

LANDMARK PRESERVATION COMMISSION

Regular Meeting

January 23, 1996

Council Liaison: Gina Janett

Staff Liaison: Joe Frank

Commission Chairperson: Jennifer Carpenter (225-0960)

SUMMARY OF MEETING: The LPC discussed the Downtown Civic Center plan and made a recommendation for the rehabilitation of the Northern Hotel as a hotel. The unauthorized demolition of the historic Fort Collins Monument Works, 333 East Mountain Avenue, was discussed. A motion was passed to pursue legal procedures against the owner. The George W. Coffin House, 525 Smith Street, was recommended to Council for designation as a Local Landmark. Bob Blanchard made a presentation of the revised East Side/West Side Standards and Guidelines and expressed some of the concerns he has heard from the public and City Council. A presentation was made on the Process for District Designation to be included with the East Side/West Side Design Standards and Guidelines. The focus of the discussion was to identify where interim control plays into the process and some of the LPC's concerns about placing a hold on work to be done to a property. Proposed changes to the Rehabilitation Grant Program were discussed. It was decided to change the schedule of the program in the future so project grants will coincide with the construction season. The LPC gave input on the procedure for the proposed Design Assistance Program.

CALL TO ORDER AND ROLL CALL:

Commission Chairperson Jennifer Carpenter called the meeting to order 5:38 p.m., 281 North College Avenue. Nicole Sneider, Secretary called the roll. Commission members Jennifer Carpenter, Ruth Weatherford, Per Hogestad, Jean Kullman, Terence Hoaglund and James Tanner were present. Mr. Bud Frick arrived late. Carol Tunner and Karen McWilliams represented staff.

GUESTS: Leanne Lawrie, Fort Collins City Planner, Bob Blanchard, Current Planning Director, and Jeff Bridges, citizen, attended the meeting. Greg Hastings represented David Wilkins, the owner of the George W. Coffin House, 525 Smith Street.

AGENDA REVIEW: Ms. Lawrie, City Planner will present the Rehabilitation Grant Program prior to the discussion of the Design Assistance Program. Ms. Tunner added to Other Business the unauthorized demolition of the Fort Collins Monument Works, 333 East Mountain. Ms. McWilliams added the District Designation Process as the first item to be discussed under Other Discussion Items.

STAFF REPORTS: Mr. Joe Frank will make a presentation on the *Community Visions and Goals 2015* at the LPC meeting February 13, 1996 meeting.

COMMISSION MEMBERS' REPORTS:

Downtown Civic Center

Mr. Hoaglund met with Debra Passariello, Facilities Director, January 23, 1996 to discuss the Downtown Civic Center alternatives. Mr. Hoaglund presented the LPC's concerns about a downtown hotel proposed to be located at the Washington's Bar. Mr. Hoaglund suggested preserving the historic building by adding on to it or building around it and tying the hotel to the downtown area. Upon review of the plan and the alternatives, the LPC agreed Washington's is probably not the best location for a downtown hotel. It ignores the city's own plans for new Storm Water Utility offices and the car wash presently being built. One problem with designating the Northern as the downtown hotel was that it's not big enough. Ms. Carpenter questioned if you could put a six to seven story hotel at the Washington's location along with the other projects planned for that area. Mr. Hoaglund explained the current alternative plans to build the hotel on top of Washington's and on the lot adjacent. The plans illustrate new retail and civic uses in the area which take out the existing car wash and shoe store.

Mr. Hoaglund asked for the LPC's input on the removal of the median at Laporte and College Avenue. He said that they were proposing to extend the median on Mountain Avenue across College Avenue and take away the diagonal parking along Mountain Avenue. The street car service could be extended to serve commuters and no longer just run for the novelty. There will be another meeting to discuss the plans for the Downtown Civic Center February 8, 1996. Once one plan is decided upon, Ms. Passariello will make a presentation to the LPC.

Ms. Carpenter is concerned that the Northern Hotel is not being considered for renovation in order to serve as a downtown hotel. Mr. Hoaglund explained that they are looking for a two to three hundred room hotel. Ms. Tunner believes that the Northern has one hundred ten rooms. Ms. Weatherford explained that the Northern Hotel can still be used as a downtown hotel and then a convention center can also be built. These two establishments have very different characters. Ms. McWilliams had heard a suggestion to build another hotel at College Avenue and Pine Street and connect it to the Northern. Underground parking could be provided in this case. Mr. Hoaglund suggested keeping the Northern as the downtown hotel and take that same triangular piece and convert it into a nice parking structure. Ms. Tunner stressed that the Northern is Fort Collins last chance for a downtown historic hotel. The Commission agreed every good city has an historic downtown hotel. Ms. Tunner quoted from the Secretary of the Interior's Standard #1 which recommends providing a compatible use for a property by considering its original use. The "flat iron shape" building is very charming in the inside with rooms with interesting shapes

and angles.

APPROVAL OF MINUTES: Ms. Tunner explained that in the September 12, 1995 minutes, there was a correction on page two under "Approval of Minutes" which stated that on the Oceanak House, 425 East Elizabeth, porch lights approval from page five of the July 25, 1995 minutes, Mr. Tanner voted against the submittal. The vote from July was actually unanimous, according to Ms. Tunner.

Ms. Weatherford moved to accept the September 12, 1995 minutes as corrected. The motion was seconded by Mr. Hoaglund which passed unanimously, 7-0.

The November 28, 1995 minutes were approved as submitted.

CURRENT DESIGN REVIEW:

East Side/West Side "Standards and Guidelines for Historic Properties" presented by Bob Blanchard, Current Planning Director

Bob Blanchard presented an update on the East Side/West Side Design Standards and Guidelines. Packets were distributed of the *Standards and Guidelines for Historic Structures* document, included with the East Side/West Side Design Standards and Guidelines proposal. In addition, a matrix was provided which diagramed the proposed changes for zoning amendment options. The matrix includes all the language of the previously proposed standards and explains what status change has been made to each standard. The standards were proposed to be adopted as a zoning change; edited and referred to the original standard; changed from a standard to a guideline; merged with another idea; or deleted. Mr. Blanchard informed the Commission that City Council had requested last September that the text of the document be simplified and clarified; suggested transferring some of the standards into the zoning code; asked that the LPC develop a district designation process; and requested that Mr. Blanchard organize another public outreach program. Mr. Blanchard said all of council's requests were satisfied.

In addition, Mr. Blanchard created a focus group in which Ms. Jennifer Carpenter and Mr. Bud Frick from the LPC participated. The focus group discussed the principles and effects of planning and implementing the East Side/West Side Design Standards and Guidelines. People who were adamantly opposed during the adoption process, citizens who were in favor of the document exactly the way it was proposed, and residents who fell in between and could act as mediators between the two sides participated in four meetings in order to review all of the standards. Within their discussions, major concerns addressed alley houses, secondary residential structures, and a sliding scale for minimum lot sizes for building new structures. Mr. Blanchard originally formed the focus group to help determine any initial area of agreement which could be left out of future discussion. He explained that the focus group evolved into a lot more and in the end they were able to accomplish a

comprehensive review of all of the standards and provided information as to what standards could be transferred into the zoning code.

Mr. Blanchard also held two open houses to help gain public input and provide education to residents on the proposed standards and guidelines. Ms. McWilliams attended, providing information on historic preservation. Nore Winter of Winter and Company, as well as Mitch Haas from Current Planning and Peter Barnes from Zoning, also attended the open houses. Mr. Blanchard kept a log of comments.

A revised set of standards and guidelines and a proposal for changing some of the standards into a more general application by including them in the zoning code was presented to the Planning and Zoning Board on January 22, 1996. At that meeting, Ms. McWilliams presented the draft Process for District Designation. Mr. Blanchard described the documents which were presented at the P&Z meeting; *The Proposed Neighborhood Character Design Guidelines for the East Side/West Side Neighborhoods*, is the original document minus the historic section, with all of the standards converted to guidelines. Those standards converted to zoning codes are referenced. Ms. Carpenter asked how many actually were converted into zoning codes and how many were turned into guidelines. This information is available on the matrix. The document called *Proposed Design Guidelines* did not contain any standards but did have a zoning reference to it. The document called the *Proposed Standards and Guidelines for Historic Properties* is designed to apply to all currently designated properties and structures as well as to any future Landmark Districts. The third item was the *Proposed Changes into The Zoning Code*, which converted standards into the zoning code.

At the Planning and Zoning Board meeting, approximately one dozen members of the public commented. One major issue was alley houses and increasing the minimum lot sizes in the Neighborhood Conservation Zoning Districts. When the Neighborhood Conservation districts were rezoned in 1991, the NCM Zoning District was rezoned from 6,000 to 4,500 square feet, the NCB district from 6,000 to 4,500 square feet, and the NCL remained zoned at 6,000 square feet. So for 9,000 square feet, an alley house could be built. It was proposed, as one way to regulate alley houses, to increase the minimum lot size in these zoning districts. For analysis the number of lots that are greater than 10,000 square feet which have the potential for alley houses were compared to the number of lots that still had the potential for alley houses after increasing the minimum lot size. The comparison showed that, by increasing the minimum lot size from 4,500 to 5,000 square feet, the potential for alley houses is reduced by about fifty percent. Mr. Blanchard explained that the majority of the comments to the Planning and Zoning Board were about this change. At the open houses, some people commented that they do not want alley houses at all. Others believe that alley houses would provide an additional opportunity for affordable housing. Ms. Carpenter asked Mr. Blanchard if there was a variety of comments presented at the January 22, 1996 meeting. He responded in his opinion there was basically a split between those who favored increasing the minimum lot size and those who

spoke against increasing the minimum lot size.

At their meeting, the Planning and Zoning Board said that they were not satisfied with the documents. They proposed extending the time line with a sixty day extension to the emergency moratorium ordinance. They would like to see a proposal which more closely approximates the original document. Board members feel that the issues should not just be addressed through the zoning code and that the original document had a more accurate approach to design issues. Mr. Blanchard stated that in the planning profession, design issues are not generally dealt with through the zoning code. The Planning and Zoning Board would like the alternatives brought back to them, including the original document, the zoning as it was proposed, and maybe a compromise with standards dealing with some critical design issues. There was additional talk about creating an alley house task force to debate the issue. One suggestion was to allow only corner lots to have secondary structures. The Planning and Zoning Board voted unanimously to have Mr. Blanchard bring back a proposal in sixty days.

Mr. Blanchard will take the same proposal presented to Planning and Zoning on to the City Council, with the Planning and Zoning Board's recommendation. One option is for Council to adopt this proposal. There will also be an ordinance available to them to continue the emergency ordinance on the minimum lot size for another sixty days and to follow the Planning and Zoning Board's recommendation. Issues from Mr. Blanchard's staff report will also be presented to council. These issues are minimum lot size; including a basement in measuring the square footage of a building; occupancy and minimum maintenance requirements; and group rentals. Mr. Blanchard commented that these are valid concerns, but not all were part of the original project. Many of these issues do not deal directly with design. Ms. Carpenter asked if the original set of standards and guidelines were going to be proposed to Council as an option. Mr. Blanchard said that he will make sure that Council recognizes that this is still a viable option.

Mr. Blanchard explained that the historic document has not been substantially changed. Ms. McWilliams explained that, according to Mr. Winter, only editing changes and the corrections recommended by the LPC to the May 15, 1995 draft were made to the document. Ms. McWilliams noted that the only substantial change to the standards was to add that dormers could be added to a hipped roof structure. Mr. Blanchard explained that the primary difference is that the historic document is now being considered as a separate document. Part of the reason to separate the two documents was to avoid confusion over when the historic standards apply. Ms. Carpenter was assured that the historic piece was going to be adopted as part of the process. Mr. Frick asked if it could be adopted separately. Mr. Blanchard explained it would have to be under a separate ordinance.

Ms. Carpenter noted many items which have been changed from standards to guidelines. Mr. Blanchard explained that the document for general applications has everything

changed to guidelines, but the mandatory parts have been changed to zoning codes. Mr. Tanner asked if new items were added to the zoning code, which was affirmed by Mr. Blanchard. There is a packet of the zoning changes, which will be distributed to the LPC. Mr. Blanchard said only those standards which could be appropriately worded were converted into zoning code. Ms. Carpenter considered zoning to be black and white, unlike standards and guidelines. Mr. Blanchard provided examples as to what has been converted to zoning. Ms. Carpenter said that the matrix could be a little more explanatory.

Ms. Carpenter asked Mr. Blanchard if he needed a recommendation from the Landmark Preservation Commission. He stated that the LPC had already recommended the historic part of the document, which has been changed very little, and their previous recommendation is still valid. Ms. Carpenter wanted to know if the LPC's recommendation was being presented with the East Side/West Side documents options on the general design guidelines. Mr. Blanchard explained that their recommendation now only applies to the separate historic document. Similarly, the Planning and Zoning Board does not have the authority to make recommendation on the LPC's ordinance, but they did take testimony.

Mr. Jeff Bridges provided public input. He felt that the Planning and Zoning Board heard a proposal which was very different from what was agreed upon by the focus group. Because of the standards that got converted into the zoning ordinance, design standards related to roof forms, set backs, and alignment with other houses on the block all become a static mandate which applies to houses all over. There can no longer be any differences from block to block or between neighborhoods. Mr. Bridges submitted to the Planning and Zoning Board and to the LPC a diagram of what the proposed zoning ordinance translates into. It shows that you can have massive structures with as much as two times the size of existing buildings on the lot. A change in the minimum lot size eliminates fifty percent of the options for additional houses and leaves very few lots left that can construct alley houses on them. If this happens, then the only option is for people to modify or tear down existing structures to convert them into duplexes and four-plexes, if they are trying to increase the housing density. Mr. Bridges believes that this creates an opportunity for speculation of the less significant houses and does not provide an incentive for people who want to expand their structure while preserving the character of their original house. In the historic districts, contributing structures would be reviewed by the historic guidelines and non-contributing structures would be reviewed by the proposed document which contains only guidelines. He feels that this can negatively affect the historic neighborhoods. Mr. Bridges stated that the document which is being proposed does not address many of the concerns of the residents. He believes by raising the lot size, preservation efforts are handicapped across the city. According to Mr. Bridges, Planning and Zoning seemed to share the same concerns. Mr. Frick stated that the zoning set backs, other than when they were revised in 1991, are still the same as prior to the proposed document. The map that Mr. Bridges presented illustrates what already exists today. Ms. Carpenter said that they

are trying to protect the historic areas and provide more protection for the future. Ms. Carpenter stated that under the design standards additional construction is regulated. Mr. Frick explained that the proposed standards address the design but not the area of additional structures. Mr. Blanchard reminded the Commission that whatever proposal gets accepted will not affect the review process. For example, when constructing a duplex, compatibility with the neighborhood is still required. The guidelines in the document were designed to enter into the interpretation of compatibility even though they were not adopted as standards. These guidelines provide valuable information for the home owner. Mr. Blanchard also added that included in the packet was a memorandum from Nore Winter expressing his concerns about what was left out in the conversion of standards to zoning. Some of Mr. Winter's concerns were similar to Mr. Bridge's concerns.

Mr. Tanner said that because the LPC endorsed the entire document of the East Side/ West Side Design Standards and Guidelines, the Commission believes that the general part of the document would also influence the historic districts in town. He suggested that the LPC look at the three alternative documents and discuss which option the LPC would like to recommend. Mr. Blanchard informed the Commission that the options will be presented to Council on February 6, 1996. He will give the LPC Commissioners and staff his draft staff report next week for their review. Ms. Weatherford agreed that it is important for the LPC to make a recommendation to Council.

DESIGNATION:

525 Smith Street, George W. Coffin House - David Wilkins, Owner

Mr. Greg Hastings represented the owner, David Wilkins who was out of town on business. Ms. McWilliams presented this property for Local Landmark Designation and referred to the staff report. This property is architecturally significant because of its Vernacular Gable "Homestead" style. The foundation is made of stone, probably from the Stout quarry. Ms. McWilliams presented photographs of the property. Mr. Hastings added that the balusters were not original. He also presented to the Commission a 50-cent ticket for the 1882 Larimer County Fair that was found in the house. Ms. Tunner said the style of this home is very similar to the Brown Farm and the Rhodes House.

Mr. Frick moved to accept the Local Landmark Designation for the George W. Coffin House, 525 Smith Street. The motion was seconded by Ms. Weatherford which passed unanimously, 7-0.

OTHER DISCUSSION ITEMS:

Rehabilitation Grant Program - Ms. Leanne Lawrie, Fort Collins City Planner

Ms. Lawrie presented a handout of the proposed changes to the Rehabilitation Grant Program. This program is being set up as an ordinance which will establish this as an ongoing program. It will be brought back to the LPC February 13 and will be presented to City Council February 20, 1996. Ms. McWilliams asked how long the LPC would need to review the grant applications. She added that staff will accept only complete applications for LPC review. Ms. Carpenter asked if, legally, subcommittees can be formed to review the applications. Mr. Frick suggested that staff review them as they come in and can provide the LPC with recommendations. Ms. McWilliams will consult with Mr. Eckman and requested that the LPC come up with some criteria. They should consider preservation priority and weigh total project versus money awarded. The Commission discussed problems with timing and the schedule of the program. Mr. Bridges suggested dealing with the first year differently from ongoing years. In the future, he suggested approving the grant recipients by February 28. He added that the construction season begins during the months of March and April. In the future, solicit applications in November and make decisions in December and January.

Mr. Frick suggested the applicant ascertain the cost of the project, get bids, and then present a proposal in order to get the grant. He also added that construction in this area goes all year round. Ms. Carpenter stated that rehabilitation is what most people want to do. This year the schedule will be acceptable but she would like to see homeowners benefit from the construction season in the future according to the ordinance. For this year, applications will be accepted for this February and then again in November for next year. In subsequent years, applications will be accepted in November. The one year extension will only be granted if there is good cause shown as to why that work had not been completed. Ms. Lawrie will look into the best way to proceed.

Mr. Hoaglund moved to institute a resolution to accept applications in February and November for this year and write an ordinance for succeeding years accepting applications in November. Ms. Weatherford seconded the motion which passed unanimously, 7-0.

Design Assistance Program - Carol Tunner, Historic Preservation Planner

A memorandum from Ms. Tunner dated January 19, 1996 on the Design Assistance Program reviewed Ms. Albertson-Clark's suggestions on DAP. Ms. Carpenter suggested discussing these recommendation piece by piece. Ms. Kullman asked what if the work they are doing is to allow the structure to be designated. Ms. Tunner explained that this program is for already designated properties and will serve as an incentive for the designation of properties. Ms. Carpenter questioned if the property can be designated subject to the work being done. Mr. Hoaglund reminded the Commission they are only working with \$10,000. He recommended seeing how the program succeeded before offering opportunities to other properties. This also keeps the program simple. Mr. Tanner stated that DAP may serve as an incentive for designation because property owners would realize the program would be available if they were designated. After some discussion the

LPC reviewed each item in Ms. Tunner's memo and on Page 8 of Ms. Albertson-Clark's document.

Under #2 Cost to Applicant, choice A, there will be no application fee at first. This choice requires less administrative time. Because the design assistance is paid in advance, there is no guarantee the project will be completed, but they will require that a set of plans be put in the file.

Under #3 - Design Assistance-Dollar Amounts Available, Mr. Hoaglund believes that there should be a limit because only \$10,000 is available. There should be a maximum of \$900 worth of funds available, but someone can get three \$250 grants. This section refers to the definitions of minor and major rehabilitations.

Changes were also made to the definitions from Page 8 of Ms. Albertson-Clark's document. "That address secondary building or facade elements " has been deleted from the definition. #3 - under definitions of Minor Rehabilitation has been deleted in full. Ms. McWilliams stressed that the house should be the main focus, not street furniture, landscaping, or retaining walls. The word "alteration" has been deleted from the definitions as well because alteration is not a proper preservation term. #3 Under the definition of Major Rehabilitation has also been deleted.

Under #4 - Time frame for completion of the project, it was changed to be a one year project with a one year extension.

Under #5 - The process, the form is be filled out by the applicant and signed by staff after the applicant visits with a consultant. The LPC would also like to get a copy of any drawings or plans which are created for the property. Ms. Tunner will add that statement.

Ms. Carpenter suggested that once a consultant is referred and paid by the city a copy of their plans for a DAP project should be sent to the city to be filed. Ms. Tunner suggested that the consultant submit the sketches or plans with their bill.

OTHER BUSINESS:

Demolition of the Fort Collins Monument Works, 333 East Mountain Avenue

Ms. McWilliams spoke with Felix Lee, Director of Building and Zoning. He explained that the owner can be charged twice the permit fee for demolishing the structure without a permit. The total charge would be \$30.00. An alternative would be to cite him and take him to court. The problem with citing him at this time is that staff is not sure whether he was aware that he needed a permit for the demolition and they do not know who performed the work. The Commission agreed that a thirty dollar penalty would not stop anyone in the future from demolishing a building without a permit. Ms. McWilliams identified the

immediate action items as: send another violation notice to the Mountain Avenue property owner because the first one was returned with the wrong address, update building and zoning code procedures for demolition permits to include a final safety cleanup inspection, and send all of the city's licensed contractors information on when it is necessary to get a permit and when it's necessary to come before the Landmark Preservation Commission. Mr. Lee said he would have a draft of that letter available to Ms. McWilliams. Ms. Carpenter expressed concern because so many people hire unlicensed contractors.

In the long-term Mr. Lee recommended looking at that portion of the code that addresses LPC fees. He felt that the up-front fee of fifty dollars just to file an application is really steep and a disincentive for people to fill out an application for review of work planned for their property. Ms. McWilliams explained that in practice staff ends up waiving the application fee most of the time. Staff needs to discuss this with Mr. Frank. There is a two hundred dollar fee if the applicant has to go through the full process to have their property evaluated by the LPC before a demolition permit could be granted. Again this two hundred dollar fee may be a disincentive. Ms. McWilliams suggested that the LPC look at these fees to determine if they are warranted or not. After a building has been demolished there is very little that can be done. The punitive recourse is issuing a court summons for not obtaining a permit but the most that can be done is to request that the owner come in and go through the process retrospectively. Research would have to be done on the building which the property owner just tore down. Ms. Carpenter asked if you can double the two hundred dollar fee as well. Ms. McWilliams will check with Paul Eckman, Deputy City Attorney about that option. She believes it may be part of a different code. The penalty of doubling the permit fee is in the UBC.

Ms. McWilliams stressed education and will see if the penalties can be made stiffer. In this case Ms. Weatherford and Ms. Carpenter agree that the offender was aware and because the penalty is so minute that the owner or the contractor did not seek approval. Gina Janett shared these same concerns with Ms. Carpenter about creating tougher penalties for tearing down an historic building. Commissioners questioned whether a designation would stop a structure from being demolished without a permit. Ms. Tunner said letters should be sent to all designated property owners as part of the education process. Ms. McWilliams asked if there was a further penalty for demolishing a designated building. Mr. Bob Blanchard, Current Planning Director recommended if the process was codified maybe you can charge a stiffer penalty, like one thousand dollars a day. Ms. Tunner quoted from Chapter 14 of the Landmark Preservation ordinance which addressed in section 14-59, violation and penalties and section 115 of the city code which defined a penalty of \$1000 a day. Ms. Weatherford reminded the Commission how important this first case is because it sets a precedent. Mr. Tanner illustrated using examples of speeding and incinerating trash within city limits, that when you don't know the speed limit or the local laws, ignorance is not an excuse. Ms. Weatherford feels the owner should come before the LPC. Mr. Tanner suggested that staff start the legal process otherwise the regulations will become worthless and to write an article in the Coloradan about the demolition.

Mr. Tanner moved for the Landmark Preservation Commission to pursue all available legal avenues of prosecution for the unauthorized demolition of 333 East Mountain Avenue by the owner Thomas Moore. Ms. Weatherford seconded the motion which passed unanimously, 7-0.

Proposed Process for Local Landmark District Designation in the East Side/West Side Neighborhoods - Karen McWilliams

Ms. McWilliams put up a colored flow chart for the Commission to review which corresponds to the revised Process for District Designation included in the LPC packet. She presented some of the options discussed by Ms. Carpenter, Mr. Eckman, Mr. Frank, and herself. They pointed out a concern to get the process completed within 180 days from the time interim control was placed on the property. Mr. Eckman believed that interim control would begin during step #1, the Initiation of the District Designation Process. In order to maximize the 180 days in which interim control is activated, Step #5 the soliciting of property owners would be included as part of Step #2 Neighborhood Meetings. From Step #2 Neighborhood Meetings, the process will go right to Step #3 Soliciting Opinions. These two steps would occur almost simultaneously. The Second Neighborhood Meeting was made optional. The old Step #6 was moved up to be Step #5, Additional Neighborhood Meetings. Anywhere that an asterisk appears on the flow chart indicates an opportunity for public input.

The next issue discussed was determining when the 180 days of interim control begins. Interim control begins at Step #1 according to the way that the ordinance is written. The other option is to give specific criteria as to when the process would not apply. Mr. Eckman had informed Ms. McWilliams that if this process is adopted it must be followed every time. According to Mr. Eckman the wording of the Landmark Ordinance under the Initiation of Procedure decides where interim control begins. Ms. McWilliams explained that there are three different points where interim control could begin and the LPC should decide on one..

Option #1 - Whenever the LPC issues an opinion, for example whenever in the opinion of the LPC "a district has merit", interim control is initiated. The process is stopped if no opinion is issued or the designation is rejected. Concrete criteria can help to determine if a proposed district has merit and the process should be continued or halted. Ms. Carpenter questioned if one criteria could be that they need more information. Ms. McWilliams responded that then the application is rejected. Ms. Carpenter said but then the same district can not be brought back for consideration for one year. Ms. McWilliams said that the district can be accepted for consideration if it is just slightly different. Mr. Frick questioned why the LPC does not have the option to request more information in order to issue an opinion. Ms. Carpenter pointed out that there may be an eminent threat to a district. For example, eight contiguous houses in a definite historic district, contributing but not individually eligible, may be threatened and they would like to put a hold on the

properties for the protection of the historic district. Ms. Carpenter would not like to lose the opportunity to protect a district using interim control. Of course this would be a rare instance. Ms. McWilliams stated that if a citizen brings in all the documentation on a district and the LPC feels comfortable with the boundaries and research, then the process begins and interim control is effective from that point.

Option #2 - Interim control begins when the LPC makes a resolution at Step #4, with at least five members voting affirmatively. When considering district designation, it is virtually unheard of to obtain 100% of owner consent. If even one owner objects, then the designation becomes non-consensual. In that case, upon affirmative vote of at least five commission members, a resolution can be officially adopted stating that a preliminary investigation by the Commission appears to indicate that the district is eligible for designation.

Option #3 - Interim control begins at Step #6, the Public Designation Hearing. The LPC adopts a resolution to make a recommendation to Council to designate a local landmark district.

The only way to avoid opening the ordinance is to create specific criteria as to when the process will not apply. If the code is to be opened, then only that section would be opened. The Commission does not support rewriting the code. Ms. Carpenter said that Option #1 makes sense because the code won't have to be rewritten. If specific criteria are identified then they don't have to follow the procedure over 180 days. Ms. Carpenter asked if not enough information is provided for the LPC to form an opinion, would this serve as one criteria. To take a vote or to make a decision there must be enough information. Ms. McWilliams explained that Mr. Eckman suggested creating very specific criteria. Section 14 - 12 of the code dictates that an opinion is issued in the form of a vote. Mr. Frick explained that when development is proposed across lot lines the applicant must go through the PUD process which is very lengthy.

Ms. McWilliams suggested scheduling a meeting with Mr. Eckman. Mr. Frick said that the LPC would like to be able to begin the 180 days when an opinion among the LPC is reached. This provides more flexibility through the process. Ms. Weatherford agrees that the 180 days begins when an opinion is issued unless specific criteria is met to hold off the onset of the 180 days. For example, not enough information is available to form an opinion. Mr. Hogstad requested that Mr. Eckman look into what sort of flexibility the LPC has with the interim control. Ms. McWilliams reminded the Commission that the political ramifications of putting a 180 day hold on someone's property is not good. The LPC is sensitive to this issue. Ms. Weatherford said that the whole idea was for historic district designations to come out of the neighborhoods and for the program not to be imposed on property owners. But in the case of an eminent threat a non-consensual designation can be implemented. Because of these two possible scenarios it is important to have some

Landmark Preservation Commission
Regular Meeting
January 23, 1996
Page 13

flexibility in order to deal with the situation. At this point, resident, Jeff Bridges thanked the Commission for their efforts and for addressing the legal issues.

The meeting adjourned at 9:15 p.m.

Submitted by Nicole Sneider, Secretary.