

Development Review and Historic Resources: Processes & Standards for Review

Topic Report 3 of 4:
Fort Collins Historic Preservation Codes & Processes
Fall 2017

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Background

This document is part of a series of reports examining the City of Fort Collins' historic preservation codes and processes, including provisions from both the Municipal Code and the Land Use Code. All four reports will be compiled once they are reviewed and commented upon by the Citizen Advisory Committee, Landmark Preservation Commission, and City staff. The reports focus on the following four topics:

- A. Landmark Designation Codes & Processes**
- B. Designated Resources: Processes and Standards for Review**
- C. Development Review and Historic Resources : Processes and Standards for Review**
- D. Demolition/Alteration Codes & Processes, Dangerous Conditions, and Demolition by Neglect**

INTRODUCTION

This 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 report assesses the program area's current conditions and provides recommendations for proposed improvements. A review of peer cities was completed to compare the Fort Collins program to similar efforts in other communities.

The report 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.

SUMMARY OF RECOMMENDATIONS

The following sections of this report review three topics related to the processes and standards used for the historic preservation component of Development Review and provide conclusions and recommendations for each topic based on peer city research. The recommendations are summarized below:

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.

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.

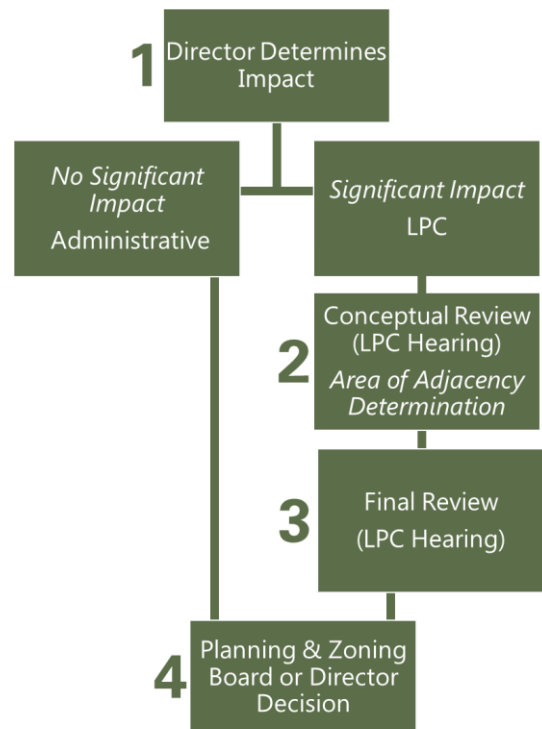
To the maximum extent feasible, the preservation and adaptive reuse of any onsite historic structure is required. Also, development plans and designs must protect and enhance the historical and architectural

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.¹

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

¹ Madison [28.144](#); Santa Barbara [Historic Landmarks Commission General Design Guidelines & Meeting Procedures](#) and [Architectural Board of Review General Design Guidelines & Meeting Procedures](#)

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.²

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.³ 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.⁴

² Lincoln [4.36.030](#)

³ Structures of Merit are discussed in the Topic A report.

⁴ 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 sections 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 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.

Additionally, the procedural requirements of the process are not currently well-described in the ordinance. 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 report, 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.

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.

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.⁵ 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.

⁵ The Demolition/Alteration Review Process would also protect on-site modification of eligible resources and will be discussed in the Topic D 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.⁶

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.⁷ 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).⁸ 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.

⁶ 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](#)

⁷ Madison [28.144](#)

⁸ 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.

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.

Recommendations: Geographic Extent

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

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.

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 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.

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.

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.

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.

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.

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.⁹

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

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.

Organization

Similar to the previous reports, 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).

⁹ 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](#)

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

Links

PEER CITY ORDINANCES

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

City of Albuquerque Comprehensive City Zoning Code

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

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 Santa Barbara, "Historic Landmarks Commission General Design Guidelines & Meeting Procedures,"

<https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17311>

City of Santa Barbara, "Architectural Board of Review General Design Guidelines & Meeting Procedures,"

<https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17281>