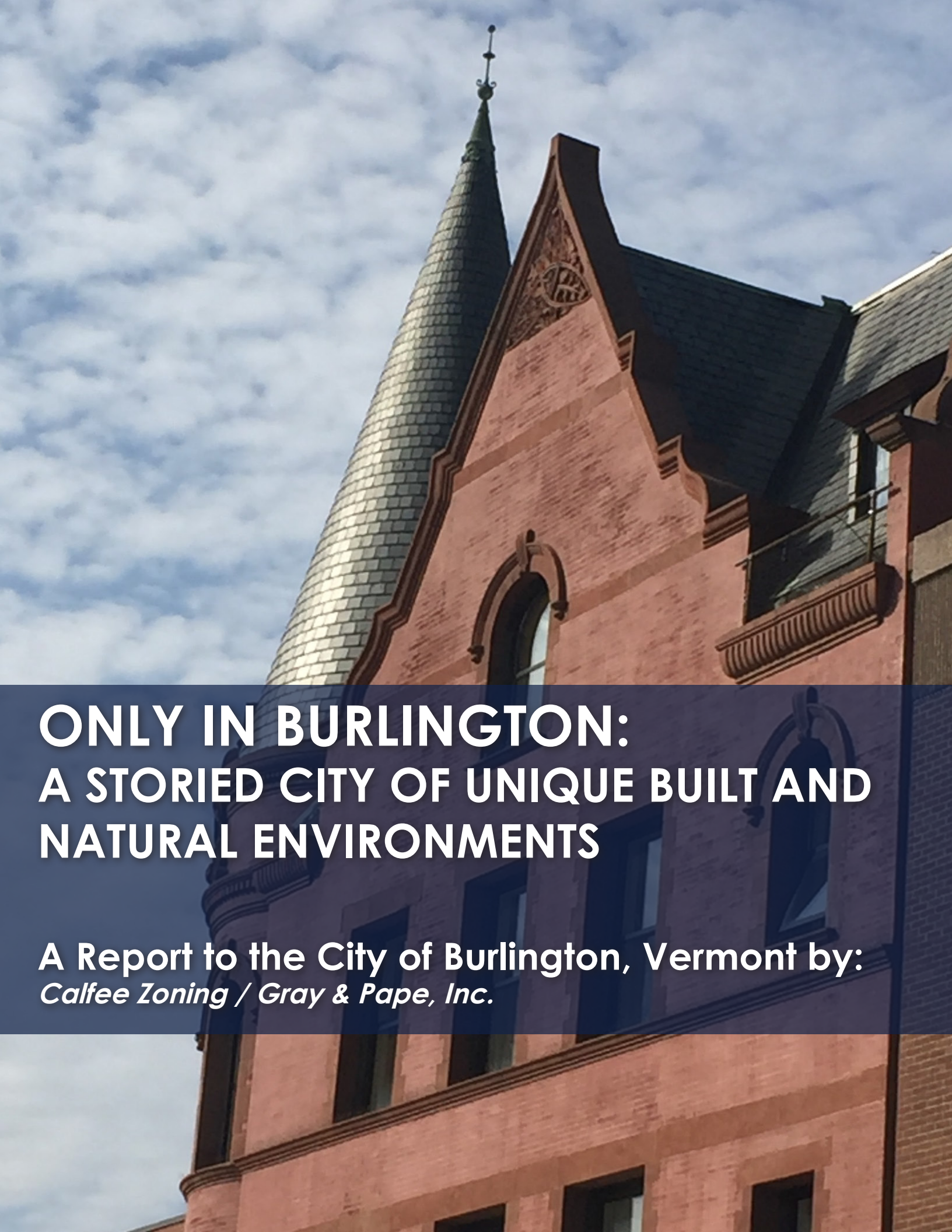




ONLY IN BURLINGTON: A STORIED CITY OF UNIQUE BUILT AND NATURAL ENVIRONMENTS

A Report to the City of Burlington, Vermont by:
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i | INTRODUCTION

A city is a reflection of its people and places. Burlington's people and places evidence a city built upon a deep thirst for freedom and individuality coupled with a strong sense of shared responsibility and stewardship. This ethos has shaped many aspects of life in Burlington, perhaps none more than its downtown waterfront; a deliberate public link to the city's stunning natural environment.

When it comes to its historic built environment, the city's collective spirit is less evident. Rather, the overall state of the city's historic building stock evidences a more singular, fragmented and inexact approach.

Burlington is a one-of-a-kind city. People remain, return and migrate to Burlington because there is only one Burlington. The people of Burlington embrace its unique and diverse character; however, in order to preserve, protect and promote that character, there must be greater alignment on how to do so.

This report is a diagnosis of Burlington's existing regulatory conditions pertaining to local historic preservation, including a case for preserving Burlington, a review of the current estate of preservation in Burlington, a review of the city's existing preservation regulations, and a discussion of best practices for consideration.



WELCOME
TO
BURLINGTON



1 | WHY PRESERVE BURLINGTON?

1 | THE CASE FOR PRESERVING BURLINGTON

Preserving Burlington is not optional, it is necessary. Burlington is a city with over 16,000 buildings greater than 50 years old. The fabric and texture of Burlington is largely of an historic quality. From Church Street to the University of Vermont, to the Old North End and to the South End, each neighborhood tells an individual story while collectively contributing to Burlington's history and character. In every corner of Burlington one is afforded an opportunity to interact with and enjoy a diversity of architectural styles, building periods, building materials, and construction types, which together creates a rich and textured built environment.

“Burlington’s rich and varied historic and architectural legacy, the result of more than two centuries of development, remains a vital link to the city’s history, and plays an active part in its future.”

- Burlington Municipal Development Plan

Many places in America look and feel the same. Burlington is not one of those places. Like the most storied and cherished of American cities, Burlington has both character and a strong sense of self. A trip to Charleston, South Carolina, New Orleans, Savannah, or Beacon Hill in Boston is special because of the uniqueness of place. These places, like Burlington, cannot be duplicated. It is this character and strong sense of place that makes these places widely regarded as cherished destinations. The

desire to explore also leads to connections, interactions, and investment, all of which are necessary elements of placemaking.

Burlington's Church Street is an example of how preservation can lead to sustainable placemaking. A stroll down Church Street is a clear demonstration of the value that the community places on preserving and maintaining its pedestrian scale, walkability, and human interaction - the hallmarks of memorable places. The preservation of the blocks of nineteenth and early twentieth century mixed-use commercial buildings along Church Street is evidence of a deliberate and intentional community strategy to respect and promote these key hallmarks. It is no accident that Church Street is Burlington's place to linger, interact and connect.

There was a time when Church Street could have been lost. Mere blocks from Church Street along Bank, Cherry and Pine Streets, is a stark reminder of how urban renewal projects have dramatically altered an area's character. The current robust community-wide discussions of this area's future illustrate how difficult it can be to re-create lost character. Great care needs to be taken to preserve the strong sense of place that exists in Burlington.

There must be balance, however. The deep wounds of past urban renewal should not paralyze the community. It is a natural desire to right wrongs, but in doing so there can be a tendency to over correct and for the pendulum to swing too far in the direction of using preservation to advance an anti-change or anti-development agenda.

Demand for new infill construction is a fact of being a desirable place. Alterations, additions, and advances in materials, construction techniques, and architecture are also a fact of an ever evolving community. What remains constant evolving is the collective desire to preserve the characteristics of place that draw people to Burlington-whether drawn here generations ago, last year or last week.

The case for preserving Burlington has in large part already been made by the preservation efforts of its people. What remains to be settled, and what our team has been tasked with, is to identify existing barriers to achieving the community's preservation goals, to identify opportunities and best practices that may be applicable to Burlington, and to provide implementable ways to develop a more equitable and balanced system of historic preservation that is more effective for everyone. This is no easy task for sure; however, there is only one Burlington and its unique natural and built environments are worth it.

While the case for preserving Burlington is clear, the first step in our collective journey is to recognize that not everyone values preservation the same way and for the same reasons. While a desire to maintain our collective history and character of place is at the core of preservation, it is important to consider some of the other commonly recognized benefits of historic preservation.

A. Why Historic Preservation

Over the past twenty years, a number of communities have undertaken studies focused on the economic benefits of historic preservation. While the scope and justifications for these studies vary, one

conclusion is consistent: historic preservation benefits the local economy. Five common themes have emerged from these studies:

- i. Increased Property Values
- ii. Environmental Benefits
- iii. Job Creation
- iv. Neighborhood Revitalization
- v. Heritage Tourism

i. Increased Property Values

A nearly universally accepted and understood rationale for the adoption of historic preservation regulations is the positive relationship between preservation and property values. This relationship has been studied extensively in many communities.

One such study in nearby Connecticut provides strong empirical evidence that the property values of homes located in historic districts are higher than those located outside of historic districts. In the Connecticut study, the relationship between property values and local historic districts was measured in four communities: Canton; Milford; Norwich; and Windsor.

The results of this study included some instructive findings. First, property values in every local historic district increased annually by an average of 4% to over 19%. In three of the four communities, the rate of property value increase for properties located within local historic districts was greater than those properties without district designation. When comparing properties in terms of square-footage based upon age and style, properties located within local historic districts were found to have higher values than similar properties not located within the districts. Overall, the study found a 2%-4% value premium resulting from a property's inclusion in a local historic

district. In addition, the rate of foreclosure for properties located within the historic districts was half that of homes observed outside the districts (PlaceEconomics, 2011).

While these findings may be positive to some, they may also be viewed as negative by others since higher property values may lead to the exclusion of lower-income populations. Higher property values may also lead to higher property taxes, which assuming a scarcity of financial resources, will likely result in a property owner prioritizing the payment of real estate taxes over paying for the maintenance and repair of their historic structure. Increased property values may make a case in favor of preservation, but they can also make a strong case for the community coming together to provide financial support to stewards of historic structures.

ii. Environmental Benefits

Preserving old buildings is a means to achieving modern sustainability goals and policies. Many of Burlington's buildings were constructed of indigenous materials, which make them unique representations of the region, climate, and local culture. These materials were not used simply because they were available and affordable. They were also comfortable, functional, durable and lasting and energy efficient. The use of indigenous building materials represents the creativity and experimentation of the original builder while also telling an important part of their story.

The materials used in the construction in many of Burlington's buildings were harvested, crafted, or manufactured by local labor, which created jobs for those living and working in the community. The end result is a diverse collection of buildings

that represent examples of architecture, materials, and construction types that can both educate and inspire. If properly maintained, these buildings can be sustained for generations, reducing the need to expend energy producing and transporting new construction materials. Further, reusing local building materials from remodeling or demolition projects can reduce transportation costs, retain money in the local economy, and reduce the amount of waste placed in landfills. (Center for Resourceful Building Technology Indigenous Building Materials: An Overview, 1995).

When possible, historic building materials should be retained rather than replaced. This is done not simply for aesthetics, but also for environmental efficiency and sustainability. Historic buildings possess intrinsic features intended to combat the environment. In cold weather climates such as Burlington's, winter heat loss from buildings was a primary consideration during construction. As such, windows were typically limited to those areas necessary for adequate light and ventilation. Creating new openings or enlarging existing ones can in some cases adversely affect the energy efficiency of a building's original design.

Thick masonry walls are one of the most effective energy saving characteristics of historic buildings of the ninetieth and early twentieth centuries. Stone or brick load bearing construction methods have inherent thermal characteristics that allow buildings to remain cooler in the summer and warmer in the winter. Walls with considerable mass have the advantage of high thermal inertia, which reduces the rate of heat transfer through the wall itself. Load bearing buildings in Burlington are constructed of especially heavy and thick materials. Understanding the concepts

of the building's original design and construction should be a consideration when making alterations to any historic building.

Collections of historic buildings, like those in Burlington, are inherently "green." A key study in the largely nineteenth-century Over-the-Rhine Neighborhood (OTR) of Cincinnati, Ohio, revealed some instructive characteristics of building density as it relates to historic buildings. Four of OTR's historic buildings were part of a study that found that LEED® (Leadership in Energy Efficient Design) projects can meet both the Secretary of Interior Standards for Rehabilitation and LEED® certification in a cost-effective manner. With reasonable, additional costs, some historic structures can achieve LEED® Silver or Gold certification.

The key finding of the study is that building density itself can be environmentally sustainable and awarded accordingly. Setback and open space requirements along with the loss of historic building fabric from demolition results in a decrease in the energy efficiency of adjacent buildings. Therefore, maintaining the original streetwall and building footprints can have a positive impact on heating and cooling efficiency.

There is often a tension between the use of modern sustainable building materials and products and historic preservation; however, measures to maintain and preserve the historic urban form and density is a universal way to achieve environmental benefits.

iii. Job Creation

Vacant buildings and vacant lots do not produce jobs. Field observations in Burlington revealed a number of outmoded buildings that could benefit from

rehabilitation for a healthy mix of adaptive reuses. This is especially the case in the South End of Burlington where adaptive reuse is occurring albeit in a singular manner.

Studies have revealed that the rehabilitation of older buildings produces higher-paying jobs than the new construction of a building. In addition, the money and investment associated with preservation projects statistically stays in the local economy, compared to projects involving new construction.

For example, a study completed in Delaware found that \$1 million spent on the rehabilitation of a single historic structure translated into 14.6 jobs. In comparison, it was observed that only 11.2 jobs were created from \$1 million spent on new construction projects. (The Delaware Historic Preservation Tax Credit Program: Good for the Economy, Good for the Environment, Good for Delaware's Future, 2010). By continuing to preserve and highlight Burlington's historic properties and neighborhoods, the city is investing in the local economy while creating vibrant historic urban neighborhoods.

iv. Neighborhood Revitalization

Burlington has a long history of investing in its historic areas. One of its most notable success stories is Church Street. This walkable center is a lively shopping, gathering, and entertainment area in the heart of the city. The success of Church Street was made possible by a collaboration of many different investors, lawmakers, and developers. Church Street has been successful, but areas directly adjacent to Church Street, such as the area immediately to the west along Bank, Cherry, and Pine Streets do not respect or compliment the historic character of Burlington's city center.

Creating more investment opportunities and funding sources for historic preservation projects can be an effective way to generate revitalization in existing historic districts and to incentivize the establishment of new historic districts. The National Trust for Historic Preservation's Main Street program has 25 years of data related to investment in downtown areas. Within this period, the program has resulted in \$45 billion of investment and in physical improvements, the creation of 83,000 net new businesses, 370,000 net new jobs, and approximately 199,000 building rehabilitation and construction projects. These improvements not only benefit the residents of their communities, but also attract visitors.

v. Heritage Tourism

Burlington is rich with heritage, and heritage is a big business. In fact, travel and tourism revenue represents approximately one-fifth of Vermont's economy. The World Bank report, "The Economics of Uniqueness," emphasizes that heritage tourism is an important economic development strategy, particularly because "tourism development requires less capital, infrastructure, and skilled labor." (Licciardi, 2012).

Effectively protecting and marketing Burlington's historic building stock should continue to be a significant priority. United States travel data from 2010, shows that international heritage tourists stay in destinations longer, visit more places and sites, and spend more per day than any other category of tourists. In fact, the same study revealed that 2.6 million more international tourists visited a historic place than an amusement park, and 4.1 million more international tourists visited a historic place than the beach (Profile of Overseas Travelers

to the United States, 2010). Likewise, a 2011, study in the State of Georgia found that heritage tourism supports 117,000 jobs and \$203,850,000 in salaries and wages in the state.

Visitors are attracted to Burlington in part for its unique diversity of the built form and fabric. A 2012 University of Vermont study found that sightseeing, shopping, and restaurant experiences were among the most popular activities for visitors to Vermont of all ages, but that older visitors were more likely to visit historic sites and museums. (Vermont Tourism Research Center, 2012). By investing in and marketing historic areas of the city like Church Street as both tourist and entertainment destinations, Burlington will continue to benefit from a growing heritage tourism industry.

B. Why Preserve Burlington?

Burlington's built environment is a diversity of architectural styles and building types, including prominent Richardsonian Romanesque, Italianate, Colonial, and Craftsman style buildings, as well as more vernacular architecture. The various building periods, materials and designs observed throughout the city reflect its diverse people and culture.

The common thread is craftsmanship. Burlington's buildings evidence an attention to the finer details of style coupled with the hardy construction necessitated by the city's geography, topography, and climate.

Durable materials indigenous to Vermont, such as slate used to shingle roofs, and Vermont wood windows, are common in Burlington. Likewise, clapboard siding from local and nearby hardwoods, masonry of local soils, and locally

quarried stone are prominent features of Burlington's built environment. A variety of uses such as mercantile, manufacturing and mills, government, education, worship, and a mix of housing and unit types for a variety of users from diverse backgrounds and eras have influenced the city's buildings and neighborhoods. Burlington has a vast collection of historic buildings. All historic buildings, no matter their age or style, require routine maintenance in order to prevent damage and deterioration. Roofs, windows, and other exterior materials are especially impacted by Northern Vermont's harsh cold-weather climate. Understanding these materials and how to repair and replace them is an important incidence of historic property ownership in Burlington.

For example, the University of Vermont has one of the finest collection of Richardsonian Romanesque style architecture anywhere, which creates a visually stunning academic setting. The North End's vernacular architecture is less visually stunning than the grand buildings of UVM, but tells a story of immigrants congregating in Burlington for its rich opportunities for tradesman and craftsman. The additions to and replacement of materials on these buildings should respect and continue that story. Replacement materials should promote the fabric and texture of the historic building inventory. This is true for alterations, additions and new infill construction. The desired fabric and texture must be a collective determination made by the community.

Historic properties are not museum pieces, however. They are evolving places to live, work, congregate, socialize, and educate. Often they are income-producing properties and investments. The city's challenge is to provide guidance to the

stewards of these properties that allows a property owner to balance preservation while maintaining its economic viability.





2 | PRESERVATION IN BURLINGTON: YESTERDAY & TODAY

2 | PRESERVING BURLINGTON: YESTERDAY & TODAY

A. A History of Preservation in Burlington

In 1966, the U.S. Congress adopted the National Historic Preservation Act. Less than a decade later in 1975, the State of Vermont passed the Vermont Preservation Act. Local preservation efforts and regulations, many of which were already underway, followed.

Across Vermont individual buildings and districts were included on the National Register of Historic Places as a result of the Vermont Historic Sites and Structures Survey, which began in 1971. There are approximately 30,000 individual buildings and districts inventoried in the Vermont Historic Sites and Structures Survey, and approximately 12,000 of them are listed on the National Register of Historic Places.

The listing of historic assets on federal and state inventories does not guarantee their protection. Inclusion on these registries and inventories is a recognition that provides access to preservation resources and funding, including federal and state historic tax credits; however, these listings do not provide any regulatory protection against inappropriate alterations or demolitions. The regulatory protection of historic assets only occurs at the local level as a function of the city's police powers.

Burlington's local preservation efforts began in earnest in the 1970's. They were largely undertaken in response to significant loss in the 1960's, which was when 27 acres of the city's historic built environment was razed as part of what is known as "The Burlington Urban Renewal Project." Federal and state historic preservation efforts were taking shape during this pivotal period.

The Burlington Register of Historic Resources was commenced in 1992 and continued until the effort was largely abandoned in 2002. The local register currently includes approximately 2,800 sites throughout the city. To date, approximately 66 buildings and six historic districts have been locally designated, a total of 180 buildings have been included on the State of Vermont Register of Historic Places, and a total of 43 buildings have been included on the National Register of Historic Places. A number of these buildings and places are included on multiple registers. It is estimated that only 25% of the city's buildings have been surveyed for historic significance.

Throughout the years, preservation plans have been developed when an availability of awards and grants made them possible. Two such plans are the Historic Sites and Structures Survey Plan in 2000 and the Burlington Municipal Development Plan.

B. CURRENT STATE OF BURLINGTON'S HISTORIC PRESERVATION REGULATIONS

The City of Burlington has several interwoven layers of regulations that guide land use and preservation decisions within the city. These regulations impact the experiences of those who engage in any kind of property ownership in Burlington.

In 2008, Burlington updated its local preservation ordinance (addressed in Code of Development Ordinances Section 5.4.8). The goal of the update was to more clearly define what constitutes a historic building and to establish a specific set of design guidelines to facilitate the review

of alterations to historic properties. The updated guidelines incorporated the United States Secretary of the Interior's Standards in an attempt to accomplish the former, but fell short of adopting specific guidelines. While providing baseline standards for review, reliance on these relatively basic standards have ultimately led to some of the challenges to historic preservation efforts by the City described in greater detail below.

While not a formal set of adopted design guidelines, in an effort to educate and provide information to the public, the Burlington Department of Planning & Zoning created informal Design Review Guides in 2001. These were not incorporated into the 2008 ordinance. This guidance includes information related to brick, replacement siding, site plans, slate roofs, helpful tools to research historic buildings, and criteria for determining historic significance. While the guides provide a user-friendly outreach tool for general education, they are not a suitable substitute for a comprehensive set of design standards.

In 2014, the City adopted the City of Burlington Municipal Development Plan which includes the following preservation policies:

- Conserve the existing elements and design of its established neighborhoods;
- Identify and protect its historic structures and resources;
- Protect its archaeological resources;
- Educate its residents and visitors on the city's architectural, archaeological, and historic sites and resources; and

- Use historic preservation as an economic development tool by offering technical and financial incentives that promote the rehabilitation of historic buildings.

Together, these policies guide preservation in Burlington and should be at the core of the City's preservation efforts and regulations. They stand as a solid foundation for the development of the local design guidelines and regulatory structures recommended throughout this report.

Burlington's Code of Development Ordinances Section 5.4.8 - Historic Buildings and Sites - while adequate, is inconsistent with best practices outline by the National Trust for Historic Preservation, which has set forth 10 basic elements of a local preservation ordinance:

1. Statement of Purpose
2. Definitions
3. Creation of Preservation Commission
4. Powers and Duties of the Commission
5. Criteria for Designating Historic Properties (Districts and Landmarks)
6. Procedures for Historic Landmark and District Designation
7. Procedures and Standards for Reviewing Alterations and Demolitions
8. How and When to Determine Economic Hardship
9. Penalties
10. Appeal Process

Upon review of Section 5.4.8 for consistency with the ten basic elements, we found a number of basic elements are either missing, misplaced or are present but are not in keeping with best practices (shown in the following chart):

Review of Burlington Historic Preservation Code re: Basic Elements	<i>Present -Best Practices</i>	<i>Present - Not Best Practices</i>	<i>Misplaced</i>	<i>Missing</i>
Statement of Purpose		X		
Definitions		X		
Creation of Preservation Commission			See Sec. 2.5.1	
Powers and Duties of Commission			See Sec. 2.5.1	
Criteria for Designating Historic Properties (Districts and Landmarks)				X
Procedures for Historic Landmark and District Designation				X
Procedures and Standards for Reviewing Alterations and Demolitions		X		
How and When to Determine Economic Hardship		X		
Penalties		X		
Appeal Process			See Art. 12	

C. THE CHALLENGES

When assessing the effectiveness of Burlington's existing historic preservation regulatory scheme, we identified several key challenges. Through discussions with key stakeholders, which took place over the course of two, three-day visits in March and June of 2016, we had the opportunity to meet with property owners, city and state administrators and officials, community members, developers, city staff, and preservationists. Additionally, we received in excess of 600 responses to the Burlington Stakeholder Survey, which was a joint effort between our team and Matrix Consulting. Altogether these inputs revealed that there are several core challenges arising from the City's current preservation regulations: (i) lack of predictability; (ii) regulatory uncertainty; and (iii) lack of a formal incentive structure.

Based on stakeholder feedback, the symptom of the challenges are barriers to property owners effectively and easily preserving the historic integrity of their buildings. These barriers have resulted in the deterioration of, and inappropriate alterations to, many of Burlington's historic buildings.

Lack of regulatory predictability around historic preservation and, more specifically, the lack of a comprehensive listing of historic properties has resulted in the public's low regulatory confidence in and perception of high regulatory risk of property ownership.

At the heart of this challenge is Comprehensive Development Ordinances Section 5.4.8(a) - Applicability - which states as follows: "These regulations shall apply to all buildings and sites in the city that are listed or eligible for listing on the State or National Register of Historic Places" (emphasis

added). The regulations that follow lists the conditions that make a building eligible for listing on the state or national register of historic places and, therefore, subject to the City's historic preservation regulations.

From a predictability standpoint, this language makes it such that buildings that have not previously been listed as historic may be classified as so without the knowledge or engagement of the property owner. Reclassifications can often be last minute or after-the-fact discoveries at a closing or the transfer of property. A particularly troubling scenario is when a completed alteration is deemed to have been subject to design review but never went through the review and needs to go through a review post haste to close out a permit.

In addition to the lack of predictability described above, the lack of local historic design guidelines presents the related, but distinct, challenge of regulatory uncertainty. This regulatory uncertainty can be most directly linked to the city's incorporation of the United States Secretary of the Interior's Standards for Rehabilitation into the design review process in lieu of a local set of regulations that more clearly reflect and respond to Burlington's historic building stock.

For property owners and potential investors, the Secretary of the Interior's Standards do not provide sufficient specificity or certainty as to what is, or what will be deemed by the City to be, historically significant and subject to additional reviews and approvals. Additionally, the absence of a clearly defined process for determining whether a property is eligible for listing compounds the problem. For the boards and staff who review proposals and advise applicants, overbroad

standards make it difficult to be certain what is or is not an appropriate alteration to an historic structure. Additionally, generalized guidelines increase the potential for inconsistent advice and decision-making, which can lead to costly and contentious challenges to decisions.

A third challenge is the lack of a meaningful incentive structure to promote the preservation of historic properties. The lack of a formal structure within the regulatory framework prevents the development of proactive preservation efforts. The combination of unclear regulations and a lack of incentives results in low motivation to willingly engage in preservation. The adoption of regulations that incentivize historic preservation would help spur redevelopment while also creating a more active and forward looking preservation culture.

A lack of predictability and uncertainty combined with limited incentives results in case-by-case basis reactive preservation efforts in Burlington. For example, no new historic designations are currently being made.

Completed in June 2016, the consultant team, in collaboration with Matrix Consulting, conducted the City of Burlington Stakeholder Survey. The purpose of the survey was to engage city residents in order to better understand their sentiment for the current process, identify what is and is not working, and better determine what needs to be improved. While covering topics beyond historic preservation, a portion of the survey was specifically devoted to issues related to historic preservation. A copy of the full survey is available upon request.

“Pretty much any building that you touch in the city is considered historic.”

“Historic is a total fog.”

“We have to figure out what we value. There is no collective vision about anything.”

“I see beauty in the buildings in the Old North End....it doesn’t have to be a grand old house.”

“Decisions about historic preservation are subject to a person or two persons’ theory on things.”

Quotes taken from members of the public at public meetings held between June 6-8, 2016.

The consultant team received approximately 600 responses to the survey. A component of the survey included questions related to historic preservation. It is encouraging that over 75% of respondents agree that historic preservation is important. However, it is telling that only approximately 8% of respondents agree that the process for determining historic significance is clear, and only approximately 1.50% of respondents agree that the process for determining historic significance is fair.

Meanwhile respondents seem to desire clarity and predictability through the establishment of specific design guidelines for historic districts and landmarks (60% agree). The vast majority of respondents - nearly 81% - agree that the City should establish incentives for property owners to maintain and improve their historic buildings. Over half of respondents - approximately 55% - agree that the city is overburdening property owners with its existing historic preservation regulations and processes. Respondents also had an opportunity to provide written comments as part of the survey, and we are including a number of those that pertain to historic preservation.

Generally, the comments reflect a desire for preservation, but recognize the added burden on stewards of these properties and the inequities that can result. If there is a common theme of these comments, it is the desire to strike a better balance.

Property owners lack confidence in the city's historic preservation laws and processes, lack incentive to create new local historic landmarks or districts, are incentivized to avoid obtaining permits that trigger additional historic reviews and regulations, and are generally skeptical of local historic preservation efforts. Ironically, the city's

regulations are resulting in a disincentive to be a good steward of a historic building in Burlington, which has the very real result of a gradual loss of the city's historic fabric and texture.

Upon review and comparison to best practices, it is our opinion that the city's existing historic regulations are inadequate to further the maintenance and preservation of Burlington's historic building stock. The impacts of these conditions on key stakeholders are further explored below.

D. THE IMPACT ON PROPERTY OWNERS

A property owner in Burlington that is neither listed on the State or National Register of Historic Places, or located within an historic district that is so listed, cannot know for certain whether the city will determine that their property has historic significance and is subject to the city's historic regulations. They often learn that their property has been deemed to have historic significance at inconvenient and costly times, such as at a closing on the sale of property, or when seeking permits to alter a building. It is a very real possibility that an owner of property in Burlington could have purchased a property with no knowledge that it may at some point in the future be deemed eligible for designation as a historic structure and subject to the city's preservation regulations. If a property is purchased by owner with an expectation of being altered and/or demolished, those expectations may be completely eliminated by the city's spot determination of historic eligibility. This uncertainty costs everyone involved time and money and adds unnecessary risk and complexity to investing in property in the city. It also has led to a widespread distrust

of the process, city officials, and local historic preservation efforts in general. All of this leads to inconsistent results.

Further, the lack of tailored local guidelines and standards creates an environment where property owners are uncertain as to the extent of their property rights, the community is uncertain about the outcomes, and the city is uncertain about its authority. Without clear, consistent, usable and defensible rules, regulations and processes, the future of historic preservation in Burlington is uncertain.

E. THE IMPACT ON THE CITY

There are thousands of buildings in Burlington – the majority of structures in the city - that may be eligible for inclusion in the State or National Register of Historic Places. Without local designation of historic landmarks, sites, and districts, decisions on historic significance are either made officially at the state or national level, or on a case-by-case basis by city staff, the volunteer citizen Design Advisory Board, or the volunteer citizen Development Review Board. While the diligent efforts of city staff and the city's review boards may result in the preservation of buildings on a piecemeal basis, it leaves many of the city's eligible buildings at significant risk of losing their historic character through neglect, inappropriate or significant alterations, or in extreme cases, demolition.

This potential loss makes it more difficult for the City to avail itself of the benefits of historic preservation and heritage tourism discussed earlier in this report.

The existing regulatory scheme places a significant burden on city staff and the city's review boards to make determinations

about historic significance that they may not be qualified to make. Absent clear guidelines specifically tailored to the purpose of the local landmark, site, or district, even the most highly trained or qualified historic preservation professional would struggle to make consistent and defensible decisions regarding the appropriateness of alterations to historic assets.

Because of the absence of clear and specifically tailored local review standards and guidelines, the city's buildings and neighborhoods are the product of subjectivity and discretion. This is evident in the lack of cohesiveness observed in a few of the city's neighborhoods. In areas of the city outside of Church Street, it can be difficult to ascertain the presence of an historic district, the desired character of the district, the history of the district, or the desired development outcomes within the district. In many instances, the alterations made to existing historically significant buildings, and new construction in historically significant districts do not evidence a cohesive or coherent vision for preservation or standards for materials, architectural style, massing, rhythm, roof lines, detailing, or character.

A lack of specific local standards and guidelines makes enforcement even more challenging. With only general standards, it is difficult for the city's inspectors to know what to enforce. With other enforcement priorities, such as overcrowding, parking, and life-safety issues, enforcing the city's nebulous historic preservation standards is largely reactive rather than proactive.



3 | PRESERVATION IN BURLINGTON: TOMORROW

After visiting Burlington on two separate occasions and participating in meetings with numerous local and state officials, community groups, property owners and developers, and reviewing the results of the Stakeholder Survey, the ineffectiveness of the current regulatory scheme is apparent.

The existing regulations and processes create significant challenges for striking a balance between preserving Burlington's history and character and encouraging investment. The lack of incentives makes owning and stewardship of historic buildings more expensive and, in some cases, impossible. These challenges also present a great opportunity to restore confidence in the process, improve the perception of preservation, reduce the risk of investing in historic buildings, and provide greater certainty to all involved.

To better appreciate where Burlington can go, it is important to summarize where Burlington is currently with respect to historic preservation:

- Burlington has a significant stock of structures greater than 50 years old with no clear vision or plan for where to focus its preservation efforts and resources.
- Demolitions and inappropriate alterations have and continue to erode the city's historic fabric.
- Burlington has an incomplete historic inventory.
- Property owners in Burlington lack certainty about their property rights due to a lack of confidence in the process and overbroad and imprecise regulations.

Federal and state programs provide resources and incentives for preservation. While these programs are useful tools for preserving historic buildings in Burlington

and elsewhere, a strong local preservation regulatory structure would provide consistent results and certainty to owners of historic and non-historic properties alike. Local regulations are a reflection of the community's values related to its built heritage. While national and state registers may be instructive for local designations, they are not necessarily a comprehensive expression of the community's preservation values.

A. Best Practices in Regulating and Incentivizing Preservation

Communities across the United States have adopted effective preservation regulations and incentives that reflect their local preservation values. The following is a list of actions that may be taken at the local level to create a strong local structure for preservation along with examples of communities and their approaches (in no particular order):

- Create a community planning process that creates a long term vision and priorities for historic preservation
- Create certainty and consistency through clear local regulations, guidelines and processes
- Develop individual design guidelines tailored to districts and landmarks
- Establish and offer local preservation incentives through grants, preservation funds, tax incentives, and/or other public and private contributions
- Inventory existing and identify new historic assets for local designation

Places that have taken these actions include:

- **King County, Washington**
- **Macon, Georgia**
- **East Tennessee**

Places where preservation efforts are robust and have been successful are generally places that have accomplished the following:

- Improved certainty and consistency through the adoption of clear regulations, guidelines and processes
- Created a full-time historic preservation professional position to process applications, perform reviews, write reports, enforce regulations and guidelines, and work with the SHPO to make eligibility determinations.
- Designated existing state and national districts and landmarks as local historic assets for certainty and more effective regulation.

- Improved the predictability of process through clear and consistent notice, time periods, and review standards.
- Established a historic preservation or landmarks commission that is staffed by the city's historic preservation professional and that provides recommendations directly to the Development Review Board.

Places that have accomplished these things include:

- **Boulder, Colorado**
- **Portland, Maine**
- **Annapolis, Maryland**
- **Cincinnati, Ohio**

Specifically, those places that have created local design guidelines specific to historic structures by district or landmark have:

- Developed written and graphical standards for fenestration and materials for existing historic structures



- Developed written and graphical standards for infill development based on historic context, including contextual materials, fenestration, design, massing, and scale.
- Developed written and graphical standards for additions and accessory structures.
- Tailored design guidelines to history and character of the district and specific to landmarks.

Places that have done this effectively include:

- **Athens, GA**
- **Salt Lake City, UT**
- **Ann Arbor, MI**

Those places that have created and offer local incentives are doing so by:

- Reducing fees and expediting permits for approved rehabilitations of and restorations to historic structures.
- Creating a local tax incentive, such as a partial tax abatement, for investments in preservation that result in an increase in property valuation.
- Establishing a local fund to provide grants or low-interest loans for the maintenance and repair of historic structures and materials such as slate roofs and original windows.

- Establishing a preservation easement that provides a charitable tax benefit and perpetually preserves a building or its facade.

Places that are doing this well include:

- **Boulder, CO**
- **San Antonio, TX**
- **King County, WA**

B. Recommendations

Based on our analysis, we have identified a number of recommendations that, in our professional judgment, will aid the city in achieving its goal of striking a better balance between preservation and development. Our recommendations are divided into three general categories: (a) regulation and policy; (b) planning; and (c) incentives.

Regulation and Policy:

1. Define Types of Historic Assets.

Include a definition of “Historic Assets” in Code of Development Ordinances Section 5.4.8 that includes individual buildings and sites that have been determined to have historic significance by listing on one or more of the local, state or federal historic registries, and that includes groups of building located



within an historic district and are listed on one or more of the local, state or federal historic registries. The terms “building,” “site” and “district” should also be defined.

2. Regulate Only Those Historic Assets Officially Designated or Listed.

Amend Code of Development Ordinances Section 5.4.8 to read as follows:

“These regulations shall apply to all Historic Assets in the city that are listed on one or more of the following: (i) the Burlington Register of Historic Assets; (ii) the State Register of Historic Places; (iii) the National Register of Historic Places.”

For purposes of certainty, we recommend that only those properties that are officially included on one or more of the historic registries should be subject to the historic preservation regulations of Code of Development Ordinances Section 5.4.8. These revisions would eliminate the current uncertainty about whether a building or site will be deemed by the City to have historic significance by removing language that subjects any property determined to be eligible for listing to the regulations in Section 5.4.8.

3. Establish a Clear Designation Process.

Amend Code of Development Ordinances Section 5.4.8 to include criteria for the local designation of buildings, sites and districts as Historic Assets and include a set of clear procedures for designation. Hire a qualified historic preservation professional, and/or support the professional development of existing staff, so that staff is well suited to prepare designation reports professional recommendations to SHPO.

4. Establish a More Exact Process For Proving Economic Hardship.

Amend Code of Development Ordinances Section 5.4.8 to establish clear and detailed criteria for determining economic hardship, including establishing a certificate of economic hardship as has been done in numerous cities including Phoenix, AZ, Louisville, KY and Urbana, IL. Additionally, establish a hearing officer or an economic hardship panel comprised of a real estate professional, a construction professional, and an accountant to review applications for economic hardship.

5. Establish Clear Guidelines for Owners of Historic Assets.

Conservation guidelines should be established and adopted for each Historic Asset. The conservation guidelines should include clear written and graphical standards for materials, including windows, roofing and siding, standards for additions and new infill construction, including window orientation, rooflines, ornamentation, and other design elements.

6. Relax Zoning Regulations for Historic Assets.

Establish adaptive reuse regulations in the Code of Development Ordinances that relax off-street parking and loading, use, and setback requirements and streamline the process for adaptive reuses of historic assets. Most Historic Assets were built prior to zoning. Relaxing modern zoning regulations will allow historic assets to exist and thrive as they were intended rather than fitting them into modern zoning constructs.

Planning:

1. *Figure Out What You Have.*

Perform an inventory of all buildings and sites that meet the standards for National Register of Historic Places eligibility requirements established by the U.S. Secretary of the Interior. And, keep the inventory updated.

2. *Decide What You Want.*

Undertake and develop a city-wide preservation plan to Prioritize the list of eligible buildings and sites and establish a schedule for designating them as an Historic Asset. A plan will help the City support its historic preservation regulations and decision making.

Incentives:

1. *Make Stewardship of Historic Assets Easier.*

Incentivize designation as a Historic Asset by reducing fees and expediting permits for approved alterations to Historic Assets.

2. *Make Stewardship of Historic Assets Less Financially Burdensome.*

Establish a historic preservation tax abatement program that abates a portion of real estate taxes that do not otherwise go to the local schools for a period of time in exchange for the designation of a building or site as an Historic Asset. Create a preservation easement program that provides a tax benefit to the property owner at the value of the development rights foregone in favor of preservation. Establish a local preservation loan or grant fund to assist property owners with the additional costs of complying with the conservation guidelines applicable to their Historic Asset.

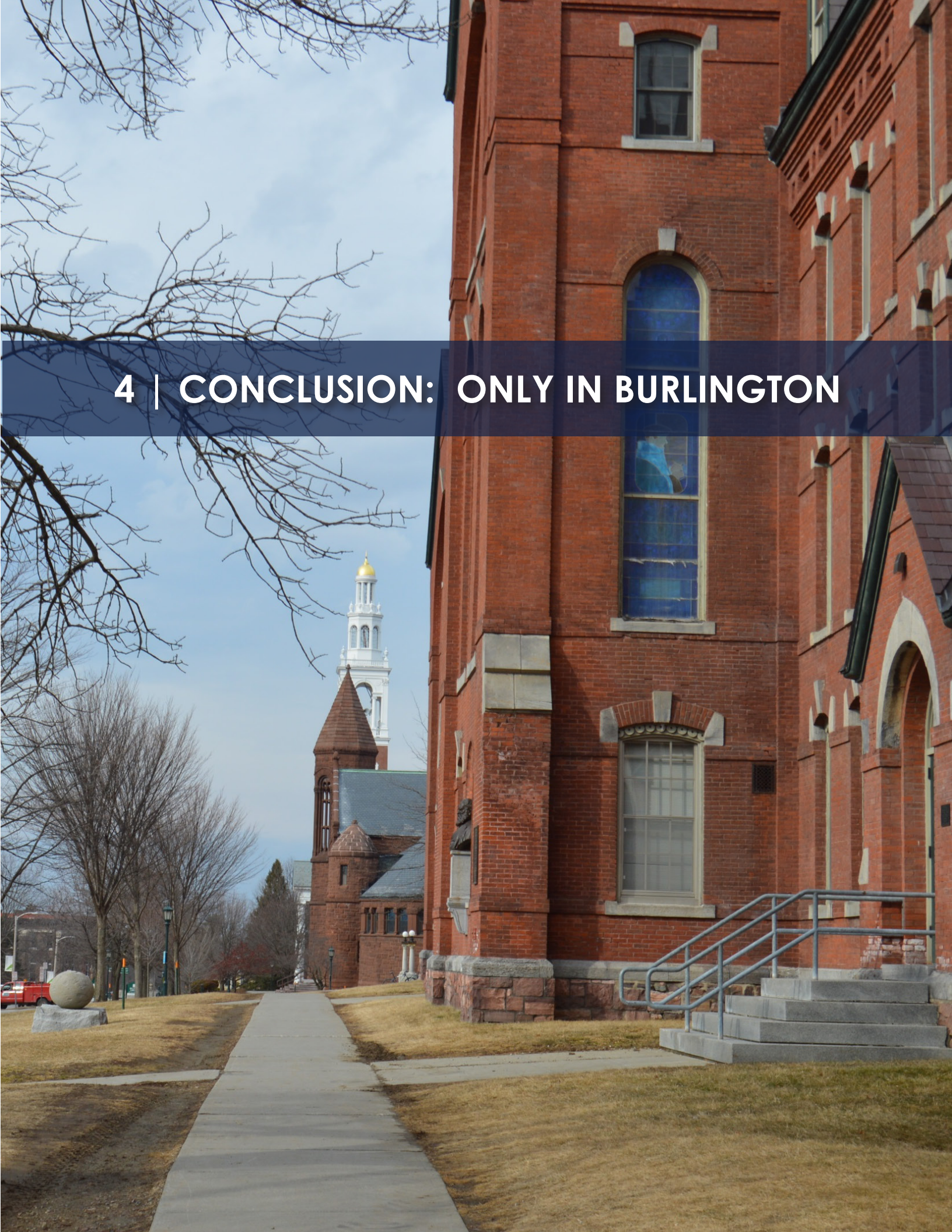
Recommendations are only effective if implemented. The consultant team advises that the city is at a point where immediate action is needed to achieve its desired outcomes. Regulatory and policy improvements require political will and legislative action. We encourage city staff to work with the city's Legal Department to review and analyze our regulatory recommendations under applicable law.

Planning requires a long-term focus and vision for the future. It requires the community to come together around a collective vision. We encourage city staff to promote an ongoing, robust community-wide conversation about the community's historic preservation priorities.

Incentives require a willingness to forego immediate revenue in favor of promoting long-term desired outcomes; they are not an either/or proposition. They are a trade off and should focus on promoting both short and long-term results and outcomes.



4 | CONCLUSION: ONLY IN BURLINGTON



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Burlington is a northeastern city like no other. The combination of its unique natural and built environments contribute to its high quality of life and attractiveness.

The city's built environment needs local regulations that reflect a vision for the preservation of its historic resources, promote character-appropriate infill development, reduce the risks of complex adaptive reuses, and lead to consistent and predictable results.

The current regulations are written such that any property in Burlington, upon a review of the eligibility standards by city staff, may be deemed to have historic significance and subject to additional regulations and review. This determination is often made well after a property owner has formed its investment-backed expectations. This uncertainty creates an unquantifiable regulatory risk associated with owning and investing in property in Burlington. A lack of clear preservation guidelines make it difficult to ascertain what will be acceptable once a property is designated.

Crafting clear and concise regulations, processes, and design guidelines so that there is greater certainty about whether a building has historic significance and what alterations are appropriate to the community, will not only lead to better preservation, but also result in more confidence in investing in Burlington.

In order for Burlington to maintain and enhance its historic building inventory while attracting new investment, the city must begin by creating a regulatory environment that reduces the regulatory risk of historic property ownership, provide clear standards for appropriate alterations to historic structures, more uniformly enforce the regulations, and provide financial incentives to historic property owners so that owning historic property in Burlington is once again a sense of pride both for the property owner and the community.



APPENDIX: REFERENCES AND LINKS

The Delaware Historic Preservation Tax Credit Program: Good for the Economy, Good for the Environment, Good for Delaware's Future, 2010.

PlaceEconomics, Connecticut Local Historic Districts And Property Values, Washington, DC, October 2011

Licciardi, Guido and Rana Amirtahmasebi, Eds., The Economics of Uniqueness, Washington, DC: The World Bank, 2012.

Center for Resourceful Building Technology
Indigenous Building Materials: An Overview
,1995.

Links to Example Plans:

King County, WA:
www.kingcounty.gov/property/historic-preservation/strategic-plan.aspx

Macon, GA:
www.historicmacon.org/about/strategic-plan/

East Tennessee:
<http://knoxheritage.org/wp-content/uploads/2014/05/PLACES-2016-1.pdf>

Links to Example Design Guidelines:

Athens, GA:
<https://athensclarkecounty.com/DocumentCenter/Home/View/287>

Salt Lake City, UT:
www.slcdocs.com/historicpreservation/GuideRes/ResidentialGuidelines.pdf

Ann Arbor, MI:
<http://www.a2gov.org/departments/planning-development/historic-preservation/Documents/Historic%20District%20Commission/Historic%20District%20Program/Ann%20Arbor%20Design%20Guidelines%2012-13-12%20small.pdf>

Links to Example Regulations:

Boulder, CO:
<https://bouldercolorado.gov/historic-preservation/historic-preservation-program-background>

Portland, ME:
www.portlandmaine.gov/DocumentCenter/View/2331

Annapolis, MD:
www2.municode.com/library/md/annapolis/codes/code_of_ordinances?nodeId=TIT21PLZO_DIVIVOVDIRE_CH21.56HIDI

Cincinnati, OH:
www2.municode.com/library/oh/cincinnati/codes/code_of_ordinances?nodeId=TIXIZOCOCI_CH1435HIPR

Links to Example Incentives:

San Antonio, TX:
www.sanantonio.gov/historic/incentives.aspx

King County, WA:
www.kingcounty.gov/~media/property/historic_preservation/documents/resources/T16_IncentivePrograms

Boulder, CO:
<https://bouldercolorado.gov/historic-preservation/historic-preservation-program-background>

Ann Arbor, MI:
<http://www.a2gov.org/departments/planning-development/historicpreservation/Documents/Historic%20District%20Commission/Historic%20District%20Program/Ann%20Arbor%20Design%20Guidelines%2012-13-12%20small.pdf>

Links to Example Regulations:

Boulder, CO: <https://bouldercolorado.gov/historic-preservation/historic-preservation-program-background>

Portland, ME: www.portlandmaine.gov/DocumentCenter/View/2331

Annapolis, MD: www2.municode.com/library/md/annapolis/codes/code_of_ordinances?nodeId=TIT21PLZO_DIVIVOVDIRE_CH21.56HIDI

Cincinnati, OH: www2.municode.com/library/oh/cincinnati/codes/code_of_ordinances?nodeId=TIXIZOCOCI_CH1435HIPR

Links to Example Incentives:

San Antonio, TX: www.sanantonio.gov/historic/incentives.aspx

King County, WA: www.kingcounty.gov/~media/property/historic_preservation/documents/resources/T16_IncentivePrograms.ashx?la=en

Boulder, CO: <https://bouldercolorado.gov/historic-preservation/incentives-for-historic-pres>

About the Authors:

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April 2017

Calfee/Gray & Pape Historic Preservation Regulation Review and Recommendations, April 2017

		Calfee/Gray & Pape	City of Burlington
Type	#	Recommendation	City Team Response
Regulatory	1	Define Types of Historic Assets: Amend Section 5.4.8 to include a definition of “Historic Assets” that includes individual buildings and sites that have been determined to have historic significance by listing on one or more of the local, state or federal historic registries.	Critical step to resolve considerable uncertainty regarding the applicability of the current regulations, and who has the proper authority to make the determination of eligibility under the current process. This must involve an important conversation with partners such as the SHPO and Preservation Burlington before moving forward with any ordinance change.
	2	Applicability: Regulate <u>only</u> those Historic Assets officially designated or listed	Same as above – combine into a single recommendation.
	3	Establish a Clear Designation Process: Amend Section 5.4.8 to include criteria for the local designation of buildings, sites and districts as Historic Assets and include a set of clear procedures for designation.	Ultimately this is the same as the process for amending the CDO under statute, but will need some process on the front-end to engage the DAB/HPRC early in the designation process to vet recommendations.
	4	Establish a More Exact Process For Proving Economic Hardship: Amend Section 5.4.8 to establish clear and detailed criteria for determining economic hardship	Will also require an ordinance amendment to provide clear standards for review
	5	Establish Clear Guidelines for Owners of Historic Assets	Depending on the scope, this could be a major and costly undertaking, and will require City funding that may be combined with other state/federal sources. Best practice would be for district-specific guidelines tailored to the unique characteristics of each historic district. But may need to start with a more generic set applicable to most situations, ultimately leading to a complete set of district-specific guidelines over time.
	6	Relax Zoning Regulations for Historic Assets: Amend Section 5.4.8 to establish adaptive reuse regulations that relax off-street parking and loading, use, and setback requirements and streamline the process for adaptive reuses of historic assets	Regulatory incentives are a necessary compliment to any financial incentives. Some already exist elsewhere in the CDO, but should be clarified and expanded to reward good stewardship of a historic building.

Calfee/Gray & Pape Historic Preservation Regulation Review and Recommendations, April 2017

Planning	7	Historic Survey: Perform an inventory of all buildings and sites that meet the standards for National Register of Historic Places eligibility requirements	This is a major, lengthy, and costly undertaking on its own if the intention is to have <u>every</u> building in the city surveyed at one time - this would be undertaking a survey of ~14,000 buildings. Instead, the Survey Plan completed in 2000 should be updated to give priority and direction for ongoing survey efforts as part of a city-wide preservation plan below.
	8	Preservation Plan: Undertake and develop a city-wide preservation plan to Prioritize the list of eligible buildings and sites and establish a schedule for designating them as an Historic Asset	Development of a citywide preservation plan can offer a number of very important benefits and opportunities <u>if properly resourced and executed</u> . It can raise public awareness of Burlington's historic resources, create support for ongoing preservation, and establish a new framework for implementing preservation policies. Of particular import in this process will be to establish a clear and predictable process for the conservation of notable properties that have <u>not yet been listed</u> . This will involve a significant public outreach and engagement process in collaboration with partners such as the SHPO and Preservation Burlington.
	9	Preservation Incentives: Incentivize designation as a Historic Asset by reducing fees and expediting permits for approved alterations to Historic Assets	Special reductions in fees and expediting permits are <u>not</u> typically undertaken for reasons of equity and fairness, and we <u>do not recommend</u> implementation of this recommendation.
	10	Preservation Incentives: Make Stewardship of Historic Assets Less Financially Burdensome through financial incentives such as tax abatement, preservation easements, loans, and grants	Offering financial incentives is an <u>essential</u> component for any successful preservation program - ownership and stewardship of historic buildings should be celebrated and rewarded. Further discussion and evaluation of options and opportunities must be undertaken as part of a community-wide planning discussion in order to gain community support.