): Certificate of Appropriateness Required for Alteration, Demolitions or Relocations, Changes in Zoning Classification or Changes in Use in Historic Districts or Historic Districts-Residential

iv. The Commission may delegate to the Planning Director review of Certificates of Appropriateness that are listed as “staff level” under the Certificate of Appropriateness Matrix adopted by the Historic Preservation Commission and are in compliance with the design guidelines on file in the Planning and Development Services Department.

Decision Matrix for Certificate of Appropriateness

REASON FOR CERTIFICATE OF APPROPRIATENESS	Harrison, Warm Springs & Cons. Districts COMMISSION LEVEL	Harrison, Warm Springs & Cons. Districts STAFF LEVEL	All Others COMMISSION LEVEL	All Others STAFF LEVEL
1. Alteration to the character-defining façade when viewed from the public right-of-way, or add additional stories.	X		Contributing	Non
2. Additions or alterations visible from the public right-of-way, but not included in #1 above.		X		X
3. Change in use that requires a Conditional Use Permit and zoning reclassifications.	X		X	
4. Construction of new structure except for single story garages.	X		X	
5. Demolition of all or greater than 50% of the primary structure, not including garages or accessory structures.	X		Contributing	Non
6. New garage construction, two-story or containing an accessory dwelling unit (ADU).	X		X	
7. New porch construction visible from public right-of-way.	X		Contributing	Non
THE FOLLOWING ARE ITEMS WHICH <u>DO NOT</u> REQUIRE A CERTIFICATE OF APPROPRIATENESS OR STAFF APPROVAL: <ul style="list-style-type: none"> • Accessory structures under 120 square feet, not visible from public right-of-way. • Decks not visible from public right-of-way. • Doors with no change in size or material. • Wood fence. Requires Fence Permit. • Garage doors and related hardware, not visible from public right-of-way. • Hose reels. • In-ground irrigation systems. • Maintenance and ordinary repair of exterior features. • Paint for single-family residential structures. • Roofing with no change in material. • Change in roof material to asphalt composite shingle, wood or ceramic/slate tiles. • Plants, including flowers and bushes and installation of new trees not within public right of way. • Vegetative ground cover • Removal of any tree located within the public right-of-way that has been deemed to be a public hazard by Community Forestry. • Windows with no change in size or materials. 				

²⁰ Madison [41.17\(4\)](#); Boise [11-03-04](#)

Similarly, Santa Barbara identifies thresholds for projects that qualify for administrative approval in a separately adopted *General Design Guidelines and Meeting Procedures* document. Gainesville allows projects to be administratively reviewed when restoring the original appearance or when the proposal meets their *Historic Preservation Rehabilitation and Design Guidelines*. This separate document provides helpful conditions that determine whether a proposal can be approved by staff, as shown below.²¹

Gainesville, Florida

30-122(D)(5) Historic Preservation/Conservation

b. *Staff approval.* The city manager or designee may issue a certificate of appropriateness if the work will either result in the original appearance of the structure, as defined in this chapter, or will meet the city's Historic Preservation Rehabilitation and Design Guidelines on file in the planning and development services department.

Guidelines: Additions to Existing Buildings

Staff Approval Guidelines	Board Approval Guidelines
<p>Additions that meet all of the following conditions can be approved by staff:</p> <p><i>Addition to historic building is sited in the rear yard and does not front on two or more streets;</i></p> <p><i>Do not exceed 1-story in height and 300 sq. ft. area;</i></p> <p><i>Utilizes materials and textures consistent with the principal building;</i></p> <p><i>Window openings are of the same proportion as the nearest windows on the principal building;</i></p> <p><i>Existing window and door openings that will be enveloped by the addition are retained and not modified.</i></p>	<p>Plans that propose adding floors to buildings are inappropriate and are unlikely to be approved.</p>

These examples, and particularly the Boise decision matrix, are user-friendly tools that allow applicants to predict the type of process their work will require. The use of a chart system like the decision matrix allows applicants to quickly understand the process and manage their expectations from the outset of a project. The substantive distinctions between the types of review are explored in more detail in the following sections of this report.

²¹ Gainesville [30-112\(d\)\(5\)](#); Santa Barbara [Historic Landmarks Commission General Design Guidelines & Meeting Procedures](#)

Conclusion and Recommendations

The Design Review process in Fort Collins has been successful in reviewing modifications to designated landmarks and properties within historic districts. This is one of the fundamental purposes of a preservation program and Fort Collins' process adequately protects designated resources. There are two steps that Fort Collins should consider to improve the clarity, transparency, and user-friendliness of the design review process.

Recommendations

- Rename the design review process as a "certificate of appropriateness" process.
- Develop a decision matrix to increase predictability of required review processes.

Process Name

First, we recommend that Fort Collins consider changing the name of the process for reviewing alterations to designated historic resources from "design review" to a more specific term that is focused on preservation. "Design review" does not specify that it is limited to the review of designated resources and may unnecessarily confuse the process, as "design review" could encompass several different types of city processes that may be unrelated to historic preservation. It also is confusingly similar to "development review," which are discussed in the next section of this report. We believe a different name, such as the common "certificate of appropriateness," would help to differentiate the preservation review process from other city reviews.

CAC & LPC FEEDBACK

CAC: Prefers "Certificate of Approval" and "Landmark Alteration Review"

LPC: Prefers "Certificate of Appropriateness" and "Landmark Alteration Review," for consistency with other programs across country.

Decision Matrix

We also recommend that the Fort Collins ordinance better define and clearly distinguish the types of projects that require full commission review and a public hearing, versus less significant projects that may be approved by staff. The city should summarize the different levels of review in a user-friendly format, such as Boise's decision matrix.

CAC & LPC FEEDBACK

CAC: Agrees. Also develop decision matrices for paint and for murals. Paint colors should be part of both decision matrices; approval on case-by-case basis; reversibility and historic material preservation key points.

LPC: Agrees. Need to investigate a better way of determining minor work from major work, rather than using aspects of integrity.

A.1. COMMISSION REVIEW

Perhaps the most visible, and sometimes most controversial, of powers exercised by preservation commissions is the review of applications for major alterations or demolition of historic resources, or for new construction in historic areas. The procedural considerations in reviewing applications for these types of projects are quite similar to those for designating historical resources. Basically, the historic property owner must be given an opportunity to be heard, to present his or her case, and to rebut the opposing case. Commissions can help ensure fair, orderly hearings by making clear beforehand the standards that will govern their deliberations. It is particularly important that the reviewing body gives reasons (or “findings of fact”) for its decision on these types of applications.

Commission Review in Fort Collins

The LPC reviews major alterations and demolition proposals of designated resources and issues a decision in the form of a “report of acceptability.” (Projects that are reviewed by staff are discussed in the next subsection of this report.) The process for obtaining a “report of acceptability” differs based on whether the work requires a building permit.

- If a building permit is required, the proposal is reviewed by the LPC in two phases: (1) conceptual review and (2) final review. The conceptual review allows applicants and the LPC to discuss design issues as well as the policies, requirements, and standards that apply to a proposal. Final review requires more detailed plans and is the step at which the commission renders a decision on the proposal. These reviews may occur at the same LPC meeting depending on the impact of the proposal.
- If no building permit is required, the ordinance does not specify any phasing to the review.

Although not reflected in the ordinance, Fort Collins also offers an optional Design Subcommittee review for applicants. This allows applicants to meet with two members of the LPC to discuss a project prior to their conceptual review to obtain information and feedback.

The LPC’s decision on a design review application is subject to appeal by any “party-in-interest” to the City Council. A party-in-interest can be the applicant, the subject property owner, anyone who received mailed notice of the hearing or provided written comment, anyone who appeared at the LPC hearing, or the City Council.

Commission Review in Peer Cities

Applicability

Most cities list the types of projects that are subject to review by the preservation commission. An example from Denton of typical ordinance language is shown below. One of the main differences between the cities we studied was whether work that does not require a building permit needs to be reviewed by the commission. Boulder, Boise, Denton, and Provo are examples that specify that any changes, whether or not a building permit is required, must be reviewed at some level for preservation

issues. In these cities, the same process for obtaining the certificate of appropriateness approval is required for either circumstance.²²

Denton, Texas

35.7.6.8. Exterior alterations and changes; minor exterior alteration, ordinary maintenance; appeals.

A. *Certificate of appropriateness.* No person shall alter, change, construct, reconstruct, expand, restore, remove or demolish any exterior architectural feature of a designated historic landmark or allow the results of such action to be maintained unless application is made in compliance with this Section for a Certificate of Appropriateness and such a certificate is granted. As used in this Subchapter, the term "exterior architectural feature" shall include but not be limited to architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public way. A Certificate of Appropriateness shall be obtained prior to the issuance of any Building Permit, although the Certificate of Appropriateness review and Building Permit and other required Permit review processes may be conducted simultaneously. A Certificate of Appropriateness may also be required for work not otherwise requiring a Building Permit. The Certificate of Appropriateness shall be required in addition to, and not in lieu of, any required Building Permit.

Clarifying the applicability of preservation review is important because many alterations to designated resources may not require a typical building permit but may still greatly impact a resource, such as changes to landscaping where a site's landscape features are a vital part of the property's historic significance. The overall process for preservation approval should be generally the same regardless of whether a building permit is required. The only procedural difference should be the building permit processes that take place after the preservation review.

Maximum Time Limits

Several cities establish maximum time limits for the review of certificates of appropriateness. For example:

- Berkeley requires a public hearing to be held within 70 days of receipt of the application, and then a decision is required within 30 days of that public hearing. The overall time limit for the process is 180 days.
- Boulder allows 14 days to determine whether a proposal is detrimental or will have a significant impact. A public hearing must occur within 75 days of receipt of a complete application.
- Cambridge requires a decision within 45 days of the filing of an application.
- Denton requires commission review within 21 days of receiving a complete application.
- Lincoln and Madison require public hearings within 60 days of receipt of a complete application.
- Syracuse requires a public hearing within a "reasonable time after [an] application is filed."²³

There are a few benefits to establishing maximum time limits for review. Setting a maximum time limit creates a predictable timeline for applicants and helps prevent multiple iterations of the same design returning to the commission until it is finally approvable. However, if this is not an issue in Fort Collins and

²² Boulder [9-11-12](#); Boise [11-03-04](#); Denton [35.7.6.8](#); Provo [16.05.050](#)

²³ Berkeley [3.24.240](#); Boulder [9-11-15](#); Cambridge [2.78.060](#); Denton [35.7.6.8](#); Lincoln [27.57.140](#); Madison [41.17\(5\)](#); Syracuse [VII-6-C](#)

projects are currently reviewed in relatively quick time (from both an applicant's and staff's perspective), a maximum time limit may not be necessary.

Appeals

All of the cities we studied allow for the preservation commission's decision to be appealed. The majority of appeals are heard by the city council, although in Syracuse, appeals are heard by the City Planning Commission (these are heard de novo, which is also unique). The cities differ primarily in who is permitted to submit an appeal to these decisions. In Boulder, the city council may "call-up" any decision of the Landmarks Board, which is unique in the preservation ordinances we reviewed (although this type of authority may have been described in other city ordinances that were not reviewed). In Denton, only the applicant may submit an appeal, while Boise, Gainesville, Lincoln, Norman, Provo, and Santa Barbara allow anyone to submit an appeal of the commission's decision. Other cities require a specific number of people that must submit an appeal if they are not the applicant: Berkeley requires 50 people to submit an appeal, Cambridge requires ten, and Madison requires the owners of at least 20% of parcels within 200 feet of subject property.²⁴

Crafting more specific requirements for appellants may limit frivolous appeals to the City Council. Often, a City Council is not trained in preservation issues, and the Council may not have the same expertise as a preservation commission to review alterations to historic resources. Decisions made at the council level may also be more subject to political considerations. However, if this is not an issue that has come up in Fort Collins, using the current "party-in-interest" requirements for appellants may be sufficient.

Conclusion and Recommendations

The general process for obtaining commission approval in Fort Collins is similar in many respects to the other communities we studied and may not require significant procedural modifications. One unique feature of the Fort Collins process is the difference between preservation review of projects requiring building permits and those not requiring building permits. Fort Collins should consider whether the distinction between the processes is necessary.

Recommendations

- Make conceptual review an optional step.
- Consider establishing a time limit for final review.
- Consider more specific requirements for appellants.

Conceptual Review

Additionally, none of the other cities we studied required a conceptual review in their ordinance (although this may be something that is done in practice in several communities but is not codified) as Fort Collins does in Section 14-46(b)(1). While there is potential value in conceptual review for some projects and we do not recommend eliminating entirely the opportunity for conceptual feedback from the commission, we do recommend considering making conceptual review an optional step. The onus would then be on the applicant to decide whether to seek conceptual feedback prior to a formal application review or risk unexpected issues at the final review stage. We believe that the blurred lines between conceptual review

²⁴ Syracuse [VII-6-C](#); Boulder [9-11-16](#); Denton [35-219](#); Boise [11-03-04](#); Gainesville [30-112](#); Lincoln [27.57.180](#); Norman [22.429.3](#); Provo [16.03.040](#); Santa Barbara [22.22.090](#); Berkeley [3.24.300](#); Cambridge [2.78.240](#); Madison [41.20](#)

and final review may invite commissioners and applicants to focus less on the specific criteria to consider for a report of acceptability. In addition, if it is common for proposals to have both conceptual and final review at the LPC meeting, the requirement for an independent conceptual review seems less important.

CAC & LPC FEEDBACK

CAC: Supports making conceptual review an optional step.

- > Also offer multiple conceptual reviews, rather than one.
- > All conceptual review comments should be presented at LPC Final Review
- > Add the ability for LPC to make conditional approvals like P&Z.
- > Offer Design Review Subcommittee meetings as alternate option; LPC members who participate in Design Review Subcommittee should be allowed to participate in Final Review, as done with DDA

LPC: Supports making conceptual review an optional step; add the ability for LPC to make conditional approvals like P&Z does.

- > Offer Design Review Subcommittee meetings as alternate option; LPC members who participate in Design Review Subcommittee should be allowed to participate in Final Review, as done with DDA
- > Works in conjunction with clearer standards; focus on specificity of what is required for approval.
- > Add more information on what would likely be supported or denied.

Time Limits and Appellant Requirements

Other items to consider are setting a time limit for the overall process (in Section 14-46(b)(2)), as many cities do, and reevaluating who can appeal the decision of the LPC, perhaps establishing a new list in Section 14-49(c) rather than cross-referencing the “party-in-interest” language of Chapter 2 of the Municipal Code. These each have benefits and drawbacks, as described in the respective subsections above.

CAC & LPC FEEDBACK

CAC: Agrees with setting time limit. Agrees there should be requirements for appellants, but not sure what these would be.

LPC: Agrees with setting time limit as it adds predictability; strengthens process. Does not agree that there should be requirements for appellants. This is not an issue; no change necessary. Why make it harder for owner to appeal the LPC’s decision?

A.2. ADMINISTRATIVE REVIEW

Communities vary as to what extent, if any, responsibilities under the preservation ordinance are delegated to full-time administrative staff, as opposed to the preservation commission. Nationwide, it is extremely common for preservation commissions to delegate authority for minor decisions to professional staff. This often is done to streamline the review process and free up the preservation commission's time to work on more long-range or complex issues. For example, staff might be given the authority to approve minor alterations to designated buildings (e.g., screen door replacement or paint colors).

In some cities, delegation of review authority often is done in practice but is not codified in the ordinance. The general rule for delegating authority from the commission to staff is that responsibilities should not be delegated at random, but rather should be guided by detailed provisions included either in the ordinance or in formally adopted rules and regulations that are referenced in the ordinance.

Administrative Review in Fort Collins

In Fort Collins, work that is considered not detrimental to historic, architectural, or cultural material may be administratively reviewed by the Director, with the consent of the chair of the commission. Specific types of work are authorized to be processed administratively such as color changes, signs, and recovering of awnings. More generally, "minor exterior alterations" are also authorized for administrative review.

Article I defines "minor alteration" as "work that has the potential to substantially affect no more than one (1) aspect of exterior integrity." However, exterior integrity is not defined in the definitions section of the ordinance. The National Park Service's seven standards for integrity are integrated into Section 14-5 (standards for determining eligibility), but no cross-reference is provided that would help a user understand this link. Administrative design review is subject to the same criteria as a commission-level design review and the Director's decision may be appealed to the LPC.

Normal maintenance that does not change the exterior appearance or characteristics appears to be exempted by Section 14-52. Normal maintenance is not a defined term, but "repair and maintenance" is defined in Article I as "work done on a site, structure or object in order to correct any deterioration, decay or damage to any part thereof in order to restore the same as nearly as practical to its condition prior to such deterioration, decay or damage."

Administrative Review in Peer Cities

Almost every city we studied uses an administrative design review process in addition to a public hearing process before their preservation commission. Syracuse is the only city that does not have administrative-level reviews; all changes are heard by the Landmark Preservation Board. On the other end of the spectrum, all modifications of designated resources in Eugene are reviewed administratively. These

administrative decisions are typically appealable up to the preservation commission, such as in Eugene, Boise, and Provo.²⁵

Boulder has two different levels of review for Landmark Alteration Certificates that do not require a public hearing: (1) administrative staff review, and (2) review by the Landmarks Design Review Committee, which consists of two members of the Landmarks Board and one staff preservation planner. For comparison, Boulder reviews approximately 200 Landmark Alteration Certificates per year (a much higher volume than Fort Collins, perhaps due to larger and more numerous historic districts), with about half being reviewed by staff, 45 percent reviewed by the Landmarks Design Review Committee, and only about five percent going to the full Landmarks Board for public hearing approval.²⁶

Ordinary Maintenance

Many cities exempt ordinary maintenance from the review process altogether. Some cities, such as Denton, have a separate review process for ordinary maintenance which is essentially the same as the review of minor alterations but has a faster timeline. Cities often carefully define ordinary maintenance to help differentiate it from a minor alteration, like Norman, which defines it as “Work meant to remedy damage or deterioration of a structure or its appurtenances, and which will involve no change in materials, dimensions, design, configuration, color, texture or visual appearance to the exterior of an historic structure. Ordinary maintenance and repair shall include painting and reroofing.”²⁷

Ongoing maintenance of historic properties is one of the best ways to preservation original and historic features. For this reason, maintenance should be encouraged and regular maintenance should have either expedited review processes or be exempted from review.

Maximum Time Limits

Only a few of the cities we researched specify a time limit for administrative approvals:

- Denton requires reviews of ordinary maintenance to be completed within five days and reviews of minor alterations to be completed within five working days.
- Madison requires administrative reviews to be completed within 60 days of receiving a complete application.
- Provo limits administrative reviews to 10 days after receiving a complete application.²⁸

Time limits increase the predictability of a process for applicants. Administrative reviews should be completed quickly to encourage applicants to utilize the process. Long timeframes for relatively simple reviews can sometimes have the unintended consequence of encouraging applicants to “ask for forgiveness rather than permission,” and lead to unpermitted (and often inappropriate) work.

²⁵ Syracuse [VII-6-C](#); Eugene [9.7200](#); Boise [11-03-04](#); Provo [16.03.050](#)

²⁶ Boulder [9-11-14](#)

²⁷ Denton [35.7.6.8](#); Norman [22.429.3](#)

²⁸ Denton [35.7.6.8](#); Madison [41.17](#); Provo [16.03.050](#)

Conclusion and Recommendations

Fort Collins' approach to administrative review is similar to many of the communities we studied. It is a good practice of any preservation program to provide for a quick administrative review of minor changes. However, the "determination of detriment" process in Fort Collins is somewhat unpredictable in that it does not provide much upfront notice to property owners as to the level of effort required to get a project approved. Fort Collins should determine a clear distinction between what can be approved administratively by adopting a new guiding document that determines which decisions can be delegated to staff. In particular, the non-specificity of "minor exterior alterations" that can be approved administratively should be clarified. This may result in the development of a decision matrix or similar document as recommended earlier in this report, or a document laying out specific conditions required for work to be reviewed administratively. This document should be referenced in the ordinance.

Recommendation

- Adopt guiding document that identifies specific types of work that can be delegated to staff for review.

This will increase predictability for applicants and will improve the efficiency of processing applications, as case-by-case analysis of whether something truly meets the definition of "minor alteration" can unnecessarily consume significant staff time. While the ordinance currently references considerations of integrity to make these determinations, more objective standards are warranted. Clarifying what can be approved administratively also may guide applicants to propose work that is less intrusive on historic resources. By clearly identifying the boundaries for what can be approved administratively, a city can ensure that the type of work proposed (or conditions to allow it to be approved administratively) is in line with typical recommended preservation treatments.

Some examples of work that is commonly approved administratively in other communities include: window replacement with the same materials and design; alterations that are not visible from public right-of-way; fences; reroofing with no change in materials; and installation of mechanical equipment. Additionally, the distinction between normal maintenance and minor alterations should be better clarified in the ordinance to identify what type of work is wholly exempted from the review process.

CAC & LPC FEEDBACK

CAC: Agrees.

LPC: Agrees. Develop matrices of review processes, identifying routine, minor and major work. Also need to investigate a better way of determining minor work from major work, rather than using aspects of integrity

B. REVIEW STANDARDS GENERALLY

Whether reviewed by the commission or by staff, alterations to designated properties and new construction in historic districts are evaluated based on a set of standards set forth in the ordinance. The process of setting standards is crucial not only from a legal standpoint, but also as a way for communities to evaluate where their preservation program is leading. What kind of development, if any, do we really want in the local historic area? How will we evaluate proposed changes? What is the most efficient and fair method of administering proposed changes? What should be the relationship of our local standards to other historic resource regulations, such as the Secretary of the Interior's standards?

The typical preservation ordinance sets forth broad review standards for the development or demolition of historic properties. Often preservation ordinances attempt to ensure that modifications will "not have an adverse effect on the fabric of the district" or that new construction not be "incongruous," but "in harmony," with the "character" and "significant features," of the designated resource. These operative terms in determining the impact of a development or demolition proposal are to a degree subjective and need to be defined and limited in some fashion to give applicants reasonable notice of what is expected of them. Communities can narrow broad review standards through the use of detailed criteria set forth in the ordinance or in accompanying documents such as guidelines, surveys, or administrative manuals.

Review standards that are too broad often are criticized for being vague and unclear. Fairness and regulatory efficiency dictate that local ordinances contain clear standards that result in predictable decisions by staff and review commissions and limit administrative discretion. For this reason, the standards that are used for review of alterations and new construction are extremely important.

Review Standards Generally in Fort Collins

In Fort Collins, the standards considered by both the LPC and the director in deciding upon the issuance of a report of acceptability are as follows:

Sec. 14-48 – Report of Acceptability

- (b) In determining the decision to be made concerning the issuance of a report of acceptability, the Commission shall consider the following criteria:
- (1) The effect of the proposed work upon the general historical and/or architectural character of the landmark or landmark district;
 - (2) The architectural style, arrangement, texture and materials of existing and proposed improvements, and their relation to the landmark or the sites, structures and objects in the district;
 - (3) The effects of the proposed work in creating, changing, obscuring or destroying the exterior characteristics of the site, structure or object upon which such work is to be done;
 - (4) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district;
 - (5) The extent to which the proposed work meets the standards of the City and the United States Secretary of the Interior for the preservation, reconstruction, restoration or rehabilitation of historic resources.

These are relatively broad consideration statements that could be narrowed. Importantly, the ordinance only requires that the standards are be *considered* by the commission, which may result in less predictable

decisions. As drafted, there are not mandatory standards to be met--only “considerations” that could be evaluated along a wide spectrum of acceptability. In other words, Section 14-48(b) does not give an applicant a clear idea of what may be an approvable modification or how new constructions may be acceptable. At what point is the effect of a proposal unable to be approved?

Also, to what extent do proposals need to meet the Secretary of the Interior’s (SOI) standards? The current standards also place a heavy reliance on the SOI standards for guidance in reviewing alterations and new construction. While the SOI standards are helpful for review and are used by communities all over the country, they are somewhat vague and imprecise. We typically recommend that they are used as a starting point for more tailored and precise standards specific to the community.

Review Standards Generally in Peer Cities

General Standards

Many of the peer city ordinances we reviewed use similar language and address similar topics in their criteria for reviewing alterations, new construction, and demolition of designated resources. Boulder’s ordinance provides an example of typical review standards:

Boulder, Colorado

9-11-18. - Standards for Landmark Alteration Certificate Applications.

- (b) Neither the landmarks board nor the city council shall approve a landmark alteration certificate unless it meets the following conditions:
- (1) The proposed work preserves, enhances or restores and does not damage or destroy the exterior architectural features of the landmark or the subject property within a historic district;
 - (2) The proposed work does not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site or the district;
 - (3) The architectural style, arrangement, texture, color, arrangement of color and materials used on existing and proposed structures are compatible with the character of the existing landmark and its site or the historic district; and
 - (4) With respect to a proposal to demolish a building in a historic district, the proposed new construction to replace the building meets the requirements of paragraphs (b)(2) and (b)(3) of this section.

These conditions more clearly present the requirements of an application: Materials and architectural styles must be compatible, historic character cannot be adversely affected, and exterior architectural features cannot be damaged. While these are still somewhat broad, Boulder supplements these conditions with adopted design guidelines for each historic district as well as general city-wide guidelines.

Secretary of the Interior’s Standards

Like Fort Collins, most of the cities we studied either reference or incorporate the Secretary of the Interior’s Standards for Rehabilitation (SOI) in their requirements for the review of certificates of appropriateness. (For reference, the standards can be found below.) Eugene, which grants approvals only administratively, uses seven of the SOI standards for rehabilitation for their review, as well as two additional standards requiring compliance with other Eugene-specific development standards or design guidelines. In Boise’s standards, an abundance of different documents are referenced including the SOI

standards, plans, design guidelines, and even architectural history books. Madison notably uses the SOI standards only when reviewing applications for landmark properties, but uses individually adopted standards & guidelines for applications in historic districts. Norman and Provo both use the SOI standards as well as additional adopted design guidelines.²⁹

Secretary of the Interior's Standards for Rehabilitation

- 1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Tying back to federal standards is useful to ensure consistency with federal and state reviews, such as for properties that are being reviewed by the State Historic Preservation Office for tax credit projects. While the SOI standards are a valuable tool in reviewing alterations and demolitions of designated resources, supplementing them with local guidelines or specific ordinance language is highly recommended. We understand that recently the State Historic Preservation Office has identified some landmark modifications

²⁹ Eugene [9.8175](#); Boise [11-03-04](#); Madison [41.18](#); Norman [22:429.3](#); Provo [16.06.010](#)

(specifically additions) that have been approved by Fort Collins that have negatively impacted that landmark's eligibility.

Generally improving the Fort Collins standards to act as requirements rather than "considerations" could better ensure that alterations are consistent with the SOI standards. Additionally, establishing additional Fort Collins-specific standards to supplement the SOI standards would allow the review process to better implement the SOI intent in a more tailored manner. For instance, if general residential design standards were adopted, they could specify the appropriate size of an addition in relation to the existing structure, how the addition should be attached, and how visible an addition may be from the public right-of-way.

Hardship Standards

A few of the communities we reviewed have additional findings or processes to follow when an applicant can prove some level of "hardship" that would be caused by not granting the approval. For example, both Berkeley and Provo allow their commissions to approve applications that do not meet their general standards but where the applicants claim that there would be unreasonable hardship if the application is not approved. Cambridge has a separate approval process called a "Certificate of Hardship" when failing to approve an "otherwise inappropriate project would involve substantial hardship" and would not cause "substantial detriment."³⁰ Lincoln's commission can issue a "Certificate of exception on the ground of insufficient return or hardship" using findings that are similar to typical zoning variance findings: if it finds that a reasonable return cannot be made without the proposed work, that there are unique circumstances, and that the hardship is the result of the application of the ordinance and not a result of the applicant.³¹

This hardship finding can provide some level of flexibility for applicants. However, the ordinance should clearly state that the burden of proof is on the applicant to prove a hardship. Additionally, changes should also still generally reflect the intent of the ordinance.

Conclusion and Recommendations

Approval Criteria

The general subjects of the Fort Collins criteria are typical of most preservation ordinances we reviewed as they focus on the impact of a project on historic character, architectural style, and important exterior features. The criteria themselves would not likely require major changes. However, it is somewhat unique that the language is phrased as "considerations" in Section 14-48(b), which arguably allows for much interpretation and can result in a less predictable process. Fort Collins should redraft the list as mandatory approval criteria rather than as considerations.

Recommendation

- Establish mandatory approval criteria rather than "considerations."
- Add specificity to the "standards of the City" reference in the criteria for approval.

³⁰ Cambridge Historical Commission, [Application for Certificate](#)

³¹ Berkeley [3.24.270](#); Provo [16.05.070](#); Cambridge [2.78.210](#); Lincoln [27.57.150](#)

CAC & LPC FEEDBACK**CAC:** Agrees.**LPC:** Agrees. Change language that LPC “must consider” to “must meet.” Make clear in code what criteria are.**“Standards of the City”**

Fort Collins also references the Secretary of the Interior’s Standards, as many cities do, which is helpful to keep reviews in line with federal and state standards. However, additional Fort Collins-specific standards, either in the ordinance or in adopted guidelines, would be useful to assist in reviews. These could be much more specific and may be more easily understood by applicants than the more general SOI standards. While the current criteria reference “the standards of the City” (Section 14-48(b)(5)), it is not clear whether this means adopted design guidelines or standards. Greater specificity should be added to this particular criterion to specify what the “standards of the City” might include. Finally, as we recommend that all criteria become requirements rather than considerations, the level of compliance that is required with those adopted design guidelines should then be made clear either in the ordinance or in the adopted standards.

CAC & LPC FEEDBACK**CAC:** Agrees.**LPC:** Agrees. Clarify in codes what standards the City has adopted, by name, and reference in codes whenever applicable

B.1. REVIEW STANDARDS FOR DEMOLITION

While most communities use a common list of procedures and criteria for both alterations and demolitions, some use a heightened review for demolition proposals. This may include additional criteria or considerations unique to demolition.

Review Standards for Demolition in Fort Collins

Fort Collins does not have specific standards for the review of demolitions of landmarked properties or properties within designated historic districts. The general criteria for considering a report of acceptability are used in these circumstances. (Note that the Topic D report will review the Demolition/Alteration review process for non-designated resources in detail.)

Review Standards for Demolition in Peer Cities

Some cities, like Gainesville, will not release a demolition permit until a building permit for a replacement building has been obtained. Boulder requires that new construction replacing whatever is demolished

must meet the criteria for approval as well.³² Madison has established particular standards for granting a certificate of appropriateness for demolition as shown below.

Madison, Wisconsin

41.18 Standards for Granting a Certificate of Appropriateness.

- (2) *Demolition or Removal.* In determining whether to approve a certificate of appropriateness for any demolition or removal of any landmark or structure within a historic district, the Landmarks Commission shall consider all of the following, and may give decisive weight to any or all of the following:
- (a) Whether the structure is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State.
 - (b) Whether a landmark's designation has been rescinded.
 - (c) Whether the structure, although not itself a landmark structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State.
 - (d) Whether demolition or removal of the subject property would be contrary to the policy and purpose of this ordinance and/or to the objectives of the historic preservation plan for the applicable historic district as duly adopted by the Common Council.
 - (e) Whether the structure is of such old and unusual or uncommon design, method of construction, or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.
 - (f) Whether retention of the structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage.
 - (g) The condition of the property, provided that any deterioration of the property which is self-created or which is the result of a failure to maintain the property as required by this chapter cannot qualify as a basis for the issuance of a certificate of appropriateness for demolition or removal.
 - (h) Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the historic resources of the historic district in which the subject property is located, or if outside a historic district, compatible with the mass and scale of buildings within two hundred (200) feet of the boundary of the landmark site.

Reviews of demolition are often greatly assisted by additional standards, as the general standards used for the review of alterations or new construction may not sufficiently guide decisions. These additional standards could consider whether the resource is the last example of a certain style or architect's work, assessments of the condition of the property, or the economic usefulness of the property. Review criteria specific to demolition could also specify that documentation, a common mitigating condition of demolition, is required.

³² Gainesville [30-112](#); Boulder [9-11-18](#)

Conclusion and Recommendations

Fort Collins may want to consider establishing supplemental criteria for approving demolitions of designated properties, as it appears that the existing criteria in Section 14-48 may be difficult to apply to cases of demolition. Often demolition has a different range of considerations that needs particular criteria as shown in some of the peer city examples. The hardship findings that other cities have used (cited above) could be adapted in crafting findings for demolition.

Recommendation

- Consider additional criteria for the approval of demolition.

CAC & LPC FEEDBACK

CAC: Add criteria to code. The answer to all proposals to demolish landmark designated properties should be no, except in cases of non-contributing buildings in districts; non-contributing reviewed same as infill in district.

LPC: Change codes to reflect that site cannot sit fallow following demolition. Clarify in code when a Landmark may be demolished; add standards for acceptable new construction consistent with Secretary of the Interior's Standards & Guidelines. Revisit hardship standards to make sure they are appropriate.

B.2. REVIEW STANDARDS FOR COMPATIBLE INFILL

The effectiveness of determining the compatibility of infill development also depends on the standards used for review. The broad review standards must be sufficiently narrowed to allow for meaningful and predictable review of infill development. Often, because a particular project might be compatible in one historic district but wholly incompatible in another, cities use design guidelines to craft particular standards for different districts, to assist in the design and review of infill development.

Drafting adequate review standards is much less difficult in historic areas that have a distinctive style or character. Areas with strong identifying features provide examples of the features best used to define compatible development and measure the impact of proposals for new development. In areas that are less distinctive in style, review of infill can also be aided by design guidelines that explicitly direct some flexibility to certain features. If a local ordinance does not contain narrowing criteria beyond the typical broad criteria for review, the preservation commission would be well advised to adopt them by way of regulation or guidelines.

Review Standards for Compatible Infill in Fort Collins

Compatibility of infill development in Fort Collins' historic districts is guided by the design review process. The general standards noted above for all "reports of acceptability" are used to evaluate infill development in historic districts. In the ordinance, there is no specific language regarding infill development. In addition to the criteria for consideration of a report of acceptability, Section 14-48 also generally requires that the LPC find that all proposed work is "compatible with the distinctive

characteristics of the landmark or landmark district and with the spirit and purpose of this chapter.” The term “compatible” is defined in Article I:

Compatible shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

One of the LPC’s considerations for the report of acceptability is the “extent to which the proposed work meets the *standards of the City* and the United States Secretary of the Interior for the preservation, reconstruction, restoration or rehabilitation of historic resources.” As noted earlier in this report, presumably the “standards of the city” refers to the city’s adopted design guidelines, although this is not clear. Two guideline or standards documents have been adopted for designated resources in Fort Collins and are described below.

- The *Old Town Neighborhoods Design Guidelines* were adopted in February 2017 concurrently with the Old Town Neighborhoods Plan. The document is intended to provide guidance for design review but compliance is not required. Particularly relevant to this topic, however, are the guidelines for new construction incorporated in the document. These guidelines cover a full range of topics such as design, mass and scale, articulation, windows, and materials. The guidelines also include overall impact and compatibility considerations.
- The *Old Town Historic District Design Standards* were updated and adopted in 2014. These are used to determine the appropriateness of modifications or new construction in the Old Town Historic District, as well as for eligible local landmark properties within Old Town and the River District. The design standards clarify that the guidelines require compliance (when applicable) and explain the difference between important terms used in the document such as “shall,” “should,” and “may be considered.” The document also has specific design standards for new construction, focusing on building placement, architectural character, mass, scale, height, roofs, entrances, materials, and windows.

In other districts outside these two areas, and for individual landmarks without adopted standards, great emphasis is placed on SOI standards for review of changes, as well as the general criteria for consideration.

In reviewing staff reports for recent design review applications in the Old Town Historic District, we did not find any analysis of the design standards included in the reports. It is not clear how, or when, the standards are applied to the review of projects. We presume that a project’s compliance with the standards are discussed in the LPC meeting. However, we recommend including staff-level analysis of compliance with the design guidelines in staff reports to help guide the LPC’s discussion at public

hearings. As a larger point, staff reports could also include greater analysis of how a project meets the Secretary of Interior's standards and whether the property's integrity is impacted by the proposal.

Review Standards for Compatible Infill in Peer Cities

Almost every city we studied has either adopted design guidelines or integrated specific requirements into their ordinance for evaluating compatibility. Boulder and Norman have both adopted design guidelines for each of their historic districts, as well as general guidelines for all districts and landmarks. All of the design guidelines documents from Boulder specify that the guidelines are intended to be an aid for design, not a checklist for compliance. Lincoln has specific design guidelines for each landmark and district that are adopted concurrently with their designations and guide future alterations. Several cities, like Denton and Madison have actually codified design requirements for each particular district in their ordinances.³³

One issue that comes up in many cities is the difficulty in determining what standards of review are advisory versus mandatory. For example, in Eugene, one of the criteria for approval is that the proposal is consistent with the design guidelines, although the design guidelines are "*Advisory Design Guidelines for Historic Residential Properties*." Design guideline documents often also do not adequately distinguish between guidelines that "should" be met versus those that "shall" be required. Another example is from Provo, which has codified "*Special Guidelines for New Construction in Historic Districts*." These guidelines cover topics like height, scale, window proportion, roof shape, and architectural details. Per the ordinance, the commission is required to use the guidelines to determine the appropriateness of applications for new construction. However, each of these suggest that these features "*should be compatible*" with surrounding structures. It is therefore not clear whether these are simply intended to guide the discussion or to what degree a project must comply with the guidelines in order to be approved.³⁴

Berkeley does not have adopted design guidelines for particular historic districts, although the city has adopted general downtown design guidelines with specific guidelines for landmark buildings. Berkeley has a fairly general additional finding for the review of new construction in historic districts that ensures that work will not "adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including *facade, setback and height*; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district."³⁵

In addition to their *Historic Preservation Rehabilitation and Design Guidelines* mentioned earlier in this report, Gainesville has codified "visual compatibility standards" to guide certificate of appropriateness decisions. The use of "shall" makes them clearly mandatory, but they are general enough to be applicable to different districts with many different architectural styles:

³³ Boulder [Design Guidelines for Individual Landmarks and Historic Districts](#); Norman [Historic Preservation](#); Lincoln [Historic Preservation](#); Denton 35-275; Madison 41.22

³⁴ Eugene [Advisory Design Guidelines for Historic Residential Properties](#); Provo [16.06.020](#)

³⁵ Berkeley [3.24.260](#)

Gainesville, Florida

Sec. 30-112. - Historic preservation/conservation.

(6) Criteria.

- a. *Generally.* The decision on all certificates of appropriateness, except those for demolition or relocation, shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the following visual compatibility standards:
 1. *Height.* Height shall be visually compatible with adjacent buildings.
 2. *Proportion of building, structure or object's front facade.* The width of building, structure or object to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
 3. *Proportion of openings within the facility.* The relationship of the width of the windows in a building, structure or object shall be visually compatible with buildings and places to which the building, structure or object is visually related.
 4. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front facade of a building, structure or object shall be visually compatible with buildings and places to which it is visually related.
 5. *Rhythm of buildings, structures, objects or parking lots on streets.* The relationship of the buildings, structures, objects or parking lots to open space between it and adjoining buildings and places shall be visually compatible to the buildings and places to which it is visually related.
 6. *Rhythm of entrance and porch projection.* The relationship of entrances and projections to sidewalks of a building, structure, object or parking lot shall be visually compatible to the buildings and places to which it is visually related.
 7. *Relationship of materials, texture and color.* The relationship of materials, texture and color of a parking lot or of the facade of a building, structure or object shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 8. *Roof shapes.* The roof shape of the building, structure or object shall be visually compatible with the buildings to which it is visually related.
 9. *Walls of continuity.* Appurtenances of a building, structure, object or parking lot such as walls, fences and landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building, structure, object or parking lot to the building and places to which it is visually related.
 10. *Scale of building.* The size of the building, structure, object or parking lot; the building mass of the building, structure, object or parking lot in relation to open space; and the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
 11. *Directional expression of front elevation.* A building, structure, object or parking lot shall be visually compatible with the buildings and places to which it is visually related in its directional character.

The Santa Barbara ordinance includes a "Project Compatibility Analysis" which establishes additional criteria for consideration by their Historic Landmarks Commission. Topics range from compliance with the municipal code, adopted design guidelines, compatibility with the architectural character of the city and neighborhood, appropriate height and scale, and sensitivity to adjacent landmarks. In addition, Santa Barbara recently adopted Infill Design Guidelines in their *General Design Guidelines and Meeting Procedures* document that are intended to "ensure that infill development complements existing buildings, preserves neighborhood character, and is well integrated into the neighborhood with a

cohesive and well-thought out design.” The guidelines list possible design techniques and approaches to achieve the objectives in the Project Compatibility criteria in the ordinance.³⁶

Gainesville’s visual compatibility standards are an excellent example, as they are clear, relatively objective standards that are codified. These standards are supplemented by design guidelines for some districts in the city, where even more tailored standards are necessary to determine compatibility.

Definitions of Compatible

Although the term “compatible” is often used in preservation ordinances, very few of the ordinances we reviewed (only Madison and Norman) defined this term.³⁷ Some of the cities, like Santa Barbara below, defined compatibility within a separate design guidelines document. These definitions provide some level of specificity in determining compatibility by providing several examples of features to consider.

Santa Barbara, California

Historic Landmarks Commission General Design Guidelines & Meeting Procedures

“For the purposes of design review, “compatibility” is defined as a project’s ability to integrate harmoniously with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and the immediate neighborhood. A study of the ten (10) closest properties, and additional properties as needed, can be used in evaluating neighborhood compatibility.”

The following should be considered in achieving compatibility:

- A. Contextual setting (streetscape, surrounding structures, street trees, parks)
- B. Patterns of development in the particular area
- C. Architectural style
- D. Size, mass, bulk, height, and scale
- E. Proximity to, and interface with, historic resources, historic districts, historic sites, or natural features
- F. Design intent and overall concept of the project and land use designation of the site

Conclusion and Recommendations

Many cities struggle with clearly identifying what is advisory versus mandatory in regards to design guidelines that assist in the review of new development in historic districts. To account for varying character between and within different districts, some degree of flexibility is warranted. This flexibility should be clearly established either in the ordinance or in separately adopted design guidelines.

Fort Collins has several high-quality design guidelines that could be used to review the compatibility new development in historic districts. However, it is not clear how enforceable or applicable the adopted design guidelines are, or how they are incorporated into the design review process. Are they intended to be a checklist for compliance or simply guidance? The Old Town Historic District Design Standards are clearer about the

Recommendations

- Consider codifying general compatibility standards for new construction.
- Clarify the role of the adopted design guidelines and standards.
- Develop design guidelines for additional districts or general design guidelines.

³⁶ Santa Barbara [22.22.145](#) and [Historic Landmarks Commission General Design Guidelines & Meeting Procedures](#)

³⁷ Madison [41.02](#); Norman [22:429.3](#)

terminology used, but the ordinance does not clearly explain their role in the design review process. If the standards are used as a checklist for compliance, some degree of flexibility should be defined and integrated to allow for unique circumstances. The actual design guidelines appear to be helpful and cover appropriate topics for reviewing compatibility of development.

Stronger design guidelines could greatly assist in the review in other designated areas of the city. Developing general residential design guidelines in particular may be helpful, as Fort Collins has a significant number of landmarked residential properties. Fort Collins should also consider codifying some general compatibility standards into the ordinance, as Gainesville has done, and supplement those general guidelines with the adopted design guidelines for particular areas. The ordinance should then clearly reference those other adopted guidelines and clarify whether compliance is advisory or mandatory. The existing definition of “compatibility” in the Fort Collins ordinance could easily be built upon to craft standards for achieving compatibility in new construction in historic districts.

CAC & LPC FEEDBACK

CAC: Agrees. Code should better reference Secretary of Interior Standards and Guidelines for examples of how to apply. Make both Ch. 14 and LUC 3.4.7 clear that literal replication is not desired, same with great divergence; what is desired is invention within a style and reference to context.

LPC: Agrees. Adopt standards for compatible new construction in Landmark Districts consistent with 2017 Secretary of Interior’s Standards & Guidelines update. Develop district-specific design standards and guidelines for each new and existing historic district

3

Development Review and Historic Resources: Processes & Standards for Review

Background

INTRODUCTION

This section of the report includes a review of the City of Fort Collins' codes and processes related to "Development Review," specifically that portion of the Development Review process that involves review by the Landmark Preservation Commission (LPC) of proposed commercial development on identified historic resources. The documents reviewed for this report include Chapter 14 of the Municipal Code and Article 3 of the Land Use Code, particularly Section 3.4.7 related to Historic and Cultural Resources.

This section summarizes the current component of the Fort Collins Development Review process that considers the effect of new development on historic resources and its effectiveness in achieving compatible infill, discusses main topics associated with Development Review, highlights relevant approaches used throughout the country, and provides conclusions and recommendations for improvements in Fort Collins.



Research Topics

A. DEVELOPMENT REVIEW PROCESS

Generally across the country, most historic preservation programs limit their review of new development to projects that directly impact designated historic resources—that is, alterations to designated landmarks or alterations or new construction within historic districts. However, a handful of communities, like Fort Collins, extend the scope of their preservation-related review to infill outside of historic districts, including considerations of compatibility with nearby designated properties as well as those eligible properties that have not been formally designated. In Fort Collins, this process also provides an opportunity for the Landmark Preservation Commission to submit a recommendation to the decision maker for the Development Review application. This is separate from the Design Review process discussed in the previous Topic B report, which focuses solely on designated resources.

Overview of the Development Review Process and Historic Resources in Fort Collins

The Development Review process in Fort Collins is intended to ensure that all new development meets the city's adopted policies and regulations. The process includes review for compliance with a wide range of standards, including the General Development Standards in Article 3 of the Land Use Code. The process is required for all building permit applications (except those applying to single-family residential and extra-occupancy rental houses) and all development applications.

From a historic preservation perspective, the component of the Development Review process that is especially important is a review of the impact of new development on adjacent designated and eligible historic resources. This process requires staff review and, if there is an effect on historic resources, a written recommendation from the Landmark Preservation Commission on how well the proposed development meets the code. This process is established in Section 3.4.7 *Historic and Cultural Resources*.

Applicability

The Fort Collins Development Review process includes an evaluation of a project's impact on nearby historic and cultural resources whenever:

- A local, state, or nationally designated landmark is on the site of proposed development or adjacent to the site; or
- A property that is eligible or potentially eligible for local, state, or national landmark designation is on the site or adjacent to the site;
- The development site is located in or adjacent to a local, state, or national historic district.

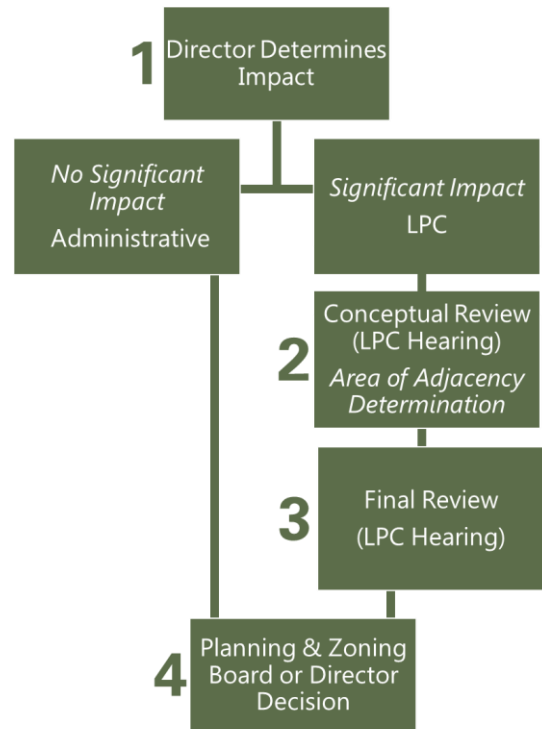
To the maximum extent feasible, the preservation and adaptive reuse of any onsite historic structure is required. Also, development plans and designs must protect and enhance the historical and architectural

value of any historic property located adjacent to the development site. New structures are required to be compatible with the historic character of the historic property, whether on the site or adjacent to it.

Process Overview

While the Historic and Cultural Resources standards section of the Fort Collins Land Use Code has been in place since 1998, section F(6) requiring a written recommendation from the LPC was added in 2014, based on a request from the Planning & Zoning Board to receive additional input based on the LPC's their preservation expertise. Unlike the Design Review process for alterations to designated resources, the LPC is just a recommending body and is not the final decision-maker for Development Review. The decision-maker is the Planning & Zoning Board, a hearing officer, or the Director of Community Development & Neighborhood Services, depending on the scale of the project.

Not all Development Review applications that are adjacent to historic resources are reviewed by the LPC. The Director may administratively issue a written recommendation for projects that "would not have a significant impact on the individual eligibility or potential individual eligibility of the site, structure, object, or district."



Area of Adjacency Determination

Projects that are determined by the Director to have a significant impact typically involve a two-step review by the LPC. The first step is a conceptual public hearing, during which the project's "Area of Adjacency" is established by the LPC. The identification of "adjacent" designated and eligible resources is key to this process because it ultimately dictates whether the standards in 3.4.7 apply. The term "adjacent" is defined in Section 5.1.2 of the Land Use Code as:

Adjacent shall mean nearby, but not necessarily touching. The determination of "nearby" shall be made on a case-by-case basis, taking into consideration the context in which the term is used and the variables (such as but not limited to size, mass, scale, bulk, visibility, nature of use, intensity of use) that may be relevant to deciding what is "nearby" in that particular context. Adjacency shall not be affected by the existence of a platted street or alley, a public or private right-of-way, or a public or private transportation right-of-way or area.

Therefore, identification of adjacent resources is considered on a case-by-case basis to establish the Area of Adjacency. The Area of Adjacency determination requirements are not fully described in the ordinance, but the city's website explains the process in more detail. All designated landmarks are included in the

initial Area of Adjacency, and all nearby properties 50 years or older are then evaluated for their potential eligibility (although this determination may be non-binding and is for decision-making purposes if the property owner is not the applicant for the determination request). There is no set distance that defines the extent of this study of eligibility. The eligible properties and the designated properties ultimately compose the final Area of Adjacency. A final review of the project based on the standards in Section 3.4.7 is then held either at a subsequent final hearing, or at the same meeting as the conceptual review.

City staff notes that, in order for the LPC to complete their review and make a recommendation, staff must provide assurance that the overall review of the development proposal has progressed sufficiently to the point that no other substantive building or site design changes are likely to occur. This requirement stems from the fact that the historic resources review component of Development Review is most helpful in the initial round of application review, rather than as a final step in the process.

Standards

The LPC reviews projects based on the standards in Section 3.4.7 related to new construction, demolition, reuse, renovation, alterations, and additions. The new construction standards are intended to guide compatible infill and cover the following topics:

1. Height, Setback, and Width of New Structures
2. Design Characteristics (horizontal elements, window patterns, and entrance patterns)
3. Building Materials
4. Visual and Pedestrian Connections
5. Landscaping

After the LPC makes their advisory recommendation, the decision-maker considers that recommendation in their subsequent review of the project.

Similar Review Processes in Peer Cities

The majority of cities we studied do not have a process for reviewing the compatibility of new infill development with nearby historic resources. We reached out to preservation and planning staff from each of the peer cities to confirm whether they have this type of process, and if so, how it has been working. Of the peer cities listed at the end of this report, both Madison and Santa Barbara have programs similar to Fort Collins' Development Review process and are discussed immediately below. A few of the other communities also have processes with some similarities and are noted at the end of this section. In both Santa Barbara and Madison, a city board reviews projects for compatibility when a project is adjacent to a historic resource and the board provides an advisory recommendation to a further decision-maker, much like Fort Collins.³⁸

³⁸ Madison [28.144](#); Santa Barbara [Historic Landmarks Commission General Design Guidelines & Meeting Procedures](#) and [Architectural Board of Review General Design Guidelines & Meeting Procedures](#)

Madison

Madison has been reviewing all development “adjacent to a landmark” since 1996 based on the section of their zoning code excerpted below. The city’s Landmark Commission completes an advisory review of projects adjacent to landmarks prior to the project’s review by the city’s Plan Commission or Urban Design Commission. The city unfortunately did not return requests to learn more about the efficacy of the process, but did not mention major issues in our brief initial discussion.

Madison, Wisconsin

28.144. Development Adjacent to a Landmark or Landmark Site.

Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission.

Santa Barbara

In 2008, Santa Barbara adopted a compatibility analysis tool in their zoning code that included a general requirement of “sensitivity to adjacent landmarks and historic resources.” The full project compatibility analysis is excerpted below.

Santa Barbara, California

22.22.145 Project Compatibility Analysis

B. Project Compatibility Considerations.

In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Architectural Board of Review when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Chapter 22.68:

1. *Compliance with City Charter and Municipal Code; Consistency with Design Guidelines.* Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project’s design consistent with design guidelines applicable to the location of the project within the City?
2. *Compatible with Architectural Character of City and Neighborhood.* Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?
3. *Appropriate size, mass, bulk, height, and scale.* Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?
4. *Sensitivity to Adjacent Landmarks and Historic Resources.* Is the design of the project appropriately sensitive to adjacent Federal, State, and City Landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features?
5. *Public Views of the Ocean and Mountains.* Does the design of the project respond appropriately to established scenic public vistas?
6. *Use of Open Space and Landscaping.* Does the project include an appropriate amount of open space and landscaping?

In our discussions with Santa Barbara staff, they noted that the criteria in the project compatibility analysis alone did not provide the boards with enough guidance and that incompatible development was still being approved by both commissions. Approved adjacent development was particularly incompatible.

To help address these concerns and provide more specific guidance, the city recently adopted new infill design guidelines to guide decisions by both their Historic Landmark Commission and Architectural Review Board regarding infill development adjacent to historic resources. These design guidelines have been incorporated in each commission's adopted *General Design Guidelines and Meeting Procedures* documents. The city's Architectural Review Board (not their Historic Landmark Commission) reviews projects that are adjacent to historic resources. However, the infill design guidelines for the Architectural Review Board are identical to those for the Historic Landmark Commission.

The following excerpt from the *General Design Guidelines and Meeting Procedures* document shows the applicability of the infill design guidelines and the standards that are used to evaluate the compatibility of infill projects:

Santa Barbara, California

1.2.3 Infill Projects. Infill development projects involving historic resources shall preserve, protect, and enhance those resources. Projects on sites adjacent to historic resources shall respect and be compatible with the adjacent resources.

- A. *Project Sites Containing Historic Resources:* If a project parcel contains potentially historic or designated historic resources the project shall be reviewed by the Historic Landmarks Commission (HLC). The Urban Historian can assist the HLC by identifying particular issue areas where the proposed development must show consideration and sensitivity to historic resources on the site.
- B. *Projects Adjacent to Historic Resources:* The HLC is the review body for all projects within El Pueblo Viejo Landmark District or another landmark district. In all other areas of the City, the ABR is the review body for projects adjacent to historic resources, and will follow this section of guidelines.

This section of guidelines helps to ensure that infill development is appropriately sensitive to adjacent historic resources, is compatible, and maintains a balance between historic resources and new construction.

It is recognized that not all techniques or approaches are appropriate or practical for every development project. Consultation with the City Urban Historian is required to determine which of the design techniques and approaches listed below should be followed to demonstrate sensitivity to historic resources:

1. Architectural styles of new or remodeled buildings should be compatible and fit with the character of adjacent structures.
2. Special consideration shall be given to setbacks for projects adjacent to historic resources and/or historic patterns of development to be compatible with other historic resources on the street.
3. Design interior setbacks to maintain an appropriate distance to provide views to the resource, appropriate light and air, and avoid impacts such as crowding or looming over adjacent historic resources.
4. Location of parking and garages should be sensitive to adjacent historic resources.
5. Orient the front entrance of the building to the street and clearly identify the front entrance unless this is not the predominant pattern on the street.
6. Larger buildings should be stepped down in height as they approach smaller adjacent historic resources.
7. Design the front façade to appear similar in scale with adjacent historic resources.
8. Align foundation and floor-to-ceiling heights to be sensitive to adjacent historic structures.
9. Align eaves, cornices, and ridge lines to be compatible with those of the neighboring historic structures.
10. Design the front of buildings to have a similar rhythm and pattern of window and door openings as those of the existing streetscape.
11. Incorporate materials and colors similar to those traditionally used in neighboring historic structures.

In interviews, the staff stated that the new adopted guidelines are working well thus far, but that most projects are not able to meet each guideline, so they have found that flexibility in the application of the guidelines is necessary.

Other Examples

Other cities similarly seek advisory reviews from their preservation commissions when development occurs near historic resources for circumstances that require their expertise. Syracuse does not have a specific process described in their zoning code, but we learned from city staff that the Zoning Administrator will refer zoning applications to the Landmark Preservation Board if a project is in close proximity to a sensitive property or district. Somewhat similarly, Lincoln's Historic Preservation Commission advises the city on public projects that are in close proximity to designated historic districts or National Register properties.³⁹

We also found a few other relevant approaches taken by cities that were not in our initial peer-city review. For instance, some cities regulate properties that are within a specific distance of a designated resource. The city of Brownsville, Texas, designates "secondary historic sites," which function similarly to Structures of Merit.⁴⁰ One of the criteria for a secondary historic site is location within 300 feet of a local, state, or federal historic resource that positively contributes to the historic value of the designated resource. This extends a certain level of protection to these nearby sites as well and is clear as the properties are given their own particular designation.

A similar geographically focused method is currently used in Albuquerque, New Mexico. All exterior changes to properties within 300 feet of the historic overlay district are reviewed through a Certificate of Appropriateness process identical to that required for a designated resource. However, it is important to note that Albuquerque is in the process of rewriting their zoning code and officials are proposing to eliminate this process. They have found that the process is unpredictable for property owners because they do not have a map or tracking system that identifies which properties are subject to this review and that permits are issued accidentally without going through this review as a result.⁴¹

³⁹ Lincoln [4.36.030](#)

⁴⁰ Structures of Merit are discussed in the Topic A report.

⁴¹ Brownsville [348-1513](#); Albuquerque [14-16-2-25\(E\)](#)

Discussion and Recommendations

Fort Collins' Development Review process for new infill near historic resources is fairly unique in comparison to the peer cities we researched. Most cities do not extend preservation review to properties that are not designated, or review development for impact on nearby historic (or eligible to be historic) resources. However, in a variety of ways, several other communities are attempting to address compatibility issues with projects located near or adjacent to historic resources. The particular features of the Fort Collins process will be further compared to other city's processes in the following subsections of this report.

Moving forward, we recommend that Fort Collins clarify the overall purpose of the Development Review process in order to provide more certainty to applicants, and to better tailor the extent of the review, both geographically and by resource type (designated and eligible properties). These issues are discussed later in this report with more specific recommendations. The process described in Land Use Code Section 3.4.7(A) and (B) should also be examined for potential efficiency improvements, particularly the staff time and resources devoted to the case-by-case review of non-designated resources that do not already have established determinations of eligibility. In addition, it is important to evaluate which of the current standards have proven most important for ensuring the compatibility of infill. This analysis will help determine the priorities for modifying the process.

Recommendations

- Clarify the purpose and intent of the historic resources component of the Development Review process.
- Clarify the procedural requirements to obtain a recommendation from the LPC.
- Use new terminology, such as "Historic Resource Compatibility Review," instead of Development Review.

CAC & LPC FEEDBACK

CAC: Agrees. Area of adjacency identifies significant historic properties that could be affected by new development. These resources provide the context. New development different but compatible.

LPC: Agrees. Review serves dual goals: 1. Retains eligibility of historic resources; 2. Promotes compatibility with existing character.

Additionally, the procedural requirements of the process are not currently well-described in Land Use Code Section 3.4.7. The description of the LPC recommendation process is somewhat buried in paragraph 6 of subsection (F). Because this is within subsection (F), it is not clear whether the LPC would review properties with changes that relate to subsection (D) or (E) as well. Further, it is not evident what differentiates a director-level review from a commission-level review. These procedural requirements should be clarified. In addition, we found the use of "eligible" and "potentially eligible" as two separate processes to be very confusing and recommend clarifying that aspect of the review.

Similar to a recommendation we made in the previous topic, we believe that using the term "Development Review" for this process is confusing, as it could mean either the entire development review process or this one step. We recommend establishing a new terminology for this particular point in

the review, whether that is a “Historic Resource Compatibility Review” or something similar. It should be clearer that this is simply a subset of the overall Development Review process.



CAC & LPC FEEDBACK

CAC: Agrees. Area of adjacency identifies significant historic properties that could be affected by new development. These resources provide the context. New development different but compatible.

LPC: Agrees. Review serves dual goals: 1. Retains eligibility of historic resources; 2. Promotes compatibility with existing character.

B. APPLICABILITY OF REVIEW

Of the few communities that require preservation review for infill development near historic resources, most identify geographic boundaries to limit the scope of that review. In addition, some communities consider impacts to designated resources only, and do not analyze impacts to resources that are merely eligible for designation.

Applicability of Review in Fort Collins

Geographic Extent

In Fort Collins, the Development Review process in Section 3.4.7 applies to any project with an on-site designated or eligible resource or any project that is adjacent to a designated or eligible resource. As described above, a project-specific “area of adjacency” is determined to establish which properties the project will be reviewed against for compatibility. The LPC determines the area of adjacency at their first hearing. We understand that staff typically suggests a geographic area to use for each project based on nearby proximity to the development site and the scale of the proposed development, but the staff recommendations are sometimes expanded or reduced by the LPC, which can lead to unpredictability for applicants. There is a desire to provide more consistency and predictability so that applicants can be reasonably sure of what will constitute an area of adjacency in the early stages of their project development.

It is also worth noting that the code differentiates “adjacent” from “abutting.” The current definition of “adjacent” has been in the code since 2004, when an amendment was adopted to distinguish between the two terms. At the time, staff noted that flexibility was needed in defining what “nearby” means, so the case-by-case nature of determining adjacency was intentionally placed in the code.

Review of Eligible Resources

The policy direction in Fort Collins is to extend the Development Review process beyond impact on designated historic resources; review also extends to consider the impact of new development on any property that is eligible for local, state, or national landmark or district designation. Staff notes that the intention for this policy, which has been part of the Land Use Code since 1998, is a reflection of eligible resources’ equal contribution to the character of the vicinity of the development site.

Although the LPC’s recommendation is only advisory, this process extends the typical preservation protection of local landmarks and historic districts to state and national landmarks and districts that do not otherwise have local regulatory protection (even advisory). It also extends advisory protection to properties that are merely eligible to be landmarks or districts.⁴² This is relatively rare in our experience and creates some additional challenges, particularly regarding uncertainty as to when and how eligible properties will factor into the analysis.

⁴² The Demolition/Alteration Review Process would also protect on-site modification of eligible resources and is discussed in the Topic D section of this report.

It is certainly true that other cities develop context-based standards to help protect neighborhood character, and sometimes definitions of “character” are based at least in part on the surrounding historic resources. In fact, Fort Collins is currently engaged in a project to develop more context-sensitive and form-based standards for the downtown area to help ensure the compatibility of infill development. However, in most cities the application of these types of character-protection standards is not necessarily tied to determinations of eligibility, or historic preservation at all.

Applicability of Review in Peer Cities

Geographic Extent

The reviews in both Madison and Santa Barbara are limited to properties that *directly* abut a historic resource. In Madison, the advisory review only applies when a development is on a lot that directly “adjoins” a landmark. While “adjoining” is not defined in the code, staff reports that the review is limited to only properties directly next to an individual landmark. This process does not apply to properties that are adjacent to historic districts. Similarly, in Santa Barbara the process is limited to properties that are directly adjacent to the historic resource (both landmarks and districts). City staff believed extending this review any further would be too administratively difficult in terms of the time it would take and the number of properties that would then be subject to this review.⁴³

Review of Eligible Resources

Madison’s process is more limited than Fort Collins in that only properties near designated landmarks (not properties that are merely eligible) are subject to review.⁴⁴ On the other end of the spectrum, Santa Barbara’s process is applicable to both designated and “potentially historic” resources as well as properties that are *adjacent* to designated and potentially historic resources. Santa Barbara has an extensive inventory of potentially historic resources that are mapped and included in the city’s permitting property information database, so that property owners are aware from the outset of a project that their property either includes or is adjacent to a potential historic resource (this system also ensures that building permits are not issued accidentally).⁴⁵ Staff noted that the inventory includes nearly 600 properties and was assembled based on historic surveys completed in 1978 and 1986. Additional resources were added in 2013 based on another survey and other resources have been added over time in a piecemeal fashion.

⁴³ Madison [28.144](#); Santa Barbara [Historic Landmarks Commission General Design Guidelines & Meeting Procedures, Section 1.2.3](#) and [Architectural Board of Review General Design Guidelines & Meeting Procedures, Section 1.4.3](#)

⁴⁴ Madison [28.144](#)

⁴⁵ Santa Barbara [Historic Landmarks Commission General Design Guidelines & Meeting Procedures, Section 1.2.3](#) and [Architectural Board of Review General Design Guidelines & Meeting Procedures, Section 1.4.3](#)

Discussion and Recommendations: Geographic Extent

Fort Collins is unique in extending the geographic area of preservation review beyond immediately abutting properties. While this benefits the city’s overall character protection goals by extending the reach of compatibility considerations, it does create some unpredictability and potential for inconsistency.

For instance, the current case-by-case determination of adjacency could be problematic. It could be larger or smaller depending on the particular factors of each case, but an applicant may not know that initially. While it is understandable for the LPC to want flexibility to calibrate the area of adjacency based on a project’s perceived impacts, this should be balanced with the applicant’s need for predictability and consistency—especially since this is a review of a resource that is not designated.

**Recommendations:
Geographic Extent**

- Establish a consistent and predictable geographic limit for the review, such as the Historic Resource Compatibility Review matrix.

Moving forward, we recommend the city consider establishing a more consistent and predictable geographic limit for the historic resource component of Development Review. A better-defined area of adjacency would give applicants advance notice of the need to integrate certain compatible design features, rather than having to guess whether or not they are close enough to a historic property, or whether that property is significant or sensitive enough to warrant heightened review. Applicants would also likely be less resistant to design modifications that are more compatible with nearby properties if they were aware of these limitations at the outset of their design process.

In Clarion’s March 2017 memo “Defining ‘Adjacency’ in the Preservation Ordinance,” we made several recommendations for balancing predictability with the flexibility to base adjacency on a project’s impact. Some of these recommendations are summarized below:

- Define a project’s radius of impact, which would determine whether a project is considered “adjacent” to historic resources and therefore LPC review is required. The radius of impact should be based on a list of objective criteria such as height or massing indicating impact.
- Remove the term “nearby” from the definition of adjacency and instead use more specific lot identifiers or specific distance limits.
- Tailor the level of review, allowing projects with lesser impacts (using indicators such as height, massing, or others) to be reviewed by the LPC based on a limited number of issues or within a certain amount of time, or to simply be reviewed by staff instead of the LPC. A matrix tool could be developed to illustrate this type of calibrated review.

Project Compatibility Review Matrix

Building upon these recommendations and based on further research, we propose the following matrix for discussion purposes. The goal is to better tailor the level and type of review based on a project’s impact. In this matrix, more characteristics of compatibility should be considered by the LPC for projects that are most likely to impact a historic resource, while fewer features must be reviewed for projects that are less likely to impact a historic resource. The matrix defines a radius of impact that determines the

properties included in the review based on the height of the proposed structure. We also propose reviewing impacts on eligible resources only if they abut the proposed development site; this recommendation is described in more detail in the next section of this report.

HISTORIC RESOURCE COMPATIBILITY REVIEW		
PROPOSAL IS		OPTIONS FOR COMPATIBILITY CONSIDERATIONS
<i>Abutting a...</i>	Designated Resource	Height Setbacks Massing Stepbacks Floor-to-ceiling height Materials Windows & doors
	Eligible Resource	Height Setbacks Massing Stepbacks
<i>Within 200 feet of a...</i>	Designated Resource: Proposed building is 3 stories in height or more	Height Setbacks Massing Stepbacks
	Designated Resource: Proposed building is less than 3 stories in height	Height Massing
<i>More than 200 feet but less than 500 feet from a...</i>	Designated Resource: Proposed building is 3 stories in height or more	Setbacks Massing
	Designated Resource: Proposed building is less than 3 stories in height	<i>No compatibility review required.</i>

Abutting = Touching. An abutting condition shall not be affected by the parcelization or division of land that results in an incidental, nonbuildable, remnant lot, tract or parcel.

Designated Resource = A local, state, or nationally designated landmark or a property within a local, state, or national historic district.

Eligible Resource = A property that is potentially eligible for local, state, or national landmark designation or as part of an eligible local, state, or national historic district.

For example, a proposed four-story building that would be within 500 feet of a designated landmark would be reviewed for compatibility with only the setbacks and massing of the designated landmark. A project of any size that abuts a designated landmark would be reviewed for compatibility with all of the listed considerations of the historic building. A two-story project that would be within 500 feet of a designated landmark would not require a review.

Compatibility Considerations

The compatibility considerations listed in the draft matrix are for discussion purposes only and may be modified based on the city's preservation priorities. Whatever compatibility considerations are ultimately listed would need to be supplemented by detailed guidelines. The following are some examples of compatibility guidelines, with "historic buildings" meaning the applicable eligible or designated resources based on the matrix above. Additional recommendations for clarifying the standards can be found in the final section of this report.

- **Height:** The height of the proposed structure is visually compatible [or within X amount of deviation] with historic buildings and does not diminish the exterior integrity of the historic buildings.
- **Setbacks:** The proposed setbacks of the proposed structure are similar to historic buildings and do not impact the exterior integrity of the historic buildings.
- **Massing:** The massing of the proposed building is designed to minimize the visual impact on historic buildings, including creation of shadows and loss of sunlight, and does not impact the integrity of the historic buildings.
- **Stepbacks:** Height that is taller than historic buildings is stepped back to reduce visibility and reduce impact on the integrity of the historic buildings.
- **Floor-to-ceiling height:** Floor-to-ceiling heights are similar to historic buildings to minimize visual impact on historic buildings.
- **Materials:** The proposed materials are visually similar to the predominant materials of the historic buildings and do not diminish the exterior integrity of the historic buildings.
- **Windows & doors:** In order to minimize negative impact on the integrity of the historic buildings, the proposed structure has a similar relationship of solids to voids in the historic buildings, window styles are similar, fenestration patterns are similar, and the location of pedestrian entrances are similar to those on historic buildings.

Radius of Impact

For discussion purposes, we propose 200 and 500 feet as radii of impact for the review of projects that are not abutting but are near designated resources. These were chosen because 500 feet is the approximate length of a typical east-west block in downtown and 200 feet is the length of about four typically sized parcels. We recommend measuring these distances from parcel line to parcel line. This is both for ease of mapping and also so that larger-scale projects (with a larger lot size) that will likely be more impactful will capture more properties within their buffer areas. This concept is illustrated in the samples below, which are displayed at the same scale.



Doing some additional mapping could be very useful in finalizing the radius of impact limits. We recommend completing a thorough analysis of how large the areas of adjacency used in the past have been. In practice, we understand that the city typically recommends an area of adjacency that has been similar to the limits that are recommended, but additional mapping could help confirm that. In addition, mapping the locations of designated landmarks and known eligible resources would be very helpful in determining a realistic geographic limit.

In summary, the geographic limits should be made more consistent and predictable and these limits could be better tailored to a project’s impacts. We recommend an approach similar to the proposed historic resource compatibility review matrix, which calibrates the level of review to the radius of impact based on proximity to a historic resource.

Discussion and Recommendations: Review of Eligible Resources

Fort Collins’ historic resources component of Development Review applies to many different kinds of properties, ranging from nationally designated to potentially eligible resources (and the non-designated properties that are near those resources). The purpose of the review, per Section 3.4.7, is to protect the integrity and significance of both on-site and off-site designated and eligible historic resources. However, in our view it appears that the extension of the review to *eligible* resources serves a dual purpose, which is to generally ensure compatible infill while also specifically protecting the integrity and significance of the eligible resource. The multiple objectives of this review perhaps make it more challenging for applicants to understand the process.

Tailoring the Review

Generally, we believe that the further an infill project is from an eligible resource, the less likely it is to impact the resource’s integrity and therefore the resource’s potential for future designation. This follows a similar logic to the tiered level of review recommended

Recommendations: Review of Eligible Resources

- Develop context-based standards that are not based on eligibility to ensure compatibility in certain areas of the city.
- Consider reviewing impact on eligible resources only if they are on-site or abutting a development project.
- Focus on survey work to develop an inventory of eligible historic resources.

above for limiting the geographic extent. We recommend tailoring the review of impacts to eligible properties to only development that *directly abuts* an eligible property.

CAC & LPC FEEDBACK

CAC: No difference in treatment of designated and eligible properties. Supports set radius, regardless of height. More review criteria for abutting development. Discussed radius ranging from abutting only to 500+ feet.

LPC: No difference in treatment of designated and eligible properties. Supports set radius, regardless of height. More review criteria for abutting development. Support for 200-foot radius – ½ typical block.

Meeting the Goal of Compatible Infill Development

To meet the broader purpose of promoting compatible infill development in areas with historic resources, we recommend exploring other options that might take the place of the LPC review process, or supplement it. For instance, context-based zoning standards that are based not on a nearby property's eligibility but rather on the area's overall character may better serve this purpose. Linking the desire for compatible development to determinations of eligibility requires staff time and resources to make case-by-case determinations of eligibility (and area of adjacency) needed to evaluate each project. A more efficient approach could be to adopt design guidelines or standards for certain areas of the city and ensure that infill development meets those standards, regardless of nearby historic eligibility. There could be general compatibility guidelines for these areas and supplementary standards for properties that abut eligible resources or are nearby designated landmarks or districts.

CAC & LPC FEEDBACK

CAC: Agrees. Building's status does not change importance to community. Treating both equally recognizes contribution to character, offers more predictability, simplifies review.

LPC: Agrees with Clarion and with CAC. Also develop standards & guidelines for different areas in town based on areas' character.

Meeting the Goal of Protecting Integrity

Protecting the integrity of eligible resources is an important goal of this process that is integral to the purpose of the review overall. However, the process should be better tailored to focus on the impacts of new development that can cause a nearby property to lose its eligibility. Preventing or mitigating those impacts should determine the standards used in the process or the compatibility features that are considered. Conversations with the State Historic Preservation Office may help assist in determining what types of impacts would most harm a resource's eligibility for designation.

In our opinion, nearby (but not abutting) development may impact the integrity of either the *setting* or the *feeling* of an eligible resource, but is unlikely to impact *location*, *design*, *materials*, *workmanship*, or *association*. (These italicized terms are from the National Park Service and are defined below.) It is also unlikely that nearby development could eliminate an eligible property's significance according to Section 14-5 of the Municipal Code.

Abutting development is more likely to impact additional aspects of integrity as it may obscure materials or important aspects of the historic resource's design and has a higher probability of impacting the general setting, feeling, or association of the resource. While infill development on properties that do not abut historic resources may change the surrounding area, such development is unlikely to negatively impact a resource's integrity to the point where the resource cannot be designated. Therefore, we recommend only considering the impact of new infill projects that directly *abut* eligible resources and not reviewing properties that are nearby but not necessarily abutting.

National Park Service's Seven Aspects of Integrity

1. *Location*: Location is the place where the historic property was constructed or the place where the historic event occurred.
2. *Design*: Design is the combination of elements that create the form, plan, space, structure, and style of a property.
3. *Setting*: Setting is the physical environment of a historic property.
4. *Materials*: Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
5. *Workmanship*: Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. *Feeling*: Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.
7. *Association*: Association is the direct link between an important historic event or person and a historic property.

CAC & LPC FEEDBACK

CAC: Disagrees. Retention of context important. Development can be different but should still be good neighbor.

LPC: Disagrees. Would not promote context - Sense of Place. Development can be different but should still be reviewed to ensure good neighbor.

Inventory Historic Resources

In general, it should be a top priority of the city to establish a comprehensive inventory of eligible historic resources. The case-by-case determination of what is "adjacent" (and then what is eligible in that area) that is essential to the current process may be challenging to sustain based on the level of staff time and resources required. The ambiguity of whether or not a property is "eligible" creates another level of uncertainty behind the current Development Review process. Additional mapping, more comprehensive survey work, and/or database updates may be necessary to clearly identify eligible properties and thus provide applicants with upfront notice that they are near eligible resources prior to designing their project.

While coordinating and managing a survey process would also take staff time and city resources, the work done upfront to compile this in a holistic manner is sure to pay dividends in the time saved over case-by-case determinations. Currently, the city is, in a sense, creating a piecemeal historic resources list through

both this process and the Demolition/Alteration Review process. Greater emphasis should be placed on proactively studying and inventorying eligible historic resources rather than relying on these incremental efforts. The time and resources spent determining adjacency and completing reviews of eligibility in reaction to development proposals would be better spent towards compiling or updating an inventory of eligible sites or designating eligible resources.

CAC & LPC FEEDBACK

CAC: Agrees. Should be highest priority. This will not work unless surveys and contexts are getting funding. Need City commitment of on-going funding.

LPC: Agrees. Foundation of all other work. Need funding, staff to manage.

C. CLARITY AND ORGANIZATION

Communities should use clear standards or guidelines that are organized in a user-friendly way for all types of land use reviews. Since the LPC's recommendation regarding Development Review is currently advisory only Fort Collins, flexible guidelines may be more appropriate than strict standards. Guidelines should be objective but leave room for creativity and flexibility.

Clarity and Organization in Fort Collins

Section 3.4.7 lists the standards for this review. The organization of the section is confusing (probably due at least in part to multiple revisions made to this section over time), with the following general standards for review scattered throughout subsection (B):

- "To the maximum extent feasible, the development plan and building design shall provide for the preservation and adaptive use of the historic structure."
- "The development plan and building design shall protect and enhance the historical and architectural value of any historic property that is [subject to this section.]"
- "New structures must be compatible with the historic character of any such historic property, whether on the development site or adjacent thereto."

Subsection (D) describes reuse, renovation, alterations, and additions. These standards are similar to design review for landmarked properties. It appears that these standards would only apply to properties with eligible resources (or state/national designated but not local) on site, but it is not clear. If a designated resource was on-site, the LPC Design Review process would be required. Subsection (E) describes the standards for demolition. It is not clear how this would serve a different purpose than the Demolition/Alteration Review process.

Subsection (F) is related to New Construction and forms the standards for compatible infill. The applicability of this section is confusing and the paragraphs are randomly organized. The subsections

should be titled. Also, the “building patterns” graphic should be updated or replaced to more clearly reflect the standards.

Clarity and Organization in Peer Cities

The two peer cities that have the most similar types of processes offer two very different examples of language and organization. Madison’s approach is simple and merely states that the Landmark Commission shall review each project “to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark.” Santa Barbara uses 11 guidelines for the review of infill projects (listed earlier in this report) that cover architectural style, setbacks, parking, entrances, height, scale, floor-to-ceiling heights, architectural features, window patterns, and materials. The guidelines for each of these topics are fairly general, and seek “sensitive,” “compatible,” and “similar” features. Because the guidelines are applicable to all areas of the city, they do not precisely identify the features necessary to be compatible, as they would be able to do in a fairly cohesive area.⁴⁶

Several other cities we studied provide other examples of criteria to determine compatibility. We included an excerpt of the Gainesville’s criteria for visual compatibility in the Topic B Report. These types of compatibility standards could be extrapolated to serve as standards for the review of compatible infill on properties that are not designated.

Discussion and Recommendations

Clarity

There are several improvements that could be made to the ordinance language that establishes the Development Review process. The standards in Section 3.4.7 are poorly worded and so their applicability is unclear. The “general standard” in subsection (B) appears to be a mix of a purpose statement, criteria, and statements of applicability. Rather than implying applicability through the purpose statement and the “general standard,” we recommend that the city draft a new a new, clearer statement of applicability clearly for all of Section 3.4.7. It should include the city’s preferred approach to the “adjacency” issue, as discussed above and should integrate the Historic Resource Compatibility Analysis as the primary standard for approval. This section needs to be redrafted to improve clarity. The provisions should be reevaluated in light of the earlier recommendations in this report and should be more clearly tied to the protection of integrity and significance that is stated to be the purpose of this review.

Recommendations

- Redraft Section 3.4.7 for clarity and to improve organization, clarifying the purpose, applicability, and standards of the process.

⁴⁶ Madison [28.144](#); Santa Barbara [Historic Landmarks Commission General Design Guidelines & Meeting Procedures, Section 1.2.3](#) and [Architectural Board of Review General Design Guidelines & Meeting Procedures, Section 1.4.3](#)

Organization

Similar to the previous sections of this report, we propose organizational improvements to Section 3.4.7 of the Land Use Code to complement the substantive recommendations that are the principal focus of this report. Overall, the information in Section 3.4.7 is not well organized and we believe it would likely be confusing to new code users who are not familiar with the Fort Collins system. The applicability of the provisions is particularly difficult to discern. Importantly, this challenging organization contributes to a sense of general ambiguity about the purpose and extent of the process.

When redrafting this section, discrete blocks of information should all be given clear headings and subheadings. Multi-level lists should be used to help break apart dense blocks of text, rather than burying important information in lengthy paragraphs. In general, the section should more clearly identify and distinguish purpose, applicability, process, and standards. Additional graphics would also be useful (e.g., in describing what qualifies as “adjacent,” or to display examples of compatible development alongside the standards).



CAC & LPC FEEDBACK

CAC: Agrees.

LPC: Agrees.

4

Demolition/Alteration Processes and Related Issues

Background

INTRODUCTION

This section of the report includes a review of the City of Fort Collins' codes and processes related to "Demolition/Alteration Review" and other related topics. The documents reviewed for this report include Chapter 14 of the Municipal Code, particularly Articles I and IV. This section summarizes the Demolition/Alteration review process and its effectiveness in protecting eligible historic resources from demolition and major alterations, discusses several main topics associated with demolition, highlights relevant approaches used throughout the country, and provides conclusions and recommendations for improvements in Fort Collins.

Organizational Recommendations

As we have recommended in each report, we believe that the organization of Article IV could be improved. In particular, Section 14-72, which describes the procedure for determining which type of review applies, is structured in a confusing and overly complex way and could be simplified.



Research Topics

A. DEMOLITION/ALTERATION REVIEW PROCESS

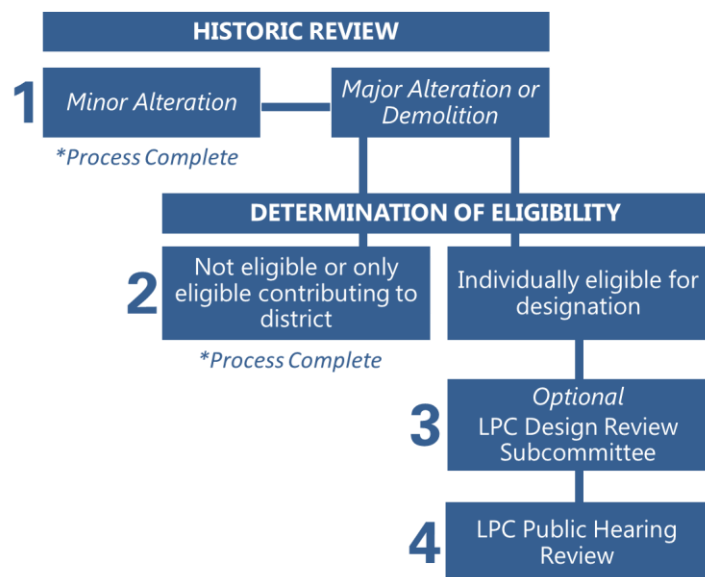
There are properties in most communities that are informally recognized as significant, perhaps because of age or unique architecture, yet have not been formally designated as “historic” or worthy of regulatory protection. Inevitably, some of these properties become candidates for demolition. When this occurs, many communities, including Fort Collins, require special review prior to their demolition. Sometimes this review also extends to proposed major alterations that would substantially change the structure’s physical integrity, such as removal of a significant portion of the building.

Having this type of review process in place helps ensure that potentially significant properties are not demolished or substantially modified before they may be considered for formal regulatory protection through landmark designation. In many communities, this process involves delaying the release of a demolition or other permit while the review takes place, in order to allow exploration of other opportunities to preserve the structure. Communities with these programs typically set parameters to identify the types of demolition permits that will be reviewed (e.g., permits for all properties listed on a potential resource inventory, or permits for all properties over a certain age).

Demolition/Alteration Review Process in Fort Collins

The Fort Collins Demolition/Alteration review process is triggered upon submission of a permit application for any property that is 50 years of age or older within the city limits and has not been designated historic (the Design Review process covered in Report B would be used for demolition and exterior alteration requests for listed properties). When possible, applicants are encouraged by city staff to submit demolition/alteration review applications prior to submitting permit applications in order to create a more predictable and efficient process and timeline. The review involves both the demolition and alteration of structures.

The first step in the review process is for the Director of CDNS and the LPC Chair to determine whether the proposed work is considered a major or minor alteration. The city’s website describes this as a “historic review” (although that term is not actually used in the ordinance). If the scope only includes minor alterations, no additional historic review is necessary. If



the work is considered a major alteration (a category of determination which includes partial or total demolition), the structure is then evaluated for its eligibility for individual designation as a local landmark to determine whether a final review by the Landmark Preservation Commission (LPC) is necessary. The LPC must review and approve the alteration or demolition, following a public hearing, if the structure is found to meet at least one of the standards of eligibility for designation. Alternatively, an applicant may consent to review by the Design Review Subcommittee of the LPC. If the work is approved by the subcommittee based on the proposed work's compliance with the Secretary of the Interior's standards for rehabilitation, the applicant is not required to take the review to a public hearing at the LPC.

The following definitions in Section 14-1 are integral to the process:

Alteration shall mean any act or process, including relocation, which changes one (1) or more of the physical characteristics of a designated site, structure, object, or district or a site, structure, object or district eligible for designation.

Major alteration shall mean work that has the potential to substantially affect more than one (1) aspect of exterior integrity.

Minor alteration shall mean work that has the potential to substantially affect no more than one (1) aspect of exterior integrity.

Demolition shall mean any act or process that destroys in its entirety an eligible or designated site, structure or object, or a site, structure or object within an eligible or designated district.

"Integrity" is not defined in the definitions section of the ordinance. However, Section 14-5, which describes the standards for determining eligibility, explains that exterior integrity is based on a property's retention of the seven aspects or qualities established by the National Park Service: location, design, setting, materials, workmanship, feeling, and association (the individual definitions of these terms are listed in the Topic C report).

Other than partial or full demolition of a structure, major alterations typically include large additions, front porch additions or remodels, or façade fenestration changes. Rear additions that are not visible from the public right-of-way are typically determined to be a major alteration based on their size, massing, bulk, and structural relationship to the original building. Changes that are automatically considered minor include changes to decks and patios, rear enclosed porches, changes in window openings, and similar alterations. The city also authorizes administrative staff to approve minor changes such as reroofing permits, mechanical equipment, and egress windows without undergoing any level of review by historic preservation staff. Other alterations such as changes to decks and patios, enclosing rear porches, and changes in fenestration (dependent on location) can be approved by historic preservation staff without a demolition/alteration review meeting. These automatic approvals are based on staff discretion and any of these that are borderline cases can be referred for an official determination if needed.

In the last five years, city staff has 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 not eligible for individual designation. Each year, an average of just five major alterations or demolitions proceeded to the Landmark Preservation Commission, where they are typically approved on the consent agenda as long as the application materials are complete.

There are no standards enumerated in the code for a LPC decision on the Demolition/Alteration application. The commission has the option to approve, to approve with conditions, or to postpone consideration of the application for up to 45 days. Although not described in the ordinance, staff notes that the current ordinance essentially presumes that approval will be granted if the correct application materials are submitted, unless the LPC adopts a motion and findings as to why it should instead proceed to Council. Staff also adds that the presumption is that an application would proceed to Council only if the LPC or members of the public felt it should be considered for non-consensual designation. The findings that the LPC should base this decision upon are not codified. This absence of standards implies (whether intentionally or not) that the LPC is only deciding upon what types of mitigating documentation or conditions should be added or whether to forward the application on to Council for consideration as a nonconsensual designation. The intent of this review could be better clarified. If the application is ultimately approved, the application can move forward through the typical city permitting processes. If denied, the applicant has the option to appeal the decision to the City Council.

As noted, an applicant may have their application reviewed by the Design Review Subcommittee. If a resolution is met with the subcommittee, the process ends and the applicant is not required to appear before the LPC in a public hearing. The Design Review Subcommittee was first established in 2011, and the ability for the subcommittee to review these applications was added in 2014 in order to shorten review times. City staff has not tracked how many applications have been reviewed by the Design Review Subcommittee instead of the LPC. In contrast to the full LPC process, which does not have listed criteria, the ordinance lists the following criteria to guide the subcommittee's review of the application:

- (a) The effect of the proposed work upon the general historical and/or architectural character of the landmark or landmark district;
- (b) The architectural style, arrangement, texture and materials of existing and proposed improvements, and their relation to the landmark or the sites, structures and objects in the district;
- (c) The effects of the proposed work in creating, changing, obscuring or destroying the exterior characteristics of the site, structure or object upon which such work is to be done;
- (d) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district; and
- (e) The extent to which the proposed work meets the standards of the City and the United States Secretary of the Interior for the preservation, reconstruction, restoration or rehabilitation of historic resources.

Similar Review Processes in Peer Cities

Properties Reviewed

Several peer cities we studied have similar processes to Fort Collins' Demolition/Alteration review. These types of reviews are almost always decided by the city's preservation commission. While it is most common for cities to limit demolition review to locally designated landmarks or properties within local historic districts, several cities extend this review to structures that are of a certain age and are potentially eligible for designation. Additionally, some cities review proposed demolitions of national- or state-designated landmarks. This extends regulatory protection to nationally or state designated properties that may not have also been locally designated.

In addition to reviewing the demolition of locally designated properties, the peer cities below have demolition review processes for the following types of properties:⁴⁷

- Boulder: Structures over 50 years
- Cambridge: Structures over 50 years
- Denton: Structures on the National Register
- Eugene: Structures on the National Register
- Gainesville: Structures over 45 years; Structures on the state inventory
- Santa Barbara: Structures over 50 years in mapped area; Structures on the Potential Historic Resource List
- Syracuse: Structures on the National Register; Structures on the city inventory

Proposals Reviewed

Most cities we studied review only proposed demolitions, not every alteration of these resources. However, in some cities the definition of demolition includes major alterations that remove a significant amount of historic fabric. Santa Barbara, for example, considers the removal of significant components or character-defining elements to be "demolition" (as excerpted below.)

Santa Barbara, California

22.22.020 - Definitions.

K. "DEMOLITION." The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Historic Landmarks Commission or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the act of pulling down, destroying, removing, relocating or razing a structure or commencing the work thereof with the intent of completing the same.

Of the peer cities we studied, Boulder has the most specific definition of "demolition" and incorporates helpful graphics to demonstrate how alterations may meet the definition of "demolition" without removing the entire structure:

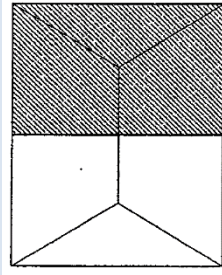
⁴⁷ Boulder [9-11-23](#); Cambridge [2.78.090](#); Denton [35-221](#); Eugene [9.0-19](#); Gainesville [6-19](#); Santa Barbara [22.22.035](#); Syracuse [VII-8](#)

Boulder, Colorado

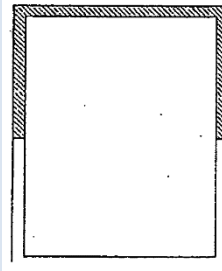
9-16-1 – General Definitions

Demolition or demolish means an act or process which removes one or more of the following. The shaded area illustrates the maximum amount that may be removed without constituting demolition.

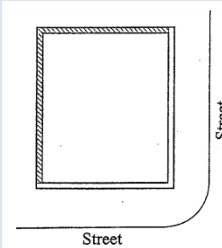
- (1) Fifty percent or more of the roof area as measured in plan view (see diagram);



- (2) Fifty percent or more of the exterior walls of a building as measured contiguously around the "building coverage" as defined in this section (see diagram); or



- (3) Any exterior wall facing a public street, but not an act or process which removes an exterior wall facing an alley (see diagram).



A wall shall meet the following minimum standards to be considered a retained exterior wall

- (A) The wall shall retain studs or other structural elements, the exterior wall finish and the fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;
- (B) The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- (C) Each part of the retained exterior walls shall be connected contiguously and without interruption to every other part of the retained exterior walls.

Demolition or Alteration Delay

It is common for cities to implement a stay or delay of the release of an approval of a permit in these types of demolition reviews. This is often used to allow for time to find alternatives to demolition and to provide additional public notice of the proposed demolition. This delay time may allow for the designation of the property, or to search for willing purchasers of the building, or to allow the city and property owner to negotiate solutions for the preservation of the structure. In the peer cities we

researched, these delays range from 40 days in Denton to six months in Cambridge. If no alternatives are found within the delay time, the demolition permit is then released.⁴⁸

Denial and Concurrent Designation

In some cities, the preservation commission is required to concurrently initiate a designation of the property if they deny a demolition request. In Santa Barbara (shown below), the commission is required to designate a structure that is denied demolition as a Structure of Merit or initiate the designation of the structure as a landmark. For partial demolitions of properties that are not currently on the city's potential historic resource list but are determined eligible during a demolition review, the commission is required to place the property on the potential historic resource list.

Santa Barbara, California

22.22.037 Demolition of a Listed Historic Structure.

B. AUTHORITY TO PROHIBIT THE DEMOLITION OF A POTENTIAL CITY HISTORIC RESOURCE.

The Commission may appropriately condition the demolition or partial demolition of a structure, site, or natural feature listed on the Potential Historic Resources List as necessary to mitigate the potential loss of Historic Resources resulting from the demolition or partial demolition. However, the Commission may not deny an application to partially or completely demolish a listed structure, natural feature, or site unless the Commission undertakes one of the following actions:

1. initiates and completes the designation of the structure, natural feature, or site as a City Structure of Merit, or
2. the Commission adopts a resolution of intention recommending the designation of the structure, site, or feature as a City Landmark to the City Council pursuant to the Landmark designation processes and notice requirements established by this Chapter.

Economic Hardship

Many cities allow exceptions to demolition review if the applicant demonstrates "economic hardship." In other words, the demolition may be allowed if the applicant is able to prove that the structure is not economically viable and the costs of rehabilitation or reuse are unreasonable.

Determining whether all potential economic options have been considered can involve a complex determination based on extensive background data. Communities with economic hardship provisions typically identify a list of economic data to support any claim of hardship, and place the burden of proof on the applicant to prove a hardship exists. Because preservation commissioners may not be equipped to evaluate these claims of economic hardship, many communities bring in outside experts to help in the determination.

For example, in Salt Lake City (not one of the peer cities reviewed in these reports), the landmark commission establishes a three-person economic review panel composed of real estate and redevelopment experts to evaluate claims of economic hardship. The commission and the applicant respectively choose one of the panel members and they must agree upon the third member. The panel evaluates the application in an open meeting and may convene a public hearing to receive additional testimony. Standards used to make the determination are related to the applicant's knowledge of the

⁴⁸ Denton [35-221](#); Cambridge [2.78.090](#)

property's historic designation, the property's level of economic return and marketability, the feasibility of alternative uses, and the availability of economic incentives.⁴⁹

Other cities, such as Gainesville, rely on their preservation board to determine economic hardship, but clearly list the detailed materials required of the applicant, as shown below:

Gainesville, Florida

Sec. 6-19. - Waiting period for certain demolition permits.

(d) At the next regularly scheduled meeting not less than ten days after the referral is received, the historic preservation board may waive the demolition delay if the applicant can demonstrate economic hardship, with consideration given to the economic impact of the delay on the applicant and the reasonableness of the applicant carrying out the decision of the board.

(1) In the event that economic hardship due to the effect of this section is claimed by an owner, the historic preservation board may require from the property owner any or all of the following information before it makes a decision on the application, as long as such information is relevant for the historic preservation board to decide whether an economic hardship exists:

- a. A report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- b. The estimated market value of the property in its current condition, after completion of the proposed demolition, and after redevelopment of the existing property for continued use;
- c. An estimate from an architect, licensed contractor, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- d. The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(2) If the property is income-producing, the historic preservation board may also require:

- a. The annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and depreciation deductions and annual cash flow before and after debt service, if any, during the same period;
- b. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
- c. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;
- d. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;
- e. The assessed value of the property according to the two most recent assessments;
- f. The real estate taxes for the previous two years;
- g. The form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
- h. Any other information considered necessary by the preservation board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

(e) After invoking a demolition delay, the historic preservation planner shall post the subject property with a sign notifying the public of the owner's intent to demolish the structure in order to allow interested parties to come forward and move the structure upon consent of the owner.

⁴⁹ Salt Lake City [21A.34.020\(K\)](#)

Although economic hardship considerations are typically considered in the context of historic building demolition in most cities, they could also in theory be applied to other processes. For example, economic hardship could be considered in the larger Fort Collins development review process, set forth in Section 3.4.7 of the Land Use Code, which requires applicants to retain and adaptively reuse eligible buildings on the development site “to the maximum extent feasible.”

Demolition or Alteration Denial

Some cities give their preservation commission the discretion to deny a demolition or alteration proposal for the community’s most important historic properties, as opposed to merely delaying such projects. Denials are appealable to the city council. Most of the peer cities have the authority to deny requests to demolish landmarked properties, but only authorize the delay of the demolition of potential resources. Only Santa Barbara and Syracuse expressly authorize their commission to deny demolition of potential resources. But as noted above, these denials must happen concurrently with a designation. Adding the authority to explicitly deny demolition/alteration of eligible properties (rather than de facto deny through nonconsensual designation) would likely be considered a policy change in Fort Collins and thus is beyond the scope of immediate recommended changes.⁵⁰

Discussion and Recommendations

Fort Collins’ Demolition/Review process is comparable to many of the cities that we studied. Several aspects are noteworthy:

Design Review Subcommittee

First, the option in Fort Collins for an application to be reviewed by the Design Review Subcommittee rather than the LPC is a good practice that offers the potential to shorten review times and provide helpful feedback, and we recommend maintaining this option.

However, there are a few improvements to the subcommittee review process that could be implemented. First, the subcommittee’s role and the reasoning behind some projects being considered by the subcommittee rather than the LPC should be better explained in the code (Section 14-72(b) and (d)). It may be helpful to set parameters for precisely which types of applications may be considered by the subcommittee, rather than leaving it up to the applicant’s discretion. Also, it would be helpful to track the number and type of projects reviewed by the subcommittee. This information could be reviewed at regular intervals in the future and could lead to suggestions for improvements or updates to code standards.

Recommendations

- Clarify the role of the Design Review Subcommittee.
- Consider using a decision matrix to more clearly differentiate between minor and major alterations.
- Reevaluate criteria for approval and potentially add an economic hardship determination.
- Consider increasing the amount of time that the LPC can delay a decision in order to find alternatives to demolition.

⁵⁰ Santa Barbara [22.22.035](#); Syracuse [VII-8](#)

CPC & LPC FEEDBACK

CAC: Agrees. LPC members participating in DRS should still be able to participate in later LPC hearings on item, like DDA does.

LPC: Agrees. LPC members participating in DRS should be able to participate in later hearings on item. DRS should be utilized more, offered as alternative to conceptual design review of changes to landmarks and for preliminary reviews of new development.

Decision Matrix

The availability of an administrative review process is a good practice. However, similar to our recommendation in the Topic B section of the report related to Design Review, we suggest that the difference between minor and major alterations be better explained in the code. The current definitions rely on impacts to integrity and require case-by-case review of each modification to determine the appropriate process. The same or a similar matrix as we recommended for Design Review could be used to determine the scope of the alteration. This would increase predictability for applicants and improve the efficiency of processing Demolition/Alteration Review applications, since the individual determination of whether an alteration is minor or major can unnecessarily consume significant staff time. Since Fort Collins applies Demolition/Alteration review to all structures that are 50 years or older and Fort Collins experienced significant growth in the late 1960s and 1970s, making this process administratively efficient will be imperative in the coming decade as more properties reach the age where they are potentially significant. It is worth noting that some cities around the country have set a specific date of construction as the benchmark for whether a review is required (for instance, only buildings built before 1970 are reviewed, rather than any buildings over 50 years of age); that date can be sunsetted, which allows for periodic adjustments. In addition, other cities determine a geographic area within which the review's applicability is limited.

CAC & LPC FEEDBACK

CAC: Agrees.

LPC: Agrees.

Evaluate Criteria

The approval criteria for LPC decisions in the demolition process should also be reviewed and updated to provide more certainty and consistency. Although it is relatively rare for a Demolition/Alteration review application to require LPC approval, it is critical that objective standards be established upon which the LPC can base its decisions. The ordinance does not clearly explain the LPC's options or the standards they should use in reviewing a demolition/alteration application. While staff notes that the LPC is only reviewing applications to determine potential mitigating conditions of approval or to forward the application to Council to consider a nonconsensual designation, the ordinance does not currently accurately describe this intent or the limitations of the LPC's review. In addition, there could be greater consistency in the criteria used by the subcommittee and the LPC. The current "considerations" used by the subcommittee are not mandatory standards to be met—only factors for the subcommittee to "consider" that could be evaluated along a wide spectrum of acceptability.

We also recommend considering the inclusion of an economic hardship determination. Such a process could offer an extra type of relief valve in unusual situations where applicants feel the regulations unduly limit their options for their property. Whether the LPC or a separate panel is used to make these determinations, the materials required of the applicant and the standards used to determine economic hardship must be made clear. The burden of proof in claiming economic hardship should be placed on the applicant.

CAC & LPC FEEDBACK

CAC: Disagrees with Clarion. Does not support adding economic hardship as a criterion. Very difficult, adds complexity. Potentially unfair; different results between savvy investors with large portfolios, lawyers and accountants, vs Mom and Pop owners. Support developing intermediate options for LPC between must approve or non-consensual landmark designation.

LPC: Disagrees with Clarion. Does not support adding economic hardship as a criterion. Noted that this is Council policy, affects all city codes. Agrees with developing intermediate options between two extremes.

Increased Delay

The LPC's authorization to postpone a decision on a demolition/alteration application by up to 45 days is on the shorter end of time periods of the cities we studied that allow for a delayed decision. However, when coupled with the 180-day interim control period (should a property be ultimately considered for designation by the City Council), the time limitations are similar to other cities we studied. Fort Collins may want to consider whether the 45-day continuation period for the demolition/alteration review process allows for enough time to seek other options for a property that would not be forwarded to the Council for potential designation (for example, exploring the potential for material salvage, moving the building finding a new owner, or incentives to encourage adaptive reuse). It would also be useful to develop a variety of tools (financial incentives or otherwise) that could help the LPC in negotiating outcomes that can preserve more of a property's history.

CAC & LPC FEEDBACK

CAC: Agrees. Concern that easy to miss deadline, such as by a meeting cancelled for weather or lack of quorum. Make sure timing is adequate.

LPC: Agrees. Staff needs to address as part of review of overall timing.

B. DETERMINATIONS OF ELIGIBILITY

Many cities maintain inventories of properties that have been determined to be eligible for designation, either through a survey or other means, but have not yet been formally designated. Such lists are important in the context of demolition review: If a property that may be demolished is not designated, the first step is typically to evaluate its eligibility for designation, and that step is quicker and more efficient if a list of eligible resources already exists.

It is important that cities proactively evaluate structures for potential historic significance even beyond case-by-case demolition reviews. These proactive evaluations could happen during citywide or area surveys, as discussed in the Topic A report. While a survey is just a first step toward affording a structure or district protection under an ordinance and provides no formal protection on its own, it does offer early notice to property owners that demolition review may be required. Providing early notice to a property owner helps ensure that preservation principles are considered early in the planning for a development project. In contrast, waiting to determine eligibility once an application has already been submitted means that preservation may take a back seat to other development goals. It also may add controversy and politicize the historic evaluation.

Determinations of Eligibility in Fort Collins

The City of Fort Collins identifies eligible historic resources through survey work, during the course of the Demolition/Alteration Review process, and during the Development Review process. Historic surveys can identify properties that are potentially eligible and can either recommend a property for further research, or determine that the property is eligible for designation based on the survey research. Property owners can also simply apply for a determination of their property's eligibility outside of any process. In Fort Collins, a determination of eligibility is valid for five years. Prior to 2014, determinations of eligibility were only valid for one year – the period of validity was increased as part of an overhaul of the preservation ordinance intended to improve historic review processes.

Knowing whether a property is eligible for individual designation determines what types of historic review processes are required. Determinations of eligibility essentially have created an additional class of protected properties in Fort Collins. Applications involving eligible properties must go through the Demolition/Alteration process described above, and all new construction is reviewed for compatibility with and preservation of eligible properties through the Development Review process.

Fort Collins' identification of separate levels of eligibility is somewhat unique. Only properties that are individually eligible for designation are subject to the Demolition/Alteration review process; properties that are only eligible as a contributing property within a potential historic district are not subject to the Demolition/Alteration review process. This distinction was added into the code in 2002. Of the peer cities

reviewed in this report, Gainesville is the only similar city in which levels of eligibility impact the applicability of different processes; the city's demolition by neglect rules apply only to landmarks or those contributing to a district, not to noncontributing properties.⁵¹

Fort Collins, like many cities, uses historic surveys to identify potentially eligible historic resources. However, according to city staff, Fort Collins has surveyed fewer than 2,500 of the estimated 19,000 older buildings in the city. The majority of these surveys were completed in the 1980s and 1990s. The city's most recent survey work was completed in 2017 and focused on the Loomis Addition near downtown. Over 250 properties were surveyed and 121 were identified as qualifying as local landmarks. Other surveys completed in the past have focused on particular historic or architectural themes, including agricultural buildings in the urban growth area, the old fort site, postwar development, Quonset huts, schools, and the sugar factory neighborhoods. Most of these surveys were undertaken at a "reconnaissance level," meaning they are high level and merely recommend some properties for further study, rather than going into detail and identifying eligibility for particular buildings.

The city is moving towards compiling their previous determinations of eligibility and making that information available to the public. For instance, the city has been tracking the results of decisions made on Demolition/Alteration Review applications and posting these on their website since 2016. We also understand from city staff that there is an internal spreadsheet that is used to track the determinations that have been made. This work could help supplement the determinations of eligibility that have been made during historic surveys. Additionally, we understand that in early 2018 a GIS map of recent determinations of eligibility made through both survey work and the official determinations will be available to the public. The public will be able to see those properties, as well as designated local landmarks and properties listed on the state and national registers, via the city's online GIS portal, "FC Maps."⁵²

Determinations of Eligibility in Peer Cities

In many other cities, determining eligibility is merely a portion of the overall demolition review and does not establish an independent level of protection for the property that applies in other reviews, as it does in Fort Collins. For example, in both Boulder and Gainesville, structures are evaluated for their eligibility during the demolition review process. In Cambridge, buildings are determined to be "preferably preserved significant buildings" during the review of a demolition of any property over 50 years of age. None of the other cities we studied have an expiration of these determinations of eligibility like Fort Collins's five-year period of validity.⁵³

Some cities complete inventories or lists of properties that have been determined to be eligible for designation. These cities have the support of detailed survey work that assists in creating the inventories. For example, Gainesville uses an inventory created by the State of Florida, and Syracuse relies on a past citywide inventory. Santa Barbara maintains a Potential Historic Resource List and explains the process of

⁵¹ Gainesville [30-112](#)

⁵² <https://www.fcgov.com/historicpreservation/review-list.php>

⁵³ Boulder [9-11-23](#); Gainesville [6-19](#); Cambridge [2.78.090](#)

creating this list in great detail in their code.⁵⁴ Properties must either be identified by a survey or by a commission member and a public hearing is held to put them on the list. If a survey identifies a property as eligible for designation, that property must be put on the potential historic resource list within a year or it is deemed to be ineligible.⁵⁵

Santa Barbara, California

22.22.030 - The Preparation and Use of Historic Resource Surveys; Identification of Potential Historic Resources for Possible Designation as a City Landmark or a Structure of Merit.

- A. POTENTIAL HISTORIC RESOURCES LIST. The Historic Landmarks Commission, acting with the administrative support of Community Development Department staff, shall periodically review, amend, and maintain a master list of potential Historic Resources within the City.
- D. LISTING OF STRUCTURES, SITES, AND NATURAL FEATURES ON THE CITY'S POTENTIAL HISTORIC RESOURCES LIST.
 - 1. *Use of Survey Identifications.* Those structures, real property sites, or natural features identified through the survey process established by Subsection (B) hereof as having potential for designation as a City Historic Resource shall be considered and acted upon by the Commission for official listing on the City's Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one year after the identification of the structure, real property site, or feature through the completion of the Survey process for that area of the City. Pending a hearing on possible listing initiated pursuant to this subsection (D), the Community Development staff may arrange for the preparation of an expert Historic Structure/Site Report regarding the possible Historic Resource significance of the structure, site, or feature. Such report shall be prepared in accordance with the requirements of the MEA Historic Resources Guidelines. The failure of the Commission to list an identified structure, site or feature within the one year time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List, unless a delay beyond one year is at the specific written request of the owner of the real property being considered for listing.
 - 2. *Commissioner Historic Resource Identification Requests.* Those structures, real property sites, or natural features identified as a result of a Commissioner request as having a potential for designation as City Historic Resources pursuant to Subsection (C) above shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one hundred twenty (120) days after the date of the filing with the Community Development Director of the written request by a Commissioner pursuant to subsection (C) hereof. Pending a hearing on a possible listing initiated pursuant to this subsection, the Community Development staff may request the preparation of a report prepared by the City's Urban Historian regarding the possible Historic Resource significance of the site, structure, or feature.

Although Denver is not one of the peer cities studied for this report, it is also helpful to study the City and County of Denver's "Certificate of Non-Historic Status" process. Property owners in Denver who want increased certainty about their property may apply for this certificate prior to submitting a demolition application. City staff then reviews the property for potential eligibility for local designation. If the property is deemed not to be eligible, a Certificate of Non-Historic Status is issued, which remains in effect for five years. In this time, the property owner may submit a demolition application without

⁵⁴ The Santa Barbara Potential Historic Resources List is available online at [this link](#).

⁵⁵ Gainesville [6-19](#); Syracuse [VII-8](#); Santa Barbara [22.22.030](#)

requiring further preservation review. Additionally, no designation application for the property may be processed during this time.⁵⁶

Discussion and Recommendations

Unlike several of the peer cities we studied, a determination of eligibility in Fort Collins creates a certain level of protection for properties because it spurs Demolition/Alteration review if demolition or a major alteration is proposed. It also triggers additional compatibility and preservation review during the Development Review process, as discussed in the Topic C section of this report (in Section 3.4.7 of the Land Use Code).

Inventory of Eligible Historic Resources

Because the determination of eligibility has such significance in Fort Collins processes, we believe these determinations should be recorded in an inventory or list that is available to residents and property owners. This would greatly improve the predictability of the processes that then apply to these properties. This inventory can build upon the work that the city has already begun in compiling all past determinations of eligibility. The inventory will also need to be supported by additional surveys of the city. The city should place greater emphasis and focus on surveying properties that have not yet been surveyed and creating this list. It will be important to complete additional intensive-level survey work of the older buildings in Fort Collins to help proactively determine the eligibility of these properties. The city is already on the path to achieving this with the previously mentioned GIS map that will be available early in 2018.

To formalize this updated inventory, Fort Collins could take the approach that Santa Barbara takes and require a public hearing. This would involve adopting all current determinations of eligibility at once at a hearing, which would be thoroughly noticed and provide property owners an opportunity to comment before the inventory is adopted. Ideally, most of the inventory could be created at one time, and it would conceivably be a relatively rare occurrence to add more properties to the inventory. Future additions to the inventory would then require additional hearings. The hearing would provide greater opportunities for public input in creating the inventory. Another option would be for staff to add properties to the inventory and allow property owners to appeal their listing to the LPC. This may be easier from an administrative perspective. Like Santa Barbara, a time limit should also be established in which a property identified as eligible for designation in a survey must be placed on the inventory.

Recommendations

- Focus on completing survey work to proactively identify eligible resources.
- Create an inventory of eligible historic resources.
- Reconsider the five-year period of validity. Consider a process for property owners to obtain a certificate of ineligibility with a five year limit on validity.

CAC & LPC FEEDBACK

CAC: Strongly agrees. Notes that each of Clarion's reports states need for far more survey.

LPC: Strongly agrees. Would greatly benefit predictability; aid developers and property owners.

⁵⁶ Denver [30-6](#)

Period of Validity for Determinations of Eligibility

We also recommend reconsidering the five-year period of validity for determinations of eligibility. There are benefits and downsides to establishing time limits on determinations of eligibility. The main benefit of having a time limit on the listing of eligible properties on an inventory is that it would require the city to continuously update their surveys or risk that eligible properties would lose the protection that eligibility currently provides. However, this may be unrealistic administratively for some cities and therefore would provide little value. But, it is also important to have some expiration for declarations of non-historic eligibility, as properties may gain historic significance over time.

A slightly different, alternative approach might be to develop an inventory of eligible resources that would provide greater predictability. All properties that have been determined eligible for designation at any time could be listed on such an inventory. There would be no set expiration period for the eligibility determination. If a property is not listed on the inventory (or the owner contests its eligibility), property owners could apply for something similar to Denver's Certificate of Non-Historic Status to ensure that their property is not put on the inventory for five years and therefore is not subject to Demolition/Alteration review. Like Denver's certificate, this could also ensure that designation proceedings for the property could not be initiated within this time limit. This would give owners of property that have not been included in the inventory of eligible resources assurance that they would not be subject to preservation requirements for at least five years.

CAC & LPC FEEDBACK

CAC: Clarify. Clarion appears to say that all buildings are eligible until determined not to be. Not sure how this would help. Request more information.

LPC: Currently no presumption of a building's eligibility. More information needed to understand why Clarion recommends this change.

Clarion Response: Clarion has modified the language in the above paragraph to try and provide greater clarity on the recommended alternative. However, on further reflection, we also think the city's current approach is sufficient.

C. DEMOLITION BY NEGLECT

Many communities have adopted regulations to protect historic properties from being effectively demolished by incremental neglect. A wide variety of approaches are taken throughout the country. For example, a common approach is to permit a specified local agency to take necessary steps to secure a derelict historical resource against vandalism. Often the local government and its preservation agency have the power to make repairs and bill the owner when historic properties fall into disrepair. In some cities, the local preservation commission even has the power to initiate or recommend condemnation proceedings where demolition by neglect is occurring, allowing the local government to assume ownership of and begin repairs on neglected properties.

Beyond being more specific as to affirmative maintenance obligations, the preservation ordinance should also include enforcement procedures that identify authorized personnel who can investigate and report

neglected properties to the Commission, the process/timing for issuing notices of violation, and city authority to correct conditions of neglect and to recoup expenses if the property owner fails to act within a specified timeframe. Generally, a preservation ordinance will only be as effective as the power and willingness of the community to enforce it. Ignoring the details of enforcement in a preservation ordinance may have unfortunate consequences. Enforcement provisions should include remedies for noncompliance, maintenance and upkeep requirements, and details of how the ordinance should be administered.

Demolition by Neglect in Fort Collins

In Fort Collins, regulations preventing demolition by neglect are limited to designated resources. Section 14-53 of the preservation ordinance sets forth minimum maintenance standards that apply to owners of designated landmarks and all sites, structures, and objects within designated landmark districts. The minimum standards consist of the International Property Maintenance Code requirements (citywide standards, not focused specifically on preservation), as well as requirements to keep exterior structural elements in good condition and free from deterioration and decay. Any violation of the preservation ordinance is subject to the city's general penalties and surcharges for misdemeanor offenses and civil infractions.

The ordinance also allows the LPC to request that the Director require correction of any defects and repairs to any designated properties. However, staff notes that the building official has limited ability to require repairs if the building is adequately secured.

Demolition by Neglect in Peer Cities

Minimum Maintenance Requirements

The most typical approach to prevent demolition by neglect is to adopt minimum affirmative maintenance provisions that require property owners to keep buildings in good condition. Such requirements identify measures that property owners must take to maintain the physical integrity of the building and keep it from falling into serious disrepair. Almost every city we studied has similar regulations requiring maintenance of properties to prevent demolition by neglect. Usually, this requirement in the preservation ordinance is limited to formally designated properties, like in Fort Collins. However, Santa Barbara requires maintenance provisions for both landmarks and structures of merit. Gainesville requires upkeep of both locally designated properties and properties that are contributing to a local or national historic district.⁵⁷

All cities have general maintenance requirements not specific to preservation that are incorporated in their general building code regulations. As an example, Boise is specific about what types of repairs are required (excerpted below):

⁵⁷ Santa Barbara [22.22.070](#); Gainesville [30-112](#)

Boise, Idaho

11-05-09(14): MAINTENANCE AND REPAIR REQUIRED; DEMOLITION BY NEGLECT

A. Any property located within an historic district, historic district – residential or designated as a landmark shall be preserved by the owner, or such other person or persons as may have the legal custody or control thereof, against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects, or other defects that in the judgment of the Commission has a detrimental effect on the historical characteristics of the property or district.

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of exterior chimneys;
- (4) The deterioration or removal of exterior finishes or fenestration;
- (5) The ineffective waterproofing of exterior walls, roofs and foundations including broken windows or doors; and
- (6) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

Commission Notification and Involvement

Some cities, such as Boise, Denton, and Madison, have created hearing processes for determining whether demolition by neglect is occurring. This establishes processes whereby an owner must complete repairs by a certain time and if not, enforcement action is taken. In addition, many of the cities we studied specify that the preservation planning department or the preservation commission must be notified by the building official when violations are cited or orders are given on landmarked properties.⁵⁸

Enforcement of Demolition by Neglect

Of the cities we studied, Madison has the strictest enforcement provisions for cases of demolition by neglect. If a court determines that demolition by neglect is occurring (using an initial LPC decision as evidence), all fines for violations of the ordinance are tripled. The ordinance is excerpted below (with emphasis added):

Madison, Wisconsin

41.14 MAINTENANCE OBLIGATION; ENFORCEMENT; PENALTIES.

(1) Maintenance Obligation. Every owner of a landmark, improvement on a landmark site, or improvement in a historic district shall do all of the following:

- (a) Protect the improvement against exterior decay and deterioration.
- (b) Keep the improvement free from structural defects.
- (c) Maintain interior portions of the improvement, the deterioration of which may cause the exterior portions of such improvement to fall into a state of disrepair.

(2) Enforcement.

- (a) The Building Inspector or designee is authorized to enforce the provisions of this chapter.
- (b) The Building Inspector may issue an official written notice to a property owner, requiring the property owner to correct a violation of Sec. 41.14(1) above by a date specified in the notice.
- (c) *The Building Inspector shall notify the Preservation Planner of all official compliance notices issued to owners of landmarks or improvements in historic districts. The Building Inspector shall further notify the Preservation Planner whenever a property owner fails to correct a violation by the compliance date specified in an official*

⁵⁸ Boise [11-05-09\(14\)](#); Denton [35-222](#); Madison [41.15](#)

notice.

(d) City agencies or commissions responsible for enforcing Chapters 18, 27, 29, 30 and 3, MGO, or, in the absence of such city agency or commission, the Building Inspector, may grant individual variances from those chapters to facilitate historic preservation and maintenance under this chapter, provided that such variance does not endanger public health or safety or vary any provisions of this chapter.

(3) Penalties. Violations of the provisions in this ordinance shall be subject to a minimum forfeiture of two hundred fifty dollars (\$250) and a maximum forfeiture of five hundred dollars (\$500) for each separate violation. A second violation within thirty-six (36) months shall be subject to a minimum forfeiture of five hundred dollars (\$500) and maximum forfeiture of one thousand dollars (\$1000) for each separate violation. A third violation within thirty-six (36) months shall be subject to a minimum forfeiture of one thousand dollars (\$1000) and maximum forfeiture of two thousand dollars (\$2000) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate violation. All fines imposed under this ordinance shall be tripled if the Court makes an additional finding that the subject property is undergoing demolition by neglect as defined by this ordinance. A finding of demolition by neglect by the Landmarks Commission as provided in Sec. 41.15 below shall be prima facie evidence of demolition by neglect for purposes of any civil court action.

41.15 DEMOLITION BY NEGLECT.

The owner of a landmark, improvement on a landmark site, or improvement in a historic district, may not allow the landmark or improvement to undergo demolition by neglect.

(1) Notice of Demolition by Neglect.

If the Building Inspector believes that a landmark or improvement is undergoing demolition by neglect, the Building Inspector shall give written notice of that belief to the owner of the landmark or improvement. The Building Inspector shall give a copy of the notice to the Preservation Planner and the Landmarks Commission.

(2) Public Hearing.

Upon receiving a notice under Sec. 41.15(1), the Landmarks Commission shall issue a hearing notice under Sec. 41.06 and hold a public hearing to determine whether the landmark or improvement is undergoing demolition by neglect. The Commission shall hold the public hearing within ninety (90) days of receiving the notice under Sec. 41.15(1).

(3) Landmarks Commission Finding.

If, after a public hearing, the Landmarks Commission finds that a landmark or improvement is undergoing demolition by neglect, it shall report its finding to the Common Council, the Building Inspector and the Office of the City Attorney. A Landmarks Commission finding of demolition by neglect is prima facie evidence of demolition by neglect for purposes of any administrative or civil court action, and also constitutes a determination that a public nuisance exists under Sec. 27.05(3), MGO.

(5) Abatement by the City.

If the Landmarks Commission finds under Sec. 41.15(3) that a landmark or improvement is undergoing demolition by neglect, the Building Inspector may proceed under the non-summary abatement procedures set forth in Sec. 27.05(3)(e), to repair the landmark or improvement to abate the nuisance. The cost of the required repairs shall be paid by the property owner, or shall be imposed as a special charge against the property and collected pursuant to the provisions of Sec. 4.09(13), MGO, and Wis. Stat. § 66.0627.

(6) Acquisition by City.

If the Landmarks Commission finds under Sec. 41.15(3) that a landmark or improvement is undergoing demolition by neglect, the Common Council may authorize the City to acquire the property under Wis. Stat. § 66.1111(2), if necessary through the initiation of condemnation proceedings under Wis. Stat. § 32.06.

Discussion and Recommendations

Required Types of Repairs and Increased Penalties

Fort Collins should focus on enumerating areas of neglect that could lead to serious repair costs if left unattended. It is important to be specific in the ordinance about what types of repairs are most necessary to preserve a structure. In addition, the city should consider increasing the penalties for properties that are deemed to be undergoing demolition by neglect. This could be determined by the LPC at a public hearing, as seen in the peer city examples. Also, similar to Madison, each violation within a certain time period should be considered a separate offense. This may require amendments to different parts of the Fort Collins Municipal Code in addition to Section 14-8 and 14-73. Considerations of an applicant's economic hardship, similar to that recommended in the first section of this report, could be incorporated into the LPC's review to provide a relief valve.

Understandably, most cities are also concerned with preserving the exterior structural integrity of structures that could be eligible for historic designation in the future, but have yet to be formally designated. In the interim, a "gap" condition exists in which properties that may warrant future designation are not properly maintained and risk losing their integrity prior to formal designation—but this fact may not come to light until a property owner applies for a permit to physically demolish the structure.

Recommendations

- Specify the types of repairs that are required to prevent demolition by neglect.
- Increase penalties for properties undergoing demolition by neglect.
- If an inventory of eligible resources is created, extend maintenance requirements to eligible structures on the inventory.
- Incorporate preservation-related requirements in the general property maintenance standards.
- Develop financial incentives to assist with required property maintenance.

CAC & LPC FEEDBACK

CAC: Agrees. Proactive enforcement before they become imminently dangerous.

Neglected/dangerous buildings should have to go through city's processes, not be able to circumvent. Also agrees to increase penalties for properties undergoing demolition by neglect. Way to circumvent City processes. Penalties within certain time frame should also be cumulative rather than treated as separate incidents.

LPC: Agrees with CAC. Noted that how repairs are done could damage integrity of building. Agrees with CAC about penalties. Used as way to circumvent City processes.

Minimum Maintenance Requirements and General Property Maintenance Standards

One potential resolution for this issue may be to use the inventory of eligible resources list that is recommended in the previous section of this report. After creating such an inventory, the city can then incorporate language in the minimum maintenance requirements that extend the minimum maintenance requirements to all eligible properties listed in the inventory. Using the inventory to clearly and predictably define a new class of properties would allow Fort Collins to then extend affirmative maintenance requirements to that new class. Then, staff can prioritize monitoring of exterior structural

conditions on these properties, as well as exercise the authority to enforce violations in order to avoid demolition by neglect.

In addition, the city should incorporate some preservation-related requirements in the general property maintenance standards. This could include adding a clear policy statement to the International Property Maintenance Code as a local amendment that City policy is to pay particular attention to maintenance standards of designated and eligible historic resources.

CAC & LPC FEEDBACK

CAC: Agrees.

LPC: No discussion against using inventory to require minimum maintenance. Agrees with general maintenance standards change.

Financial Incentives

Finally, we recommend balancing these maintenance requirements with financial incentives to complete repairs. Often, properties are not being kept up for financial reasons. Assistance may be the “carrot” approach that can balance the “stick” approach of stronger and wider-reaching maintenance requirements and enforcement. These incentives could also be used to make necessary repairs before they are exponentially more expensive. The city’s Design Assistance Program is already extended to eligible resources and can provide up to 2,000 dollars of design assistance for a proposed exterior modification. An incentive program to actually complete the repairs could be modeled based on the Design Assistance Program.

CAC & LPC FEEDBACK

CAC: Agrees. Bigger carrots to incentivize rehabilitation.

LPC: Agrees. Also use to address energy efficiency.

D. PUBLIC SAFETY EXCLUSIONS

Many local preservation ordinances contain provisions whereby a historic resource declared to be a public hazard may be altered, repaired, or demolished without the local preservation review body having any input or taking action. On their face, public safety exclusions appear reasonable—if a building is about to tumble down on pedestrians below, surely something must be done quickly—but in practice, they could be used to circumvent local review procedures or to avoid facing up to hard choices between a proposed redevelopment scheme and preservation of an important historic resource.

At a minimum, local preservation ordinances should attempt to strike a balance between concerns about public safety and preservation—for example, by allowing the preservation commission to comment on the proposed demolition unless the legislative body specifically finds there is an immediate and serious threat to the public safety that cannot be addressed through less drastic measures.

Public Safety Exclusions in Fort Collins

In 2014, Fort Collins updated the ordinance language related to remedying dangerous conditions and public safety exclusions. This amendment inserted new language requiring that, if the structure is capable of being made safe by repairs, it must be repaired or demolished in accordance with the provisions of the Demolition/Alteration review process.

Determining what is “repairable” versus “imminently dangerous” happens on a case-by-case basis. The Buildings and Building Regulations chapter of the Fort Collins Municipal Code sets forth definitions for determining whether a structure is “dangerous” and when there is “imminent danger” (excerpted below). Further, an adopted appendix lays out a sample list of conditions that are considered to be substandard or dangerous.

108.1.5 Dangerous structure or premises. A structure or premises is dangerous if any part, element or component thereof is no longer within its serviceability limit or strength limit state as defined in this code or, when considered in totality, the structure or premises pose an imminent threat to the health and safety of the public or the occupants of the structure or premises as referenced in Appendix A of this code.

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Dangerous and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the

structure, making the required repairs, removing the hazardous condition or demolishing the same.

Public Safety Exclusions in Peer Cities

Most cities give the building official significant latitude in determining what is dangerous, and exempt ordered repairs or demolition from typical preservation process requirements. However, a few of the cities we studied limit the authority of the building official. For instance, Syracuse requires that the ordered changes undergo the typical Certificate of Appropriateness approval process, if time allows. Ultimately, their preservation commission must approve the changes ordered by the official, but may add conditions to their approval that will mitigate the historic impact. However, if the time to obtain a Certificate of Appropriateness will “prevent timely compliance,” the ordered work can be exempted from the process altogether.⁵⁹

As another example, Berkeley contains a provision for a public safety exemption from historic preservation regulations, but instructs that the exemption is specifically limited to activities necessary to correct public safety issues, preventing demolition in many cases (emphasis added):

Berkeley, California

3.24.280 Landmarks, historic districts or structures of merit--Unsafe or dangerous conditions--Effect.

None of the provisions of this chapter shall be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature, or part thereof, which such condition has been declared unsafe or dangerous by the Planning and Community Development Department or the Fire Department, and where the proposed measures have been declared necessary, by such department or departments, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature is damaged by fire or other calamity or by act of God, or by the public enemy to such an extent that in the opinion of the aforesaid department or departments it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws.

Cities also vary in how much involvement of the preservation commission is built into the determinations of what is “dangerous.” Cambridge requires notification of the Executive Director of their Historical Commission for inspections of buildings over 50 years in age and the director is given the authority to “pursue all reasonable courses of action to prevent emergency demolition” of structures that are determined to be significant buildings. In Gainesville, the preservation commission is empowered to appeal the building official’s determinations that a building is “dangerous” to the city’s board of adjustment. Gainesville also helpfully identifies the preservation board’s roles, responsibilities, and rights to notification regarding maintenance issues in their ordinance.⁶⁰

⁵⁹ Syracuse VII-6

⁶⁰ Cambridge 2.78.110; Gainesville 30-112

Gainesville, Florida

30-112. 4.g. Demolition by Neglect.

The intent of this section of the land development code is to stop the continuing deterioration of historic properties and neighborhoods through application of chapters 13 and 16 of the code of ordinances.

1. The historic preservation board may, on its own initiative, file a formal complaint with the codes enforcement division requesting repair or correction of defects to any designated structure so that it is preserved and protected.
2. The code enforcement division shall provide written notice to the staff member assigned to the historic preservation board of any minor or major housing code violation for a building or structure that is either listed on the national or local historic register or is a contributing structure to either a nationally or locally designated historic district.
3. The code enforcement office shall provide written notice to the staff member assigned to the historic preservation board of a determination that a building or structure that is either listed on the national or local historic register or is a contributing structure to either a nationally or locally designated historic district is "dangerous," as defined by section 16-17 of the code of ordinances.
4. Upon receipt of this notice, the city manager or designee is authorized to access these properties accompanied by a code enforcement officer to assess the damage that formed the basis for the decision to find the building "dangerous." The assessment will be presented to the historic preservation board, which shall be allowed to appeal the determination to the board of adjustment pursuant to section 16-27 of this code and present evidence against the determination that the building is "dangerous".

Discussion and Recommendations

The Fort Collins ordinance already does a good job of requiring repair where possible and not purely exempting public safety exclusions from the historic review process. Many cities do not have this level of specificity. However, the applicability of this provision could be more clearly explained in the ordinance.

Clarify Language and Definitions

In addition, the definitions of "dangerous structures," "imminent danger," and the examples of dangerous buildings in the building code should be reviewed. While the Fort Collins definition of "imminent danger" is generally similar to the other cities we studied, it is somewhat circular, essentially noting that imminent danger means whenever the code official believes there is imminent danger. Many cities maintain this somewhat open-ended approach to provide flexibility to treat unique situations on a case-by-case basis. We did not find an excellent example in our peer city research that would significantly clarify the issues with the current definition in Fort Collins. One possible option for additional clarification could be further emphasis on time, clarifying that "imminent danger" is "A condition that immediately threatens the health, safety, and welfare of an individual or the public due to danger of collapse or other dangers to enter."

Potential exclusions for historic buildings should be added to the building code Appendix A list of specific substandard or dangerous conditions, to ensure that historic resources are not ordered for demolition when dangerous but repairable conditions exist.

Recommendations

- Clarify ordinance language requirement to repair dangerous conditions when deemed repairable by the building official.
- Review and update relevant building code definitions.
- Improve coordination between the LPC/preservation staff and the building official in regards to dangerous buildings.



CAC & LPC FEEDBACK

CAC: Agrees. City should have distinction between dangerous and imminently dangerous. Need definition of dangerous and imminently dangerous; reference in all relevant codes. City Attorney's Office will prepare definition.

LPC: Agrees with Clarion and CAC. CAO crafting definition good; defensible.

Improve Coordination

Finally, the ordinance should more clearly describe the roles, responsibilities, and relationship of the building official and the commission or preservation staff. The process for notifying the LPC should be better detailed and a process for appealing these orders or involving the LPC should also be developed.



CAC & LPC FEEDBACK

CAC: Agrees.

LPC: Agrees. More coordination helpful in both preventing and resolving issues.

References

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Berkeley, California:

<http://www.codepublishing.com/CA/Berkeley/html/Berkeley03/Berkeley0324/Berkeley0324.html#3.24>

Boise, Idaho: <http://cityclerk.cityofboise.org/media/262806/1100.pdf>

Boulder, Colorado:

https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT9LAUSCO_CH11HIPR_9-11-3INDEINLAHIDI

Cambridge, Massachusetts: <http://code.cambridgema.gov/2.78.180/>

Denton, Texas:

https://library.municode.com/tx/denton/codes/code_of_ordinances?nodeId=SPBLADECO_CH35ZO_ARTVHILAPRHIDI

Eugene, Oregon: <https://www.eugene-or.gov/DocumentCenter/Home/Index/262>

Gainesville, Florida:

https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=COORGAFL_CH30LADECO_ARTVIRESPREUS_S30-112HIPRCO

Lincoln, Nebraska: <http://lincoln.ne.gov/city/attorn/lmc/ti27/ch2757.pdf> ;

Madison, Wisconsin:

https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=Chapter%2033%20Boards%20%20Commissions%20%20and%20Committees

Norman, Oklahoma:

<http://www.normanok.gov/sites/default/files/WebFM/Norman/Planning%20and%20Development/Planning%20and%20Zoning/5-22-14%20Complete%20Zoning%20Ordinance.pdf>

Provo, Utah: <http://www.codepublishing.com/UT/Provo/?Provo16/Provo16.html>

Santa Barbara, California: <http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=12168>

Syracuse, New York: <http://www.syracuse.ny.us/pdfs/Zoning/Zoning%20Ordinance%20Part%20C.pdf>

OTHER RELATED SITES

Cambridge Historical Commission, "Application for Certificate,"

<https://www.cambridgema.gov/~media/Files/historicalcommission/pdf/chcapplication.pdf?la=en>

City and County of Denver, Colorado,

https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_CH30LAPR_ARTII_NGE_S30-6PRAUERCOREALDEST

City of Albuquerque Comprehensive City Zoning Code

<http://documents.cabq.gov/planning/UDD/ZoningCode/CodeEnf-ZoningCode-FullText-2017.pdf>

City of Boulder, "Design Guidelines for Individual Landmarks and Historic Districts,"

<https://boulder.colorado.gov/pages/historic-preservation-applications-design-guidelines>

City of Brownsville Code of Ordinances

https://library.municode.com/tx/brownsville/codes/code_of_ordinances?nodeId=PTIICOOR_CH348ZO_ARTIXHIPRURDE_DIV3HIPRAD_S348-1513CRDESELOSI

City of Eugene, "Advisory Design Guidelines for Historic Residential Properties," <https://www.eugene-or.gov/830/Historic-Documents-and-Resources>

City of Eugene, "Eugene Cultural Resource Program," <https://www.eugene-or.gov/828/Eugene-Cultural-Resource-Program>

City of Eugene, "Historic Designation," <https://www.eugene-or.gov/823/Historic-Designation>

City of Gainesville, "Mid-Century Survey,"

<http://www.cityofgainesville.org/PlanningDepartment/HistoricPreservation/Mid-CenturySurvey.aspx>

City of Lincoln, "Historic Preservation," <https://lincoln.ne.gov/city/plan/long/hp/hp.htm>

City of Norman, "Historic Preservation," <http://www.normanok.gov/planning/historic-preservation>

City of Santa Barbara, "Architectural Board of Review General Design Guidelines & Meeting Procedures," <https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17281>

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City of Santa Barbara, "Santa Barbara Potential Historic Resources List"

<https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17352>

Fort Collins Demolition/Alteration Review and Appeals

<https://www.fcgov.com/historicpreservation/review-list.php>