

**Verbatim Transcript
Historic Preservation
Commission Meeting
July 20, 2022**

HISTORIC PRESERVATION COMMISSION

CITY OF FORT COLLINS

Held JULY 20, 2022

Hybrid Meeting – 300 Laporte Avenue and via Zoom

Fort Collins, Colorado

In the Matter of:

1802 North College – Appeal of Determination of Eligibility

Meeting Time: 5:30 PM, July 20, 2022

Commissioners Present:

Kurt Knierim, Chair
Jim Rose, Vice Chair
Margo Carlock
Meg Dunn
Walter Dunn
Eric Guenther
Anne Nelsen

Staff Members Present:

Brad Yatabe
Jim Bertolini
Melissa Matsunaka
Maren Bzdek

1 CHAIR KURT KNIERIM: We are on discussion agenda item number six, 1802 North College,
2 the appeal of determination of eligibility. Are there any recusals from the Commission for this?

3 COMMISSIONER MEG DUNN: Could I make a disclosure Mr. Chair?

4 CHAIR KNIERIM: Yes, thank you.

5 COMMISSIONER M. DUNN: I had a friend in the history community send me an email saying
6 that she had concerns about the project and wanted to send in a letter, and I immediately prompted her to
7 write to Jim Bertolini, and I also included Claire in that email so that they knew right away that I had been
8 contacted. I don't believe it biases me in any way in making this decision today.

9 CHAIR KNIERIM: Thank you. Any other disclosures or recusals? Hearing none, let's begin
10 with our staff presentation.

11 MR. JIM BERTOLINI: Thank you, Mr. Chairman. One moment and I'll get that set up for you.
12 Alright, are folks seeing that slideshow okay?

13 CHAIR KNIERIM: Yes.

14 MR. BERTOLINI: Perfect. Thanks again. This is an appeal of the staff finding of the
15 determination of eligibility for the property at 1802 North College Avenue. Little bit about this
16 property...this is at the northeast corner of Willox and College in north Fort Collins, formerly known as
17 the Pobre Pancho's restaurant. The role of the Historic Preservation Commission in this sense...this is a
18 de novo hearing...the Preservation Commission is tasked under the Code of providing a new decision
19 regarding eligibility of this resource for landmark designation. Your role is to consider the evidence
20 regarding significance and integrity of the building addressed as 1802 North College. It is intended to be
21 a linear process: does the property have significance and then does it have enough of its physical features
22 or historic integrity to convey that importance. The standards for that are referenced in Municipal Code
23 14, Article 2. Again, your task is to provide a determination of eligibility for whether the property
24 qualifies as a Fort Collins landmark. Final decisions...since you are a quasi-judicial Commission, your
25 final decision is subject to the right of appeal under City Code.

26 A little bit of background about this particular project. This timeline starts in March of this year.
27 At that time, Raising Cane's submitted conceptual plans to be reviewed by City staff from several
28 departments. At that time, staff informed the applicant, Raising Cane's, of the Code requirement under
29 Land Use Code 3.4.7 that requires any redevelopment proposal to survey the properties on that proposal if
30 they are over fifty years of age, and determine if they are eligible as City landmarks or not. The idea is, if
31 they are determined eligible, then the property is supposed to be preserved and incorporated into the new
32 development. March 10th, Raising Cane's ordered that historic survey for both 1800 and 1802 North
33 College in preparation for their formal project development plan submittal. That survey was completed
34 for both properties on April 28th of this year; it was completed by Front Range Research Associates,
35 which is a history consulting firm based out of Denver. The findings that staff certified, was that the
36 property at 1800 North College was not eligible to be a Fort Collins landmark, but the property at 1802
37 was eligible. At that point, the findings were transmitted both to the developer, Raising Cane's, and then
38 the property owners, Darren and Asher Haun, and on May 2nd, we received an appeal of that finding for
39 1802 North College, and that has brought us to this hearing this evening.

40 In part to respond to some questions about how determinations of eligibility for landmark status
41 play into the development review process, I just wanted to highlight this here. So, when we're dealing
42 with development, the Code that covers that is 3.4.7, and the sections B and C deal with the requirement

1 to identify any historic resources on or near the development site. And during that process, we need to
2 determine if that property is eligible as a Fort Collins landmark. So, it's the same standards we use when
3 we're formally nominating a property, but this is a separate process that is specifically for project...or
4 development project review. So, at that point, if we do have...when we're determining whether a
5 property qualifies as a landmark, that's why, since we're using the same standards, we come over to
6 Chapter 14 where most of our City landmark applicable standards exist. And so, we have our standards
7 for eligibility, that's what our consultant, in this case, and staff, as we certified those original findings,
8 that's what we used to come to the finding of the property as eligible. And that section also includes the
9 process for appealing a staff decision, which we are conducting tonight. In the event that a property is
10 found eligible, that's what kicks in the 3.4.7, treatment of historic resources, generally requiring that
11 landmark-eligible properties need to be preserved and incorporated on the development site. There are
12 some cases that can qualify for modifications of standards, but generally the expectation is that this
13 historic resource is preserved and incorporated.

14 Again, if the property is determined eligible, it does not require formal designation. In other
15 words, the Commission does not need to recommend that the property actually be designated as a City
16 landmark; the determination of eligibility is sufficient for project review. It does require, again, that
17 preservation and adaptive reuse on the development site. And this is just the reference for any
18 modification of standards to any requirement in the Land Use Code as covered under 2.8. If the property
19 is determined not eligible, there are no further preservation concerns at that stage since there would not be
20 any historic resources on the development site.

21 Again, there's two requirements for landmark eligibility. The first is significance, is the property
22 even important? I have the events and trends highlighted because in this case, for 1802 North College,
23 staff's finding was that the property was significant under standard one. If a property is determined
24 significant, then we measure its integrity, how well it still reflects it's story, whatever that may be. For
25 properties that are significant under standard one, typically the...not all seven aspects need to be retained.
26 Typically that changes depending on which standard for significance we're applying. And so, typically,
27 with a historically significant property under standard one, we're going to emphasize overall design,
28 historic materials that were there during whatever the historic period was, location, so wherever the
29 historic building was either created or used, typically has a role to play in the story that makes it
30 important, the overall setting, that can be difficult, especially in areas that have been redeveloped
31 significantly, and association, can it still be connected to the significant story that was found to be
32 important.

33 So, again, just a reminder on the location along North College Avenue, and reminding you what
34 the building looks like that we're talking about here. And a little bit about the history of this property. It
35 was constructed...this is all in your packet and covered in more detail in the survey form that was
36 produced in April. It was constructed in 1961, had two sporting goods stores in it prior to 1969. At that
37 point, that's when this became Pobre Pancho's. This is where Frank and Mary Perez and their family ran
38 this business from 1969 until the restaurant closed earlier this year. Frank Perez was an immigrant from
39 Mexico as a child, and he served as a U.S. Navy sailor, became a naturalized citizen after his service, and
40 in 1967, started Pancho's with his mother Amelia on Walnut Street, and then moved to the 1802 North
41 College location in 1969 with his then wife Mary, and renamed it Pobre Pancho's.

42 For significance, that is again outlined in the survey form and staff memo that covers our findings
43 and certification of that recommendation from a historian, this was significant for its association with
44 Hispanic history in Fort Collins and commercial history. Part of that is due to it being a long-standing
45 business on North College Avenue. There are a handful of surviving commercial properties along North

1 College that reflect that post-World War II development along that corridor. In this case, the association
2 with our Hispanic community, especially considering the establishment of the restaurant in 1969...was
3 during a period of overt and institutional discrimination against our Hispanic community that at this point
4 is well documented, and the restaurant was intended to be a place that served Hispanic community
5 members. And so, this has become a significant institution in the Hispanic community...the restaurant in
6 particular was considered important and compared with the El Burrito restaurant on Linden Street that
7 was operated by the Godinez family. These were two, based on prior research, that rose to a level of
8 importance to be highlighted by research.

9 Measuring integrity, this was a post-war commercial building on North College. It was built as a
10 simple contemporary ranch-style building...a little bit of a mixture between the styles...it was not
11 intended to be an architectural landmark, and it's not considered significant for it's architecture, it's
12 considered significant for it's history. Based on a 1976 image, which I believe I have later and you saw
13 previously, it has good integrity to the historic period, which would cover the Perez family's operation of
14 the restaurant. And there is a compatible...what you see here is a compatible 1992 addition.

15 The setting is somewhat diminished due to loss of some landscape features, including the
16 monument sign that used to be in front of the building, and of course there has been fairly significant
17 redevelopment in this area over the last decade or so. So, the setting is somewhat diminished, but staff's
18 finding is that it was not sufficient to render the property ineligible.

19 Just a little bit about the setting and context, this is a 1937-era image, and so the blue and red just
20 marks the 1800 property in red and the Pobre Pancho's 1802 property in blue, just showing their
21 approximate location compared to, in 1937, still predominantly agricultural, versus 1969 after both of
22 those properties had been constructed, we see a lot more development along North College sending it
23 toward the context that we see today that's being redeveloped again.

24 Again, just a reminder in evaluating integrity for standard one...these are taken from a National
25 Parks Service Bulletin since our standards are based on the National Register of Historic Places, the
26 guidance for this comes from the National Register Bulletin that interprets those standards. And so, that's
27 where, for historically significant properties, we must define what the historic period is. In this case, the
28 period of operation by the Perez family. Then we measure the design, the location, materials, and setting,
29 and then of course association for these. That's the measurement of integrity...how well the property
30 tells that significant historical story. Just a summary, and I'll have to update this lower part here...so staff
31 did make an effort as part of new policy related to processes like this. We did send a letter to several
32 local organization, including the business association that covers North College as well as other
33 organizations that may have an interest in this particular property. So, an update to this...we did transmit
34 some public comments that were received earlier today, so in total, we've received seven written
35 comments, two of those were in support of a finding of not eligible, and then five were in favor of a
36 finding of eligible. Those will...should be added to the packet and you should have received those late
37 additions earlier today.

38 Again, just a reminder for the Historic Preservation Commission, this is a de novo hearing, so
39 you're providing a new decision regarding the eligibility of this property. And your role is to consider
40 evidence under Chapter 14 regarding the significance and the integrity of the building addressed at 1802
41 North College, and then provide a new determination of eligibility for designation. And again, as a quasi-
42 judicial Commission, your final decision can be...is subject to appeal to City Council. That concludes the
43 staff presentation. Before handing things off to the appellant, I do want to note that, as questions come
44 up, staff will be available. We do also have, I believe, Tom Simmons, who is the historian who wrote the

1 survey form. So, if you have specific questions about the content in the survey form, Tom should be
2 available to answer those. But, with that, I believe we have the property owner's attorney is representing
3 him, Jeff Cullers, and then the owner himself, Mr. Haun, are here and have a presentation for you.

4 CHAIR KNIERIM: Okay, thank you Jim. And, yeah, let's invite the appellants up.

5 MR. JEFF CULLERS: Good evening Commissioners, and for the record, my name is Jeff
6 Cullers...there's an 's' at the end. And I do want to...I'm going to disagree with the staff
7 recommendation, but I do want to compliment Jim Bertolini on some conversations I had with him over
8 the phone. He really did help me understand, kind of procedurally, where we're at with this matter. And
9 I also want to be clear about one other thing, and that is my presentation is not meant to diminish the
10 accomplishments of the Perez family, let's just be clear about that. Another thing I'd like to be clear
11 about is that the actual property owner and the appellant is H & H Properties, LLC, it's not Darren and
12 Asher Haun. They own the LLC, and Darren is here with me, and I believe Asher is calling in virtually.

13 I'm going to go through a little bit of the history of the Hahn's...or the company's involvement
14 with the restaurant. H & H Properties purchased it...purchased the building in the summer of 2020, and
15 the purpose of that purchase was to keep the restaurant going. Asher Haun is a long-time customer of the
16 restaurant and he wanted to...the restaurant was facing challenges, including the illness of Frank Perez.
17 And there's another LLC called Pobre Pancho's Mexican Restaurant, LLC; that's the entity that actually
18 owned the restaurant and ran the restaurant. And so, there's actually two LLC's, and that's very common
19 in this business, and the Perez family did the same thing. One of the Perez family members also had a
20 five percent ownership in the Pobre Pancho's Mexican Restaurant, LLC. I'd like to go ahead and go to
21 the next slide.

22 So, this is going to be my basic outline; I've already started the first one, history of H & H
23 Properties ownership. And I'm going to offer a few points on the legal framework, then we're going to
24 go through the significance criteria and the integrity criteria, I'm going to make some comparisons to
25 other restaurant landmark designations, and then wrap up. Let's go to the next slide.

26 This is a picture of the inside, and I would note that the H & H Properties made some
27 improvements after buying the building, including some paint, some new flooring, and some new light
28 fixtures. Pobre Pancho's Mexican Restaurant, LLC decided to close down effective March 31st, 2022,
29 because it was losing money. There was a loss of about \$123,000 since the restaurant was...you know,
30 changed hands. And the Haun's did come out of pocket to make payroll and to pay vendors. So, there
31 was no...the Haun's did not purchase the property for the purpose of just flipping it to Raising Cane's.
32 And Raising Cane's actually did approach them within a few weeks of them buying the property, and the
33 answer was no, we're not interested in selling. The closure of the restaurant was abrupt and without
34 warning, but I would note that that's pretty common, and that's really kind of the standard way that
35 people do it in the restaurant industry. You don't tell your employees, you know, hey, in two or three
36 weeks, this ship is going down. It's usually a very abrupt event. Next slide.

37 So, this is another picture of the inside of the restaurant. Next slide. So, I think that Mr. Bertolini
38 already went through some of this. I do want to point out that under the Code provisions, memories about
39 Pobre Pancho's are not really relevant to the eligibility determination. I'm sure we're going to hear some
40 of those from public comment tonight, but the landmark has to have meaning for people who never had a
41 meal at Pobre Pancho's, and this...the landmarking is for future generations. And, you as the
42 Commissioners need to consider that potentially indefinite timeline of historic landmarking, and note that
43 within several decades, Pobre Pancho's will...the restaurant will pass out of living memory. And this

1 discussion is also about landmarking the building...we're not talking about landmarking the restaurant,
2 that's intangible, and that...the restaurant itself doesn't exist right now. We'll go onto the next slide.

3 And this is the significance standard. And before I go on with that, I do want to note that this was
4 triggered because the building was over fifty years old, specifically, the building was fifty-one years old.
5 The restaurant did not get started until 1967; it didn't move to Pobre Pancho's...it didn't move to the
6 current location until 1969. So, the restaurant's history is definitely less than fifty years old, and I wonder
7 if we'd be having this discussion if the building was built in 1963 instead of 1961. So, I'll go to the
8 next...oh, I'm sorry. This is, again, the standard, and it has to be associated with a broad pattern of events
9 of history of the community, state, or nation. So, the point I want to make is it has to be associated with
10 something that's not just...not just the building itself. So, go to the next slide.

11 So, the staff finding identified this, you know, pattern of events or historic trend, and I'm just
12 going to call it historic trend. So, the staff finding is that this is significant...there's an association with
13 historic trends. The finding focuses on the history of the restaurant itself, recipes, and the history of the
14 Perez family as successful immigrants, suggests that the family overcame institutional racism as an
15 obstacle to business ownership, and notes that Pobre Pancho's is a long-lived restaurant, but there's
16 actually a restaurant in town that's been here even longer, and that's the El Burrito. The staff findings
17 also suggest that the second Mexican restaurant in the area was a sign of migration of Hispanic residents
18 or Latino residents to north of the Poudre because of gentrification, but I'd note that the El Burrito
19 restaurant is...I don't know that the El Burrito restaurant is evidence of that because it's actually not north
20 of the Poudre. Next slide.

21 So, recall, the history...the resource, which is the building, has to be associated with a pattern of
22 events or a historic trend that made a recognized contribution to the patterns of history of the community.
23 This criteria doesn't support making the building a landmark to its own history; it has to commemorate
24 an association with some other history. I mean, otherwise, every old building would qualify. Now, I'd
25 note that this standard, this association with something that's historic, is one of the easier standards to
26 meet because it kind of assumes the existence of the historic trends, and the question is, is the
27 building's...you know, associated with those historic trends. So, you don't necessarily have to prove out
28 the historic trends. I would note that the restaurant is not identified as making any influence or
29 contributions of a culinary nature that went beyond the restaurant itself. The only historic trends that I
30 could glean from the report are these three that I put on the slide here: the migration of Latinx or Hispanic
31 people to the city, state, and nation, institutionalized racism against Hispanic people in Fort Collins,
32 which I think that means racism by people in the City of Fort Collins...and when I say the City, I mean
33 like the City entity itself, that's the institution. The last historic trend that I could glean is settlement of
34 Hispanic people north of the Poudre River because of gentrification. Now, the survey also suggests
35 association with the Perez family, who emigrated to the United States and built their dream. Now, that's
36 an accomplishment, but I don't think that means that the family itself is a historic trend. We're
37 getting...now they're associated with historic...the family is associated with the historic trend of
38 immigration, and the building is associated with that family, but we're getting kind of attenuated if that's
39 the path that we go down. I mean, the Perez story is not unique, I mean there's probably thousands of
40 Mexican restaurants in this country that were started by immigrants.

41 The survey also suggests that the restaurant itself was significant, but I didn't see any specific
42 information on how it influenced Fort Collins, like how it influenced the way the city of Fort Collins
43 developed. It basically notes that the restaurant survived a long time in a difficult industry; however,
44 difficulty of surviving in the restaurant business is not a historic trend, and success at that is not a historic
45 event.

1 So, I'm going to focus on the three...what I think are the actual historic trends, and that's
2 the...the first one is the association with the general migration of Hispanic people to the city, state, or
3 nation. I think that's the next slide. So, is the building associated with this historic trend? And I think
4 the answer is no, I mean the intangible restaurant was associated with that, but it's not the actual building.
5 If we're going to go down that road, I think what we'd have to...the staff report would have to make the
6 case that the building was more than just along for the ride with this historical trend. For example, maybe
7 the building, or the Perez family, helped new arrivals adjust to life in the United States, something like
8 that. But, there's absolutely no information that the Perez family or the restaurant was associated with
9 people actually arriving to Fort Collins from Latin America. So, the answer in my view is no, there is no
10 evidence of association of the building with this actual historic trend. And I want to point out that the
11 burden is on the City staff to give you guys evidence to prove out the case. If the evidence isn't there,
12 then the finding has to be that it's not significant. The burden of proof is on the applicants, and if the
13 Commission is going to exercise the authority to restrict what we can do with this property, that's an
14 exercise of the City of Fort Collins' authority to legislate and make decisions for the welfare of the
15 residents. So, that invokes the police power; if you're going to invoke that police power, the evidence has
16 to be pretty clear.

17 So, the next one I'm going to hit on is the association with this other historic trend which is
18 institutionalized racism by the City of Fort Collins. Mr. Bertolini said that that is well documented, but I
19 didn't see any documentation about that in the report. That might be the case, I wasn't around in 1969,
20 but if we're going to make this bold claim, that's a bold claim, and with great claims come great
21 responsibility to prove them up, and I don't think the report tried to do that at all. This is one of those
22 instances where it's just assumed that this historic trend existed in Fort Collins, and really didn't try to
23 actually prove that. But, even if we're going to accept that, again, I would go to the next step, okay, so
24 besides just being a Mexican restaurant in Fort Collins during, you know, the last fifty years or so, is there
25 any specific challenges that the restaurant or the Perez family faced in overcoming institutionalized
26 racism, and the report doesn't have anything like that. The report just doesn't, in my view, it just doesn't
27 connect the dots between institutionalized racism by the City of Fort Collins to this specific restaurant in
28 some specific way. And practically speaking, I would point out, what would the plaque...if that's the
29 historic trend that we want to latch on to, what would the plaque on the restaurant say commemorating it?
30 I mean it basically would say something like, this restaurant made it through institutionalized racism on
31 the part of Fort Collins. Now, that's again...that's a bold claim. With great claims come great
32 responsibility to prove them up. And I also point out that that's going to be a controversial claim; it's a
33 polarizing topic, obviously, racism. So, we just have to be...I would encourage the Commissioners to be
34 real careful about stepping into that unless the case is quite clear. Next slide.

35 Is the building...and now my slides say, is Pobre Pancho's associated...and it should say is the
36 building associated, so I'll just make that little change. But, is the building associated with settlement of
37 Hispanic people north of the Poudre because of gentrification in other parts of town? That's the
38 suggestion of the historic report. Now, again, this makes a lot of assumptions. First of all, it assumes that
39 gentrification was a thing in 1969, and I don't know the answer to that. But, if it is, we need to see, you
40 know, the evidence for that. The report...the evidence needs to show that that was the case. And the
41 second, there's another connect the dots issue with this historic trend. The staff report says that the
42 restaurant moved to its current location in 1969. Did it move because of gentrification? I mean, or did
43 they just need more space? Was their lease running out? So, I don't think we can just assume that the
44 reason the restaurant moved to its current location is because of gentrification. The staff report just
45 doesn't make that case. So, I would say no on this historical trend association; the report just doesn't

1 connect the dots. And when I say report, I'm also talking about the historic survey and staff's excerpts of
2 that.

3 The other potential historic event that the survey suggests is, again, the association with the Perez
4 family. Now, that would have to...in order for that to satisfy the standards, that would have to mean that
5 the Perez family is a historic event, or a historic family. And not to diminish their accomplishments, but I
6 mean, the Perez family moved here, the founders moved here to chase their dream, and they succeeded,
7 and that's a great thing, but their story is not unique at all.

8 So, just to close on this topic, the association topic, I believe at most the evidence shows that the
9 restaurant and the Perez family were along for the ride through some historic trends, and those historic
10 trends were: institutionalized racism by the City of Fort Collins, general immigration from south of the
11 border, and moving...being displaced by gentrification to their current location. I'll move on to the next
12 one.

13 So, the other portion of the findings that have to be made is, well, let's say that there is an
14 association with a historic event or trend...sorry, I shouldn't say historic event, it's a historic pattern of
15 events or historic trend. The next one is integrity, and that one I think is a little easier to understand, it's
16 the ability of a site, structure, object, or district to be able to convey its significance, and there's those
17 seven factors that Mr. Bertolini went through. Basically the question is, can we look at this building and
18 does it have something to say about the historic trends? Let's go to the next slide.

19 So, the staff finding is...well, there's integrity to the historic trends because the front of the
20 building is generally the same as in the 1976 photograph that was put up on the screen, except that the
21 large monument sign is now gone. There was a rear addition in 1992 that's compatible with the original
22 construction. There's a couple stained-glass windows that depict sombreros and roses, there's a carved
23 wood entrance door, and there's these wall signs that were added in 2010. Next slide please.

24 So, this is that 1976 report...or, I'm sorry, picture. I looked at the historical survey to see what
25 the architectural style is, because a lot of these alleged reasons that there's integrity focus on the
26 architectural style. But, I would note that Mr. Bertolini said that there's really nothing special about the
27 architectural style. The historic survey definitely bears that out. The answer...I wanted to see what was
28 the architectural style...the survey says, well, it's commercial. It doesn't really identify any specific
29 architectural style at all. I'd also note that the Perez family did not build this building, so this is not even
30 where it all began concerning Pobre Pancho's. Next slide please.

31 So, what were the historic trends? And is there any integrity...the historic trends were the
32 institutionalized racism, the migration of...general migration of people from south of the border, and the
33 displacement due to gentrification. So, does the restaurant have...or not the restaurant, the building have
34 anything to say about those issues? And let's go through the slides...I think some of them you've already
35 seen. That's the interior of the restaurant. There's no bar; there's a service bar, but there's not like a bar
36 for customers to sit at. Next? That's the outside. The signs have been taken down; you can see the
37 outline in the paint, but taking down the signs is a standard practice when the business closes. Next? This
38 is just the back side. Next? So, I think the building does retain strong integrity to its original style and
39 purpose, which is a very humble, generic, 1950's retail building. Next slide. The only thing about this
40 building that seems to recall any type of Mexican or Hispanic culture is the stained-glass windows, and
41 they definitely convey that, but I challenge whether they are really authentic. Is stained-glass an artform
42 that's associated with Mexican culture? I don't know the answer to that, but the historic survey doesn't
43 address that issue. The other part of that is, well, is the design itself, like in the style of Mexican artwork?
44 Again, I don't know the answer to that, and the survey doesn't address that question either. It might be

1 that the colorful paint job on the outside evokes like a Mexican cultural stereotype, but the paint colors
2 were not addressed in the historic survey or the staff report. And I would also note that if the building is
3 determined eligible, the owners will want to get permission to paint it a generic color, and I would think
4 probably get permission to do that.

5 The survey mentions the carved door, but it doesn't explain how the door is carved in a Mexican-
6 influenced art style, it just says it's a carved door. So, there's no evidence of that connection. Next slide.

7 So, I would posit that the restaurant really has no integrity...it really has almost no integrity to its
8 significance, which is rooted in Mexican or Latino culture. I'm going to compare it to this restaurant,
9 which is called La Posta de la Mesilla, and this is in southern New Mexico. It is on the National Register
10 of Historic Places. This has classic southwest pueblo architecture; the walls are made out of real adobe,
11 it's got this whitewashed finish, there's wrought iron details. Next slide please. This is what the inside
12 looks like. The ceiling is this viga pattern, which is spelled V-I-G-A, and that's the log ceiling detail. It
13 has the cultural...it has the classic, like, Mexican pattern tile in it. So it, I mean, it clearly says, this place
14 has Mexican and southwest influence. This is, I mean this is the whole package. It has all that...this
15 restaurant has been there since 1937, the original parts of the building date to the 1840's. It's located next
16 to a plaza that's listed as a National Historic Landmark. It clearly has integrity. Next slide please.

17 This is our building. So, in our view, the integrity criteria is just clearly not met. It's generic.
18 There's no suggestion to a connection with Hispanic culture or food. I looked to see if there's other
19 restaurants in the state of Colorado that have been designated for any kind of historic preservation, so next
20 slide please. So this is Bastien's Restaurant, which is in Denver on Colfax. It is on the National Register
21 of Historic Places. This was preserved because the building is an example of Google architecture...I'm
22 not sure if I'm saying that right...it's spelled G-O-O-G-I-E. Next slide please. So, this is the inside, and
23 it's...I mean the architectural features here are quite obvious. I mean, it's got this dramatic folded roof,
24 the circular...the whole building is a circle. It's got this hemispherical skylight in the middle, this stained
25 tongue and groove ceiling panels, complex curves throughout the building.

26 The other restaurant I found...next slide please...is the White Spot Restaurant, and this is
27 basically the same thing, it's just not as cool as Bastien's. It's also a Google architecture example. So, I
28 thought about what would be a restaurant that...and the reason I put these up is that this is really...these
29 two are...the historical designation is about the architectural value of the building. They're not about
30 the...you know, what the building housed. In other words, they have their own...the building has its own
31 historical significance, it's not connected with some other historical significance. Next slide please.

32 So, I thought about what would be a building or a restaurant that's really not very interested...not
33 very interesting in its own right, but it's associated with something that's historically significant. And
34 this is an example: this is the Eagle and Child Pub, it is located in Oxford, England, and it's the site of the
35 Inklings writer group back in the first half of the 20th century, and the members of the writer's group
36 included C.S. Lewis and J.R.R. Tolkien. This place is on the British equivalent of the National Register
37 of Historic Places. Now, this has some integrity because it's associated with something that's historically
38 important, clearly, I mean you can...if you were so inclined, you could go in there and read your copy of
39 Lord of the Rings in the same place that J.R.R. Tolkien was thinking it up; that's some integrity. So, next
40 slide please.

41 So, this is bringing me to the end of my presentation. I think the...a few thoughts on what I'll
42 leave you with. The historic significance is Pobre Pancho's as a successful restaurant for a long time.
43 But, the building itself really doesn't reflect that. If Pobre Pancho's moved to a new bigger building a
44 few years ago, we probably wouldn't be having this conversation. It's a...the restaurant itself is the Perez

1 family legacy, and that's intangible, and I think it's more important than the building itself. I'd like to
2 leave you with some thoughts about the practical implications of eligibility. I mean, if the building is
3 eligible, it's going to turn into something; hopefully the H & H Properties can find a tenant, or they might
4 sell it, but it's unlikely to become a new restaurant because you just can't get enough tables in there, and
5 you can't expand the building anymore because of the site footprint. It's probably going to be a small
6 retail or office space. It's going to get painted a different color, so the festive colors are going to go away.
7 And, if someone walks by and sees this building painted a beige, they're not...it's not going to be clear
8 what that...what the building is commemorating, what it's associated with. And if we can't...if the
9 building can't do that, then what's the purpose of finding it eligible as a landmark? The restaurant's
10 legacy is more than this generic shell, and is preserving this generic shell the best way to honor the Perez
11 family and their restaurant? I don't think so...we need to think outside the box, like quite literally. This
12 is a generic box, that's all the building is, and we can do better...perhaps we can name a park or a street
13 or something in honor of the Perez family, but landmarking the restaurant is not the way to do that. So,
14 for these reasons, I ask the Commission find the building is not eligible as a historic landmark. And, I
15 know there's going to be some public comment; I would like to ask that the...that Mark O'Donnell,
16 who's the H & H Properties real estate broker be maybe allowed to speak first so he can answer
17 some...so he can give a little bit more information about it, or if the Commission allows it, he could
18 follow me right away and just add his two cents.

19 CHAIR KNIERIM: Yes, thank you. We'll have all of the appellants that want to speak, speak,
20 and then we'll have ample time for public comment.

21 MR. MARK O'DONNELL: Thank you; my name is Mark O'Donnell, I'm a real estate broker
22 with Colorado Commercial here in Fort Collins. I'm assisting H & H Properties in the sale of 1802 North
23 College Avenue as the seller's agent. I've been in Fort Collins as a commercial real estate professional
24 for over thirty years, and that includes ten years of commercial property management experience.

25 With regard to the 1802 North College Avenue, the property has numerous marketability
26 limitations which would be further limited should the property be designated as a local historic landmark.
27 That designation would most certainly create undue hardship for H & H Properties by reducing the
28 current value of the real estate as there would be virtually no buyers or tenants who would consider
29 buying or leasing it in its current condition for the following reasons. First, the building is not large
30 enough to generate sufficient income to feasibly support a restaurant and the lot size is inadequate to
31 allow for expansion of the restaurant footprint, the current buyer, Raising Cane's Chicken, intends to
32 combine both the 1800 and 1802 North College lots in order to make the project viable as a restaurant.
33 Secondly, the building is not well suited for other uses like retail or office as either of those uses would be
34 adversely impacted by the size limitations of the property. Even if H & H were able to get current market
35 rents for a retail or office user, the cost to remodel the building to accommodate such users would not
36 make that type of a use change practical.

37 H & H Properties purchased the property in August of 2020 with the intent of expanding the
38 restaurant. In September of 2020, H & H submitted a purchase contract to buy the adjacent property at
39 1800 North College Avenue, North College Motors. That contract was declined by the current owner. At
40 that point, H & H directed me to find them a property large enough to potentially relocate the restaurant.
41 We were unable to find a suitable replacement property and in March of this year, after significant
42 business losses, H & H was forced to close the restaurant.

43 As a certified property manager, I have managed over a million square feet of mixed-use real
44 estate products up and down the front range, including a number of restaurants. In my experience, the

1 way in which the restaurant was closed by H & H is consistent with restaurant industry standards. Should
2 the Historic Preservation Commission elect to designate the property as a historic landmark, H & H
3 Properties will be left with a property of little value with very few options for re-tenanting the building or
4 selling the real estate to a buyer unless that buyer is able to assemble multiple properties. If the property
5 is designated as a historic landmark, it is likely that the property may remain vacant for years to come.
6 Thank you.

7 CHAIR KNIERIM: They just said that they don't need to say anything else, thank you. Alright,
8 at this point, we will...well, staff, any rebuttal? I want to make sure that we have time for rebuttal on that
9 before we get to public comment.

10 MR. BERTOLINI: Thank you, Mr. Chairman. I don't have any specific rebuttal at this point, but
11 if there's questions or need for clarification from Commission members, I'd be happy to do so at that
12 time.

13 CHAIR KNIERIM: Alright, thank you. Let's get on with public comment and then we'll have
14 questions from the Commission. Let's begin with the folks in the room and then we will go to our online
15 folks. So, yeah, just approach the stand and state your name, and write your name down on the sheet
16 there if you would please.

17 MR. BRAD YATABE: Mr. Chair, I did want to clarify for the appellant and the public, generally,
18 there was a statement that what's being considered tonight is the designation of this property, and that is
19 not correct. Actually, what's being considered...and I know you guys understand this, but what's being
20 considered is the eligibility of this property for designation, which is...makes a significant difference in
21 how that property is treated. So, I just want to clarify that for people.

22 CHAIR KNIERIM: Thank you. Yeah, so we are talking about eligibility.

23 MS. MONICA BIRD: Hello, my name is Monica Bird; I am Frank Perez's daughter and I'm here
24 to talk on his behalf, and my family will also speak, but I'm also speaking for some of my other family. I
25 wanted to clarify a couple things. Pictures that were shown was not the way we had it...the blue outside
26 was not done by us, that was done by H & H. The pictures that we had inside, the Hispanic culture
27 pictures, were taken down. So, yes, right now it's a shell, but it wasn't before. So, I wanted to make
28 those clarifications. And yes, if it is, we want the color changed because it's not what we wanted.

29 So, I would like to go through and talk about the history. Now, there was lots of mention of,
30 well, is that historic, is that this...? Well, in the Latin community, it is historic. Some of the things that
31 my father endured and overcame, that's historic. Just coming over...they came over because of World
32 War II. I'm a history major, so here we go. World War II...many migrant workers were asked to come
33 up because the boys were out fighting the war, so they appealed to the Hispanic culture in Mexico to
34 come up, and that's when my family came up. So, they have that tie to World War II. When they came
35 up, they didn't have anything. They came up to the United States and they were met with racism; whites
36 only signs were in the buildings. And there was even a segregation of where they could live...Spanish
37 colony is still there today. And there were other parts also designated where they could live. And, it is
38 correct, it is a building...it is a building. There's more to this building than those walls, and that ceiling,
39 and that roof. What is so important about this building is that is my...a physical representation of my
40 father's fight, and it was an uphill fight. Racism, segregation, and the pursuit of American dream. That's
41 tying to something; that is not an everyday thing. People don't come up from nothing, everybody,
42 because then we'd all be living differently. They come from nothing, and they build to something.

1 He came here in 1943; they were migrant workers, my family was, and they worked on many of
2 these farms that we talked about earlier with being preserved...they worked on some of those farms and
3 probably lived in some of those buildings on site. One of the buildings that they lived in was on Vine by
4 the old school, that one room white building that was there, they lived there. He attended school there,
5 and the school at the time...because there was quite a few, they had to change their name. He was no
6 longer Francisco Perez, he had to change it to Frank. He wasn't allowed to speak Spanish in school, you
7 had to speak English, and that was pretty common at the time. Even though he faced that racism, those
8 signs, changing his name, not being able to speak his native language in school, he still joined the Navy.
9 There was a draft; he went and signed up. He signed up because he felt what America stood for; the land
10 of opportunity and equality was worth defending. He served there for eleven years. When he came back,
11 the racism was still here. HP was predominantly employing white employees. My father didn't let that
12 stop him; he went and applied for an electrical engineer, and he got the job, which was kind of unheard of
13 at the time.

14 My grandmother wanted to start a Mexican food restaurant, and she started in Old Town, because
15 that was what was available to her. My father and my uncles helped, and my father thought, you know
16 what, we don't want a lease, we want to own. So, against the odds of banks not wanting to lend to
17 Latinos at the time, to become business owners, he didn't let that stop him. Family members helped him,
18 he had to go to a bank in Greeley to get the money, and that's what that building is. That's that fight to
19 even get going to begin with. He transformed that old building into a Mexican café. It was different then,
20 stucco everywhere. He was one of two Latino business owners in 1969. You know, today, this came out
21 in the newspaper this year...of the 7,000 businesses here in Fort Collins, six percent are Latino owned.
22 What is that saying about today? That is 420 out of 7,000 businesses. He started that trend, gave people
23 courage. What does that building mean? Courage. He did it; maybe I can too.

24 Not long after he started that, he married my mother, and my sister and I came along. And with
25 Pobre Pancho's, he redefined the meaning of family when he started that restaurant. Family was now a
26 customer as well, no matter their ethnicity. Yes, he opened it because Mexicans wanted Mexican food,
27 but whites, Asians, African Americans, they all came in. It didn't matter; they were all part of that
28 family, and that's what he wanted. He broke down those barriers because that's what he wanted, and
29 that's worth noting, and that's worth recognizing. Customers could always count on him to offer them a
30 home-cooked meal, our family recipes. He sat and he talked with them...in reading some of what people
31 turned in, that was the great thing. Frank went around and talked to everybody; it didn't matter who you
32 were, it didn't matter what you believed in, it didn't matter, democrat, republican, he talked to everybody.
33 My father inadvertently created a melting pot which this nation is all about, a melting pot...he created that
34 there in that building. He provided that atmosphere for half a century. He provided work to many in
35 need, and that was brought up. Did he help the Hispanic migrants? Yes, he did. They came here needing
36 a job, they came here needing help getting citizenship. He helped them. He rented them some of his
37 properties so they could have someplace to live. They bought it from him. He did all of these things to
38 help the Latino community coming into Fort Collins. He didn't turn anybody away. If you made
39 mistakes in the past, he still helped you.

40 Our family members all worked there, my mother, my sister, myself, my daughter who still owns
41 five percent, my other children, my grandkids worked there. This is generations. My son-in-law, my ex-
42 husband worked there, he welcomed him with open arms, they did it together. And a lot of our
43 customers, they came to work there as well. They were kids who ate there, and they started work there,
44 and he taught them hard work gets you somewhere. Outside of that restaurant, he donated time and
45 money to churches, charities, law enforcement, fire authority. As one of the first Latino businesses, and

1 ultimately the cornerstone on the north end of town, my father believed it was his duty to bring to North
2 College...belong to the North College Business Association. He advocated for positive growth, he broke
3 down walls of racism and segregation, finding ways to bring North College community together inspiring
4 minority-owned businesses. He did all of this until June of 2020. He greeted everyone with a smile. He
5 accepted everyone. If you didn't like him, he still accepted you. He passed away in October of 2020 to
6 cancer. If he didn't get cancer, we wouldn't be having this conversation, we'd all still be working there.
7 He passed on with the knowledge that his granddaughter, my daughter, was continuing his legacy.

8 I mentioned that my daughter had owned part of that business, five percent. Yeah, it's small, but
9 it's five percent. On October 14th, without her knowledge, without coming to her, without talking to her,
10 she was informed it was sold, they were in a deal with Raising Cane's. On March 31st, they locked the
11 doors, they changed the locks actually. And no matter what non-restaurant...they didn't own restaurants
12 before, they didn't know what to do, so they thought, we'll just lock the doors. You talk to other
13 restaurant owners in the community, and they were appalled. One even confronted them when they went
14 to breakfast there; that's not what you do. On April 1st, everyone became aware that it was closed. We
15 had no warning. My daughter had no warning, the employees had no warning. The community had no
16 warning. What significance does this building bring to us? The building reminds us of what my dad
17 often said: it is not where you come from that defines who you are, it is what you do with the time God
18 has given you on this earth and how you improve the lives of others around you. This building is the
19 physical reminder that with a strong faith in God, perseverance, hard work, dedication...that no barrier of
20 racism or segregation can stand in your way. My dad embodied and redefined what it is to be an
21 immigrant. He is no longer defined by the food he prepared, but by the love he had for those around him.
22 He's a direct symbol for the Latino community of their family values, resilience, strength, grit, and
23 determination for the American dream. If that's not historic...it is not a common thing, it is not
24 something that everybody just does. Back then it was rare. Judging by the amount of Latino businesses,
25 businesses owned by Latinos, it seems to be pretty rare still.

26 My life and the surrounding community have been touched by my father's life as symbolled in
27 that building. If you believe what they say, it's no significance, it's nothing. Yeah, it was great what they
28 did, but other people have done it too. Fine. But, if you believe that our Latino business heritage,
29 overcoming racism and segregation is symbolic in this building, brought to you by a Mexican immigrant
30 for over a half a century, then you have to save this building. That building can be a beacon for
31 generations to come, to show them nothing can keep you down, keep going and you can do it. That's
32 what that stands for, that's what that means. And that's what he showed us. Thank you.

33 CHAIR KNIERIM: Thank you. Other folks here live that want to speak? Come on down. Be
34 sure to sign in and then state your name.

35 MS. MARY PEREZ: Yes, thank you for letting me talk here tonight. My name is Mary Perez,
36 and yes, I am Frank's wife. We started that business in 1968, right after we were married. Yes, it's true,
37 my husband and his mother had the business in Old Town before that. When my husband came home
38 from the service, he decided he wanted a bigger place with parking, because downtown, in Old Town, it
39 was hard to find parking at the time. So, he found 1802 North College, and it had been vacant for quite a
40 while. And so, he found the owner that lived in Iowa, we bought the building from him, we cleaned it up,
41 and we started Pobre Pancho's. Well, actually it was Pancho's at the time. And we did not go there
42 because of segregation or anything like that, we just wanted a bigger building and a parking lot. So, we
43 got it going. At first, our parking lot was nothing but dirt, but gradually, as we kept going, we added
44 stuff, we added to the building, we had it painted. In fact, Frank and I, and some of the workers painted
45 it. It was tan with brown, and that's the way it stood. The colors that it has today, H & H did it, not us.

1 And, we made a business for fifty-one years. We had our daughters working, Amelia and Monica, and
2 then as the grandchildren grew up, they worked there also. My husband took our granddaughter, Karolyn,
3 under his wing, taught her well. Towards the end, she was managing with him. When he got really sick,
4 then he turned manager over to her. He was home in...he was in Hospice at home, and I was his
5 caretaker. We...I'm sorry, I get emotional.

6 But, you know, he came from Mexico, and he graduated from high school, decided he wanted to
7 go to the service. He was actually going to go to the Marines, but when he went to sign up, they were
8 closed, they were out to lunch, so a gentleman next door came over to see him. He was a Navy recruiter.
9 So, he tells Frank, what are you doing here? Well, I want to join the Marines, but they're out to lunch.
10 And he told Frank, well, come here son. When it was said and done, he joined the Navy. So he was in
11 the Navy for eleven years and then he came home and we started the business.

12 So, all I want to say is the building, 1802 North College, does have a history. It has our heritage
13 in there, and it's a building that was made and ran for fifty-one years with a Hispanic person. We had
14 Hispanics, we had Anglos, we had Chinese, we had them coming over from Laramie, Cheyenne,
15 Loveland, Greeley, from all over. Today they showed us some pictures of the building; they say it's not
16 Hispanic. Well, they showed us an empty building. It wasn't empty when we had it. There was a bar
17 there; it wasn't a sit-down bar because it was a restaurant. We were selling drinks at the tables while they
18 ate, but there was a bar there. Those stained-glass windows? My husband designed them, and he had
19 someone put them in. That was part of his heritage because he was from Mexico. The sombreros in
20 there, the roses...my mother-in-law loved roses so that's why he planted roses in the yard, and he had
21 roses put in the stained glass. So, I just want you to know that our heritage is there, that building is there,
22 it's been there for the longest time. We moved here in '68, my family and I. There was nothing there but
23 a building, weeds and all. So, when my husband and I bought it, it came to life. And that was a history.
24 Thank you.

25 CHAIR KNIERIM: Thank you. Are there others here live that would like to speak? Be sure to
26 state your name and write your name on the pad please.

27 MR. JAMES ARON: Yeah, my name is James Aron and I apologize for my casual appearance.
28 I've had a medical condition that doesn't get me out of the house much; when I do go out, this is how I
29 have to dress to keep cool enough to be outside. You probably might have gotten a copy of the letter that
30 I submitted already referencing 1802 North College. I believe I sent it on the 15th, I got a response on the
31 15th...but anyway, I'd like to just read a little bit of it if I can, if that's okay with the Commission?

32 Okay, like I say, my name is James Aron, I live north of town, and I'd like to share my thoughts
33 on Pobre Pancho's. I grew up in Loveland, moved to Fort Collins in 1975 and moved up to the north end
34 of town. So, I was, you know, here about six years after it started. I was looking for good Mexican food,
35 found Pobre's...I was thrilled. Me and my family, we have eaten there up until the day it closed. In fact,
36 we were there eating the night before it closed so suddenly. My son...Frank would always make sure that
37 when we'd go in for birthdays, because my son, Travis, loved the place for birthdays...Frank would make
38 sure he had his own T-shirt, every year like clockwork. It wasn't hard to find Frank, he was always there
39 checking on customers, make sure that meals were good, how they wanted them. And I got to know
40 Frank, had a lot of conversations with him over the years, and there was a lot of years there. Sad day
41 when he passed on, I'll be honest with you. But, you know, it was good, because we heard that a fellow
42 had bought the place and it would not be closing, and the legacy and tradition of Pobre's would be
43 continuing on.

1 You know, there's a couple Mexican food restaurants that have been around for a while. The
2 other one is El Burrito owned by Dorothy...I've known Dorothy for years too. And, to the best of my
3 knowledge, they are the only two Hispanic restaurants that have been in business in Fort Collins for a
4 period over fifty years. Silver Grill downtown has been around for more than fifty, how many years has it
5 been owned continuously by the same people? How many restaurants in town have been owned by the
6 same people? Much less Hispanic that had to work through a lot of stuff to keep it open.

7 You know, knowing Frank, when King Sooper's moved in next door, we had a lot of discussions
8 about that. Frank was offered a sizable sum, I never found out what it was, but he was paid pretty
9 intensely if he'd have taken it to move it so that they could have that little corner piece too. Well, he
10 stuck by his guns, he said no, this is my legacy, this is where we're going to stand, this is where we're
11 going to do it. He could have taken the money and run; he didn't because that was Frank. This was a
12 historic place for him; it was steeped in tradition for him and his family, and for we as customers down
13 there, as clients. I think now he maybe should have taken the money, but there was no way to talk Frank
14 into it then.

15 I believe that Mr. Haun bought Pobre's not with the idea of keeping the legacy going, you know,
16 but with the idea that some day that corner was going to be really worth a lot. I think that he got a good
17 deal with it, you know, from the family, in order to keep it going. And, not keeping your word, you
18 know, that's one thing, but I believe the whole thing was from start to finish knowing that that corner was
19 going to be worth a sizeable amount of money. And, it was sold for the money, bought for the money,
20 not necessarily because there's any history of it, which there is, or any legacy, which, I mean who else in
21 Fort Collins had a restaurant that's open fifty years? Can anybody name any? Other than Frank and
22 Dorothy? I can't.

23 Anyway, I think it should be a landmark because of what it stood for, how Frank saw it. And you
24 tell people, okay, I live north of town, so I'd say, okay, what you is you go up to Pobre's, you know
25 where that's at? Yeah. It's that big of a landmark; everybody I knew, knew where it was at. So, I think it
26 was a landmark, I think it's location was good. Granted, that was a time when he opened up in '69, the
27 early '70's...I'm sure everybody here remembers that restaurants weren't always that big. A small place
28 like that, small, comfortable place, that was a good place to go to. I will still remember fondly the
29 memories of that, and I think that the Commission really ought to look at the legacy of that place. And, I
30 was honored to eat there, I was honored to know Frank.

31 Anyway, I hope that it can be...talking about use of the building. I saw the pictures. They gutted
32 it. It didn't look like what the pictures looked like any of the times since '75 that I started eating there.
33 But, that's the way it is right now. They're saying it can't have another use...it did fifty-one years as a
34 restaurant, why couldn't it be returned to that? Why couldn't it be returned...you know, make some
35 money off the deal, that was the original idea behind it, and I'm not against capitalism, I'm not against
36 investment properties, I'm against when you say something...my word means something to me, and I'm
37 sure it means something to you people. Stick by your word. Not, get a good offer and sell it. That's all
38 I've got to say. Thank you very much.

39 CHAIR KNIERIM: Thank you. Are there others here that would like to speak? Please state your
40 name and write your name on the sheet there please.

41 MS. AMELIA PEREZ: Hi, yes, I'm Amelia Perez; I am Frank and Mary's daughter, and thank
42 you for letting me speak tonight. Just stating that I have worked for Pobre Pancho's since I was in junior
43 high. And I'm actually speaking for some of the regular customers we've had...I see them every day at
44 my job. They're always asking what's going on, what's happening, and don't know. The story is, is that

1 my niece, Karolyn Bird, owns five percent of it. He locked the doors on her, and don't think that's
2 possible if you don't own the whole thing, you shouldn't be able to do that, but that's a different story.

3 But anyway, like they were saying, the building...we had a painted mural. My dad had this
4 tennis player that was...I'm sorry, I'm nervous...he had this mural painted on the wall, and that wasn't on
5 there. The outside...it was a white stucco before, and now it's blue. They did not do that. But, we've
6 had...our family has watched generations and generations of families come in. We were not only a
7 restaurant, we were a family, and that meant something to people, and that's what these customers are
8 telling me to tell you. It's not just a restaurant, it's a place for families to go to. They bring their
9 children, their children bring their children...and my dad had, like my sister said, he talked to everybody.
10 He let everybody come in, no matter what race...sorry, I'm really nervous. But, it's heartbreaking when
11 you have a friend who says that he's going to help you and he turns around and pulls the rug underneath
12 you after you're gone, out from underneath your family, out from underneath your friends...we call them
13 Pancho's family. That's what we are, we're Pancho's family. These customers here that are here tonight,
14 I've known them since I was a little kid. My dad taught me how to work hard, strive for my dreams, and
15 you can't really call a friend a friend when they do you wrong. And that's all I can say right now because
16 I'm really nervous. Thank you.

17 CHAIR KNIERIM: Thank you. Other folks here that would like to speak? Please be sure to state
18 your name and write it on the ledger please.

19 MS. CAROL TUNNER: My name is Carol Tunner. I come to you with a great deal of education
20 and experience in historic preservation as I was the City's Historic Preservation Planner for twenty years.
21 I staffed your Commission for twenty years. I went to conferences and educational classes, and in my
22 estimation, Pobre Pancho's is an institution that needs to be designated. Not only that, but I live in the
23 neighborhood. I live to the east. My husband and I would eat there. It was known as good food, good
24 Hispanic, good Mexican food, all over town everybody knew that. And it was locally owned, I think
25 that's an important, very important fact that I haven't heard mentioned very much, that it was such a small
26 number of Hispanic people that owned businesses, and Mr. Perez represented that. He was a pioneering
27 businessman.

28 I would say that, first of all, it's important for the...famous person, Frank Perez...and that's one
29 of our categories in designation. Second, historic trend...yes, it's true that Hispanic peoples have moved
30 north of the Poudre River. Last year I served on the North College Urban Design Committee and I was
31 absolutely amazed at the influence the Hispanic people have in the North College area, with their
32 businesses, and living around there, and La Familia, and all their organizations, the butcher shop,
33 everything. This is something that needs to be designated. It was locally owned; the money didn't go off
34 to incorporate somewhere in another big city. We need to support the Hispanic community, we really do,
35 and this is one way to do it, is to designate their business, their pioneering effort at business.

36 Finally, and this is aside from the designation. The way the restaurant was acquired may have
37 been legal, but it was unconscionable. It has nothing to do with the designation, of course, but it makes
38 me very sad, to the point that if Raising Cane's tears Pobre Pancho's down, I'll not eat there, and I'll not
39 eat at the one south of town. But, if Pobre Pancho's stays there, boy I'll support them.

40 CHAIR KNIERIM: Thank you. Other folks here that would like to speak on this issue? Alright,
41 let's then move to the online contingent. Melissa, if you would bring in the first person, please?

42 MS. MELISSA MATSUNAKA: Yes, Mr. Chair, it is Bloss.

1 MS. BLOSSOM SANCHEZ: Are you able to hear me?

2 CHAIR KNIERIM: Yes, and please state your name.

3 MS. SANCHEZ: My name is Blossom Sanchez – B-L-O-S-S-O-M, S-A-N-C-H-E-Z.

4 CHAIR KNIERIM: Yes, go ahead please.

5 MS. SANCHEZ: I first want to say that I don't know the Perez family and I've never ate inside
6 Pobre Pancho's before, and I also don't know the H & H, LLC person either. So, I'm kind of nervous
7 too. But, I have lived in...I'm thirty-two years old; I have lived in Fort Collins my whole life. And I saw
8 this through a Facebook, someone shared it through Facebook, first when it closed back in April, and I
9 was, like, really sad about it because I actually lived on North College for like thirteen years, and I used to
10 walk by Pobre Pancho's to go to Albertson's all the time, get my hot pickle, come back home. So, like, it
11 has always been there. I have family that still live on North College, so I actually drive by there...and
12 always see it there as well.

13 So, for it to be a historic landmark, I definitely do think it fits the criteria that you guys were
14 talking about. Actually, I took some notes down here, so let me bring my laptop here. Because, it is a
15 part of the Latino community, I see that as well. But, before the Latinos were there, there was also Native
16 Americans there as well, so technically it is on Native land. We're all on Native land. And, in 18...I
17 want to say like, 1860-something, there was something called Camp Collins, where it was full of military
18 men who would help, I guess, travelers, with like the Native Americans and outlaws in the area, and kind
19 of like shooed them away. So, and this Camp Collins was located about in Laporte, up from Fort Collins.
20 And, so, then they got...flooded out, and they got pushed down four miles down towards Fort Collins
21 area more. So, my point is like, the land itself is historical; that's what I'm trying to say here. Like,
22 we've had...you know, a lot of stuff happen to our people that I think that just needs to be recognized.
23 And when, I think his daughter took the stand and said something about her dad having to change his
24 name and not be able to speak his language made me cry because I am eastern...Apache, so my ancestors
25 were also put in residential schools, stripped of their name, and stripped of their language. So, I literally
26 was crying because just the history of like that, and the generational trauma that comes with that. And I
27 think like them doing this and abruptly closing the restaurant like this, is also more trauma that was, you
28 know, that their dad endured as well, like even though he's not here anymore. And what I'm
29 hearing...well, all the stories I've heard, he sounds like a great man. And you also...what I hear is he was
30 illegal immigrant, and he came to this country and served in the war...like, he wasn't even a citizen yet,
31 and he's like, yes, I'm going to serve for this country so that I could become a citizen and, you know,
32 fulfill my dream. So, like, that's a big accomplishment for the Latino...their part of their history and their
33 family.

34 I also was looking up like the style of the way the building was made. And, if you drive down
35 North College, you can see that like the buildings in the area were also built in that timeframe, like the
36 Jax, like the recycling place...they're all built the same, like farm style, kind of like ranch style-ish type
37 of building, which is kind of like what Pobre Pancho's looks like, kind of like a ranch-style building. So,
38 I would like it to stay there as Pobre Pancho's as well because I drove by there for like thirty-two years
39 because I still have family that live up there and I've always seen it; it was always just something there.
40 Like, Pobre Pancho's, like you knew that was a Mexican restaurant, you knew that was on the north side,
41 and it was just a staple, it was...everybody knew. If you wanted directions because you don't...like me, I
42 don't know, like don't tell me to turn on Willox or something...tell me like, hay, turn left on...where
43 Pobre Pancho's is, or turn left where that King Soopers is before you see it, you know before Pobre
44 Pancho's, you know, like...that's how I know directions. So, Pobre Pancho's has always been like a

1 focus point on that 287. And before, like, buildings were built there, it was a touring spot to come down
2 from Wyoming, and that's where the tourists came in straight, like 287 right there, the first thing they
3 saw. Like, I remember when I was growing up, there used to be like a farm stand there that now a car lot
4 takes, so like, people saw the farm stand, and then, like there was Pobre Pancho's, there was the motels,
5 there...and they're like right next to each other. So, if you're staying at the motel, you're probably going
6 to eat at Pobre Pancho's, and you're going to remember that coming in from Fort Collins.

7 I was also...let me see what else...I'll look it up here. I did also...while the lawyer was talking,
8 he mentioned a restaurant in, La Posta de Mesilla in New Mexico, and I actually was like, huh, I'm going
9 to look this up. Well, the lawyer had said, like, stained glass is probably not part of their culture.
10 Actually, if you look at this restaurant and look at their pictures, they have a stained glass window in their
11 bar area. It looks like it's some horses, you know caballeros or something, but it is part of their culture.
12 If you know the Catholic empire...like the Spaniards came to Mexico, they, you know, gentrified it, and
13 they passed on their religion which is Catholic. If you go to Catholic churches today, what's in the
14 window, stained glass windows. So, like these are stuff that was brought, like, forced onto the Mexican
15 community that was brought over from overseas. So, it is something in their culture, because of the
16 horrific genocide that happened.

17 But, my...like I really just want to say, like I want you guys to consider, like, this restaurant as a
18 historic place, because it's been there for over fifty years, it was locally owned, and that's a big part of
19 like anything nowadays, like you want to support locally-owned businesses. You don't want to go to
20 corporate...and they never did that, and I think that's a big plus for them.

21 Let's see here...this says, like, it's been family-owned since 1960's, that's also in my notes there.
22 And I wasn't even born back then, but I have family members that say like, yeah, I remember that place,
23 it's been there forever. And when I saw the pictures the lawyer put up, like, I was like, what...like the
24 blue, I was like, that was never there, like the Pobre Pancho's sign is missing. I hope if it does become
25 like a historical place, I hope it gets put back the original way it was, because that just breaks my heart
26 right there. Other than that, I think that's all I have to say. Thank you.

27 CHAIR KNIERIM: Thank you. Next online public comment?

28 MS. MATSUNAKA: Mr. Haun.

29 CHAIR KNIERIM: Hello, are you there?

30 MS. MATSUNAKA: Asher Haun?

31 CHAIR KNIERIM: Hello?

32 MR. ASHER HAUN: Okay, can you hear me now?

33 CHAIR KNIERIM: Yes, thank you. Please state your name and then your comment.

34 MR. HAUN: My name is Asher Haun and I am the principal of H & H Properties, and I would
35 like to...yes, and I own Pobre Pancho's along with five percent that was given to Karolyn for what she
36 brought to the restaurant; Karolyn being Frank and Mary's granddaughter. And I would like to reiterate
37 to the Board that I regret not being there; I had previous obligations that I needed to meet.

38 I bought the restaurant with sincere desire to keep it open; otherwise, I would have not remodeled
39 it and invested in new appliances and keep pumping cash into it. The colors of the building was stucco
40 falling off of the south walls; I had it re-stuccoed and painted the brilliant colors that you see today to

1 bring back the Hispanic preservation that it may have had. But, it was a plain white building as I'm sure
2 everyone on the Board noticed that. The interior was in dire need of remodel. For the thirty-five years
3 that I ate there, the interior never changed as far as upgrades. The appliances in the kitchen were failing,
4 and I upgraded several appliances, all with the hope of keeping the family restaurant going for the family.
5 I paid Frank what he wanted for the building, no negotiations.

6 As I said, Karolyn was given five percent for her knowledge of what she brought to the building,
7 and no cash. And at no point in my \$123,577 as of the 31st of March did Karolyn contribute in any of
8 them funds. So, with that being said, we lost more money in the first three months of this year than we
9 did all of last year. The declining business...yes, at one time, the building was very noticeable, and that
10 was another reason for painting it the way I did, was to make it more visible to the public. It got
11 swallowed up in the North College improvements to that area. We had full intent of keeping the business
12 going, but it just wasn't possible; raising costs in food and et cetera, COVID...I paid the girls what I
13 considered well, more than I actually had to legally. I wanted them to try and make a decent living, they
14 made a decent living as best as we could provide for them. To me, they wouldn't have had a job for
15 eighteen months, and if the family is so dead set on me buying the business and the building, why didn't
16 they step up to buy the business and the building. And the reason for that was, the family didn't have the
17 money and the family needed the money, and I'm not going to get into their financial situations, that
18 would be the last thing that I would do. But, the two years previous to my buying it, it was very, very,
19 very marginal, and that is all I will say about the financial side of it.

20 But, the building was never bought, or I wouldn't have closed it a week after I bought it and
21 invested the money that I did. The interior, like I said, we put a lot of money inside and out. The painting
22 of the outside was a very, very small portion of the percentage of money that I spent. Most of it was on
23 appliances and the interior. The interior doesn't look the same, I'll give them that a hundred percent,
24 because I think that we made drastic improvements, and the clientele gave me nothing but thanks and
25 gratitude for what we did to the building and the fact that I bought it trying to keep it going. Just...it
26 wasn't in the cards. And, I love Mexican food. I have nothing against the Perez family or the Hispanic
27 preservation, the...any of that...I have nothing against that. I own a heating and air conditioning business
28 and I have a lot of people that work for me of different cultures and et cetera. So, I am not a prejudiced
29 person in any way, shape, or form, and I loved Frank as much as any of the other customers.

30 So, I don't know...look at my notes here...the restaurant's not going to reopen, that I can say
31 because I did liquidate everything, and at some point here in the near future, I will be disbursing with
32 Karolyn Bird, the cash that was received and the items that was donated. But...just was no way we were
33 going to be able to keep this thing going. So, with that being said, I would ask the Board to reverse its
34 decision. And, with that, I'll hang up.

35 CHAIR KNIERIM: Thank you. Any more public comment, Melissa?

36 MS. MATSUNAKA: There are no other hands raised online Mr. Chair.

37 CHAIR KNIERIM: Thank you. Any more public comment here? Seeing none, that will close
38 the public comment for this, and let's move on to Commission questions for our appellants or for Jim.
39 Hearing none, let's move on to discussion. And what we are talking about today is...

40 COMMISSIONER M. DUNN: Kurt, I'm sorry. I do have some questions, I'm sorry. I was
41 trying not to jump in first again like I've been doing, but...

42 CHAIR KNIERIM: That's fine.

1 COMMISSIONER M. DUNN: I guess I'm the only one. So, I have some questions for Jeff. Jeff,
2 I just want to clarify a few things, or at least one thing. So, at one point, and I might have just not heard
3 everything you were saying, but I heard mention of police power, and so I just wanted to clarify, are you
4 saying that our making a decision based on our local Municipal Code that's been developed through
5 significant public input is exercising police power, or were you referring to something else?

6 MR. CULLERS: I probably shouldn't have used that term; that's kind of a legal term regarding
7 the ability of the municipality to make laws in the public interest or public welfare. So, it doesn't mean
8 police power in the criminal justice sense at all.

9 COMMISSIONER M. DUNN: Alright, so...

10 MR. CULLERS: But I think that the council is going to be exercising that power...that ability to
11 make decisions that's, you know, for the good of the...or for the benefit of the citizens of Fort Collins in
12 making...in addressing this.

13 COMMISSIONER M. DUNN: That's helpful, thank you. And then, I don't know if you can
14 answer this, or if it would be better to be asking the gentleman that wrote the report, the survey report, but
15 Jeff, in your...when you were talking, you mentioned that there was racism by the City of Fort Collins,
16 which I assume you meant by the government entity, against the Perez family, and I didn't see that in the
17 survey report, so I just was hoping to figure out what page that's on so I can make sure I've read that.

18 MR. CULLERS: Well, I can't tell you the page number off hand, but what I was referring to was
19 the idea that there was institutional...what the historic survey said was institutional racism in Fort Collins,
20 which I think that would mean racism by the institutions of Fort Collins, so that would be the City and
21 then maybe some of the business institutions.

22 COMMISSIONER M. DUNN: Okay, so...

23 MR. CULLERS: Does that make sense?

24 COMMISSIONER M. DUNN: What the Perez's mentioned about the white trade only would
25 count in what you were talking about?

26 MR. CULLERS: Say that again?

27 COMMISSIONER M. DUNN: So when one of the Perez's...I can't remember, maybe it was
28 Monica, got up and spoke, she mentioned the white trade only signs that we used to have here in Fort
29 Collins in our business windows. Is that the kind of institutionalized racism you're referring to?

30 MR. CULLERS: You know, I don't think I know enough about those buildings...those signs to
31 say one way or the other.

32 COMMISSIONER M. DUNN: Okay, so you mentioned it but you're not entirely sure what we
33 were talking about.

34 MR. CULLERS: Well, I don't think that's fair. I mean, I guess to challenge you on that I would
35 say, if there's individual businesses putting up discriminatory signs, that's clearly racism...but I mean,
36 that would be racism by that business. Does that mean that there's an institutional racism? I don't know
37 the answer to that.

1 COMMISSIONER M. DUNN: Okay, so I'm just clarifying...we don't have evidence that the
2 City of Fort Collins specifically did racist whatever to the Perez family; that's not what you were
3 referring to?

4 MR. CULLERS: Well, what I meant was that there was no evidence that the City itself, like the
5 City of Fort Collins, made the Perez family cause difficulties, like permitting the restaurant, or
6 inspections, and that kind of thing. There was no evidence in the historic survey that that actually
7 happened to the Perez family, and that's the point I was making.

8 COMMISSIONER M. DUNN: Okay, good, that's helpful. Thank you. I think that's all the
9 questions I had for you. And I just want to make a comment there that when we're talking about the
10 institutionalized racism, Jeff mentioned it was probably the City of Fort Collins; we don't know that. As
11 he said, we don't have evidence that it was the City of Fort Collins, so it could have been other forms of
12 racism that was taking place in Fort Collins that the survey report is referring to.

13 My next question I think is for Brad, although, maybe someone else could answer this also. But,
14 just based on what Jeff said multiple times in his presentation, you know, by his own admission, he really
15 doesn't know much about Fort Collins history, and it just dawned on me, this survey really was written
16 kind of presupposing that people have a basic understanding of our city history. And we do have multiple
17 contexts that have been written about Hispanic history in the city of Fort Collins and the surrounding
18 area. I'm just wondering, should we...would it make more sense, I mean, I just feel like there's this huge
19 block of information that's missing in what we're looking at, and we've got this survey that's resting on
20 top of it, but not everybody has that block of information underneath. I've read the contexts so I have that
21 block, but not everybody does. I'm wondering if it's possible to table this meeting with the specific
22 request that we would ask for that information to be added to our packet and that it would be given to the
23 appellant so that they kind of have a better sense of our local history, because otherwise I feel like we're
24 talking apples to oranges here.

25 MR. YATABE: Well, I will first say that Mr. Cullers, as an attorney and advocate, he is not a fact
26 witness here. He's making arguments based on the information. So, whether he has a background or
27 familiarity with the history of Fort Collins or not, I'm not particularly sure how relevant that is. I do think
28 that the Commission does have the ability...this is a de novo hearing, albeit it is an appeal of the staff
29 decision, this is a matter that is before the Commission for your...ultimately you to make a decision on
30 the information that you receive. So, to the extent you want more information, I think it's within your
31 power to continue this, but I will also say, and I'll say this for the Commission as a whole, so...all of the
32 Commissioners, you need to be operating off of a common record of knowledge. So, if you are making a
33 decision based on information, that needs to be in the record. So, to the extent you want...you think
34 there's information out there that will provide some more information for everyone to make...have a
35 common basis...also it's a common basis so the appellants can understand that information and
36 potentially rebut that information, it's also a common basis of information for the members of the public
37 to understand that decision and potentially make comment to rebut it if they think something is incorrect.
38 So, that...what you're saying is a vital aspect of this, so, to the extent somebody on the Commission has
39 some information, and of course you as Commissioners have a lot of historical information about this
40 city, it has to be information that everybody can see in the record and understand, because if that your
41 basis for your decision, everybody needs to be able to not only understand that, but to potentially test that
42 information if need be by bringing in opposing information, or however that might be tested.

43 MS. MAREN BZDEK: I'd also like to speak to the question of evidence in terms of the historic
44 record and our general procedure on...in that regard in terms of our reliance upon historic survey reports

1 for these determinations. One of the requirements that we have for our contractors who provide these
2 professional assessments for us...and this is something that we check for the methodological standpoint
3 when we receive the surveys as staff, is that they provide the sources of information for the basis
4 of...essentially the evidence for the claims that they provide in those survey forms. And so they're
5 relying on both primary and secondary sources of information, their original research as well as other
6 histories that have been written by other historians. And so, in this case, we have several, as you
7 mentioned council member Dunn, related to the Hispanic history of Fort Collins that are cited in the
8 survey report, and you can find that in particular on packet page 259 in section thirty-six, sources of
9 information. And so, that presumption there is that...that is the...essentially the background context in
10 which some of those claims can be made. And if you have any particular questions about how the
11 contractor used that information in order to formulate their argument for significance, you can certainly
12 direct that directly to Mr. Simmons.

13 COMMISSIONER M. DUNN: I don't know that I have any questions on that, but I would...I
14 haven't met Mr. Simmons, but I would just say, I would recommend that when you write this, you write
15 with the assumption that people don't know that base information. So, as much as needed, maybe, you
16 know, quote it or something. But, I do think that this is something that we'll need to talk about as a
17 Commission and see if we...if we have the same background information. I think that's all my questions,
18 Mr. Chair.

19 CHAIR KNIERIM: Thank you. Other questions?

20 COMMISSIONER ERIC GUENTHER: Yes, Mr. Chairman, I have a question. I'm not sure if I
21 should direct this to Brad or to Jim, Jim touched on it at the top of the conversation. But, can you clarify
22 process? There have been several references this evening to the Historic Commission designating this
23 property historic. My understanding is, our role tonight is to decide whether its eligible or not eligible.
24 What happens after that? For example, if we decide that the property is eligible, I understand the
25 appellants can then proceed to appeal to City Council. If we decide that its not eligible, what are the
26 implications?

27 MR. YATABE: Well, I think...and Jim, you can help me out as you see fit, but the...I think the
28 important thing to remember is that this is related to a potential review process under the Land Use Code.
29 So, if this were strictly speaking under the City Code, the Municipal Code under chapter 14 as an
30 eligibility issue, the effect on this property is...well, I won't say that it's negligible, there is something to
31 that eligibility determination. It really has a role in the development review process, because there are
32 Land Use Code standards stating that if something is eligible, then you have to make efforts to essentially
33 preserve that property, or show some kind of reuse of it. So, that's the tie in to the Land Use Code and
34 the importance...and essentially the tie in to Cane's interest in the property, or it could be anyone else
35 who wants to develop the property.

36 With regards to the eligibility determination, and just to clarify, that is different that a landmark
37 designation...if something is eligible, the landmark designation is an involved process beyond that to
38 make that a landmark. A finding of eligibility does not establish this as a landmark, it merely says it is
39 eligible to go into that process if someone were to initiate it. So, in terms of your decision, if the
40 Commission is to find that this is not an eligible property, or if the Commission finds that it is an eligible
41 property, there is the possibility to appeal that decision to City Council...in whatever decision you make.
42 Does that answer your questions?

43 COMMISSIONER GUENTHER: Yes, it does, I believe so. I do have one follow-up question for
44 Jim, and I think you also referenced something earlier relative to the condition of the property having an

1 effect on whether or not its eligible. So, if for example, we find as a Commission, find the property
2 eligible for historic designation, and nothing moves forward, and it sits vacant for two, three, five years,
3 and it floods, and it goes into a condition of deterioration, what are the implications there?

4 MR. BERTOLINI: If I understand your question correctly, you're referring to the discussion of
5 historic integrity?

6 COMMISSIONER GUENTHER: Well, I believe historic integrity, but also just the physical
7 condition of the property. If, for example, whether its eligible for designation or its ultimately designated,
8 but nothing happens, no new business goes in there, clearly there's not likely to be a restaurant going in
9 there, and so it just sits, unmaintained, and deteriorates over the course of time, and whether its, you
10 know, weather conditions, or a fire, or anything that happens that substantially impacts the integrity of
11 that building, what happens then? Are the current owners then in a position where they could go ahead
12 and sell it without any involvement from the Commission or the Council, or what would be the
13 implications of a situation like that?

14 MR. BERTOLINI: In particular with the finding of eligibility, so assuming it's found eligible,
15 the...that finding is really neutral in terms of ownership; it's really focused on the property. And the
16 hope, of course, is that designation would follow that finding because there are financial incentives that
17 can support and offset any historic preservation costs...there's things like the Colorado Historic Tax
18 Credit, our own micro loans, the zero interest landmark rehab loans. So the intention there is to leverage
19 those resources in order to maintain that property and ideally support rehabilitation for continuation of
20 Pobre Pancho's, a new tenant...that's the other thing about the rehabilitation standards that would apply
21 is that they are kind of occupancy neutral to a point, and really just intended to allow for the change and
22 turnover with certain features not changing that are considered critical to the historic character of the
23 property. So, the intention is not that a property would sort of sit vacant and deteriorate in condition, in
24 part because of...we'd be encouraging any owner to leverage those resources with a formal designation.
25 And furthermore, we do have, you know, demolition by neglect ordinance that can sometimes apply to
26 certain properties. So, does that answer your question? I'm not sure if I...

27 COMMISSIONER GUENTHER: I believe so. I've got a practical mindset and lots of experience
28 with this type of thing, and so I'm just curious...and again, we can go through the process, there will be
29 more questions, but relative to realistically, what's the future of this property? And clearly, we don't
30 know, it all contingent on some of the decisions that we make, or that other groups within the City
31 government make as we move forward.

32 MR. BERTOLINI: I guess I would note, just as an additional point within that realm, is that's
33 the...some of that may be covered by the Land Use Code's modification of standards...that is intended to
34 address certain things, certain aspects of hardship that may make a particular property hard to redevelop
35 in certain ways. There's specific criteria outlined in Land Use Code 2.8 about what can qualify for a
36 modification of standards, but that's intended to be a release valve for certain kinds of situations that
37 might be considered an unfair hardship on the property.

38 COMMISSIONER GUENTHER: Got it, thank you.

39 MS. BZDEK: If I could just add one more addition to that, which is the question of how any of
40 these scenarios that you described, Mr. Guenther, might potentially impact the eligibility in the future.
41 So, let's just say that you uphold the determination...or you make a determination that the property is
42 eligible, that determination stands for five years, but our Code does allow for reevaluation if there are

1 significantly changed circumstances that would warrant that reevaluation, so that's just another
2 consideration.

3 COMMISSIONER MARGO CARLOCK: Mr. Chairman, I have a question.

4 CHAIR KNIERIM: Yes, go ahead.

5 COMMISSIONER CARLOCK: And this would be for Jim and possibly Brad. On the staff
6 presentation, there's a slide that says 'outcomes,' and I guess I'm following up on Eric's question, just to
7 clarify. I know that we are not designating, or are not being asked to designate as a historic landmark, we
8 are only considering whether it is considered eligible for historic landmark. But, on that slide that talked
9 about outcomes, it says, if determined eligible, does not require formal designation; however, it does
10 require preservation and adaptive reuse of historic resources for development applications subject to Land
11 Use Code. So, in effect, they would be subject to the same restrictions on being able to change the
12 outside of the building or the surrounding grounds, is that correct?

13 MR. BERTOLINI: That is correct...it helps to use your item number four from your agenda this
14 evening, the Balfour Senior Living Center...that's exactly the same Code section that they're subject to,
15 because they started out with a historic survey, determined that farm complex eligible, and so the Code
16 citation that you should be seeing on your screen here, that 3.4.7(D) regarding treatment of historic
17 resources on a development site, that same process would apply. So, yes, the standards for rehabilitation
18 would apply to the building. We do...as has been done in the past, you do have some flexibility about the
19 site itself, and infill and densification...we do try to allow for that where the zoning would call for that.
20 But the expectation is that the historic resource be retained and treated like a landmark.

21 COMMISSIONER CARLOCK: But that would also then, obviously, precluded demolition and
22 something else going up on that site?

23 MR. BERTOLINI: Correct, correct...and the only exception to that, again, is if the applicant can
24 make a case for a modification of standards.

25 MS. BZDEK: Another important distinction there is that a landmarked property...the Historic
26 Preservation Commission is the decision-maker. So, the design review process is administered by you or
27 staff through your designation and you ultimately are applying the standards, whereas in the scenario in
28 which a property is held to those standards under the Land Use Code, you're making a recommendation
29 to the decision-maker, and those decisions are usually made in combination with a more complex set of
30 factors that are involved in redevelopment. So, it's just...it's a procedural difference, essentially, and it's
31 also a difference in terms of the Commission's role in the process.

32 COMMISSIONER CARLOCK: Okay, thank you.

33 CHAIR KNIERIM: Other questions before we move to discussion?

34 COMMISSIONER ANNE NELSEN: I can jump in. This may be for Maren or Jim...I think that
35 it might be worthwhile, especially at 10:13 PM, to have a bit of a refresher on the events and trends
36 significance. We, generally speaking, I think the bulk of what we see tends to be significant for design or
37 construction, and I think there's sort of this preconceived notion that a building is important if it is
38 significant under design and construction, but events and trends is a bit more nuanced, and I don't know if
39 concrete examples would help, or...maybe just elaborating on what it means to be significant in that
40 aspect.

1 MR. BERTOLINI: Certainly. Yeah, and so the standard, standard one for events and trends,
2 again, this is based on the National Register of Historic Places, and that's why you'll hear staff frequently
3 reference National Parks Service guidance, since we're trying to adapt their playbook for our use here in
4 Fort Collins for a city landmark program. So, the events and trends is really intended to be fairly broadly
5 applied to any significant historical trend, it might be a specific event...trends are more broad but still
6 need to be demonstrated as significant. And so, that could mean, in this case, you know, the development
7 of a Hispanic-owned business, if there's documentation to support that that was significant, that was rare,
8 especially in the context of what we already have documented in the survey form, and then as well in the
9 Hang Your Wagon to a Star historic context related to Hispanic history here in Fort Collins, which is
10 cited in that same survey form. So, the intent is to recognize significant events or significant places
11 within a broader trend; that might include the establishment of Hispanic businesses in the mid-20th
12 century in Fort Collins.

13 In terms of how we determine something eligible in that case, if you've made that case for
14 significance, and you've got that established and documented, this is where that relationship to historic
15 preservation comes in that is place-based...that's really the fundamental aspect of historic preservation is
16 that we are grounding history of some kind in a place, and we are trying to preserve a physical
17 manifestation of that, and that's where the measurement of historic integrity comes in.

18 So, the nuance in particular that comes in with a standard one, events and trends, significance, is
19 that we're really...we're not expecting to see a building look as it did...or site for that matter since we
20 don't just preserve buildings...it's not as important for it to look like it did originally, when it was first
21 built, because we may not care about its original construction. What we care about is the story that we've
22 determined is significant. And so, what we want to measure in that case is, does this property still reflect
23 that story, that trend, that specific event. You know, common way we typically explain this to folks is, if
24 you took a person from that important historic period, maybe someone who worked there, or in this case,
25 the owner of the restaurant, could you bring them forward in time, look at the building today, would they
26 still recognize it. That's kind of the non-jargon-y way of explaining that. So, that's kind of the basic way
27 we apply standard one. So, the main difference is that we're usually measuring a period of time, we're
28 expecting to see some evolution, and that effects how we measure things like integrity. But, we still are
29 looking for physical connections, physical features that connect to the story that makes that place
30 important. Does that answer your question?

31 COMMISSIONER NELSEN: Yes, I think so, thank you.

32 CHAIR KNIERIM: Jim, would you put up slide seven so we can kind of see what we're talking
33 about for significance and integrity?

34 MR. BERTOLINI: Sure, absolutely.

35 CHAIR KNIERIM: Because we're looking at this as a package, right? That we have significance
36 of events and trends, and also persons and groups, right? As that story, right? And this is certainly a
37 story that has been under-told in Fort Collins, and you know, I'll put myself out there. I think that this
38 should retain its eligibility because it tells a story that has historically been under-told in Fort Collins.
39 And that, you know, I'd like to see that change.

40 MR. YATABE: Mr. Chair, before we...this is sort of becoming a mix of discussion and
41 questions. I did want...I think it would be a good idea to provide the appellant an opportunity to rebut
42 any of the public testimony or to, if they want to provide a brief closing, before you move into discussion.
43 But I just want to see if...if Commissioners have questions that are not leading into discussion, but

1 they're just trying to clarify fact, information, and other things...you may want to see if there's more of
2 that and we can get that done, or if there's procedural aspects, before launching into more discussion, but
3 also giving the appellant an opportunity to respond if they so choose.

4 CHAIR KNIERIM: Thank you. Yeah, so other questions from Commissioners? We've had good
5 questions, and would the appellant like to respond to any?

6 COMMISSIONER GUENTHER: I have one question while they're deciding that. And hopefully
7 this will be my last question, but if the property ultimately is designated as a historic property, are there
8 any restrictions to the type of business that could go in there? Again, based on some of the conversation,
9 highly unlikely that a restaurant is going in there or that the previous restaurant would reopen, so what are
10 the implications if a liquor store, or a dispensary, or a variety of other businesses are the only types of
11 entrepreneurs that would go ahead and lease the property from the current owners or buy it?

12 MR. YATABE: I'll let Jim also chime in, but I guess my take on this is...well, one, I think we
13 have to...are you asking about, if it's actually designated as opposed to being just an eligibility
14 determination?

15 COMMISSIONER GUENTHER: I guess either way; I'm not certain I would understand the
16 difference...whether it's eligible or ultimately designated, are there any restrictions on the type of
17 business that would be allowed to go in there?

18 MR. YATABE: I don't think we view the use so much as the preservation of the structure and the
19 historical context. And, Jim, feel free to correct me if you think differently, but what is conducted on the
20 interior as the business and the use of that is not necessarily affecting the historical aspects of those, and I
21 mean, really, we look at the exterior of that building and changes, and identify the character-defining
22 aspects of that. So, generally speaking, it is not the particular use that may go in, but it's the proposed
23 alterations to that exterior of the building and potentially other features of that that are character-defining.

24 COMMISSIONER GUENTHER: I guess my concern though is, ultimately, what we're
25 trying...or ultimately will get around to, is preserving the historic legacy, the influence, the trends...that's
26 the idea behind this conversation. To me, it's less about the building and more about the influence, and if
27 the building is replaced by something that is much different than a restaurant, and there are a hundred
28 different businesses that could be out there, I mentioned, you know, dispensary or liquor store, but will
29 that preserve this...you know, this legacy and recognize the influence that that structure had? Because,
30 frankly, to me, its not the structure that has the influence, it's what happened within that structure over the
31 course of fifty years, and as business people, the applicants will, if they're not allowed to sell to Cane's,
32 they will have to either try to sell the business to someone who recognizes the implications of the historic
33 context, or they will have to lease to someone who can put a business in there. And so, it's a broad
34 question, I recognize that, but if our objective is to preserve that historic legacy and the trends that were
35 influenced over fifty years, I think whoever goes in there ultimately has a big impact on that. So, I'm not
36 sure if there's a question in there, or if that was just a statement, but that's kind of where my thoughts are
37 at the moment, trying to, again, be practical and recognize what the future of this structure would look
38 like.

39 MR. YATABE: And, I'd invite Jim or Maren to chime in, but my understating is there are not
40 only eligible...eligible properties, but also landmark designated properties that have different uses than
41 they were originally used for. But again, it's the alterations to the property...not the particular use of that,
42 but it's the alterations to that property that a business moving in there may suggest that, in particular for a

1 designated property that's under your purview, to review as to whether that is altering...fundamentally
2 making alterations to the historic nature...the character and the context of that property.

3 MR. BERTOLINI: And just to add one piece to that, about the only time that the rehabilitation
4 standards...so, you'll note if you go back to the rehabilitation standards, standard one refers to use...that a
5 historic property will be used as it was historically, or for a compatible new use, which is usually what
6 happens. But the only time where there's a conflict there is under existing building code...if there's a
7 code compliance issue with a certain type of occupancy that would require damaging or removing a
8 character-defining feature. That's about the only time that we might not recommend a certain type of
9 occupancy for that building, if it is going to require destruction of some character-defining feature. But,
10 those kinds of conflicts, I'd say, are relatively rare, especially in the context of a local preservation
11 program where we don't regulate interiors for historic character, we strictly regulate the interior. So, it
12 does happen, but it's fairly rare that that would occur.

13 COMMISSIONER GUENTHER: Thank you.

14 COMMISSIONER NELSEN: So, I think...sorry to jump in again...but, actually, no I'm not
15 sorry, that's why we're here...I rescind my apology. I think...so, I'd like to hear from staff, and then I
16 think the appellant certainly has the right to respond to it, but I guess this goes back to what I was asking
17 before about the link between the significance and integrity, and when we're talking about...we've heard
18 a lot tonight, and thank you all, really, truly, thank you all for coming and participating in this discourse,
19 wherever you stand, it's important civic discussion. In any case, so...we're talking about something that
20 is representative...a building that is representative of some pretty significant meaning, right? But, it...I
21 think it's very important for everyone to be super clear about the connection, or the disconnection,
22 between place and events, because we're not looking at it for its fenestration pattern, we're looking at it
23 because it is a place where things happened. So, maybe I'm not being super clear, but...Maren is nodding
24 her head, so...I would love to hear a little bit more focus on that, because I think that that is the crux of
25 the issue, right? There are people who see the importance of the stories, maybe, but maybe not the
26 building, and then there are the people who recognize that the building itself is important. So, as staff
27 who put together the staff report, I'd like to hear what you have to say, and I'd also like to hear what the
28 appellants have to say as well.

29 MS. BZDEK: If I could just make a general comment about that, and then if Jim wants to speak
30 to that specifically...I think what I hear you asking about is what we think of as a continuum of
31 opportunities for storytelling and maintaining history through specific places. And so, you know, at one
32 end of that continuum is a place where the use hasn't changed and essentially, whether it's architectural
33 significance or historical significance, those are still associated with the contemporary use, right? So, it's
34 unbroken in that respect. But then, at the other end of that is the ability to continue to tell stories
35 about...through a place...through the preservation of a place, even when those stories have terminated,
36 essentially. And so, you know, in the case where a building is being preserved, but the use has changed,
37 there are ways to sort of, you know, not just through storytelling at that place, through signage, or
38 preservation of certain important elements that evoke that past, there are also kind of more subtle
39 opportunities for people to remember what occurred there just because the building continues. And so, all
40 of that can be true, and there's lots of different opportunities to share those stories. In the absence of
41 buildings, we...that's also part of that continuum. We can mark places where important things...and
42 that's at the very opposite end of that continuum. We can still tell those stories even when the buildings
43 are gone, but the ability to do that, of course, is lost the more that we lose, you know, of that physical
44 representation of what was there. It is more challenging in the context of sites that are deemed significant
45 because of their history and not so much because of their architecture, and I think we've acknowledged

1 some of the reasons why that's the case, but there's very good reasons why we recognize those criteria,
2 and it's because, quite frankly, architecture is only one component of what makes, you know...what leads
3 to importance in historic preservation, or in our histories in general.

4 COMMISSIONER CARLOCK: Mr. Chairman, I have another question.

5 CHAIR KNIERIM: Yes, please.

6 COMMISSIONER CARLOCK: And, I'd like to direct this to the Perez family. I'm curious as
7 to...and thank you all, again, for being here, and not just the Perez family by relationship, but by the
8 customers, the Pancho's family. I've been very struck by the heartfelt reminiscences of your father, and
9 of your husband, and of the struggles, and how important this restaurant was. It wasn't just a restaurant;
10 it was indeed a community place. So, I'm very struck by that, and thank you all for opening my eyes to
11 that. How best do you feel your...that Frank Perez's memory and, more importantly the story that he was
12 a part of, could be preserved and even perhaps better clarified through this building, or...how would you
13 like to see this memorialized? I mean, if it's...I'm struck by what Eric said, if some other business comes
14 up, and it has nothing to do with a restaurant, it has nothing to do with the Mexican...or I'm sorry, the
15 Hispanic heritage. How would you see that? Just the fact that that building exists to be able to resonate
16 those stories with the community, or would perhaps another form of memorial, including perhaps the
17 salvaging of the windows and some of the previous things that were in it, in some sort of a museum
18 exhibit...a permanent exhibit that explained the story of the Hispanic struggles in the business
19 community? I'm just...I'm trying...I understand what...the importance of the story, and I want to see
20 that story continue. I'm just looking at perhaps what might be the best way, and I was hoping you might
21 have some ideas.

22 MS. BIRD: Actually, I do. I think moving, like, you know...sorry, I forgot your name, but
23 saying that, you know, it could be a street sign or something like that...I think that takes away the
24 significance of being the cornerstone business, a Latino-owned business, on the north end of town. I
25 think it takes away that impact that had and that resonating part of that story. My dad always believed in
26 helping other people, not only the people around him, but the community. They made mention of some
27 preserve...or something...some funds being able to be used...why not use this to help families? Why not
28 use this as an education center? Why not use this as something positive in our community, to carry on
29 that you can make it, you can do it, it doesn't matter. It's kind of been rolling around in my head, what
30 would he want? He would want that building to be used for something that could impact the community.
31 I don't know if that's possible. I don't know, you know, how that would work, but I thought...and I think
32 he would want something like that, and I think that would preserve his story, that could be able to be
33 shared, you know, something in there to talk about, you know, this is here because of this individual.
34 There's help here because of this, or something to that extent. Like I said, I don't know how it would
35 work; it's a great idea...love to help do it. I am not an individual who just talks; I'm an individual who
36 does. If it's able to be turned into something like that, I will do like my dad and work until its done.
37 Those are just my ideas; I don't know...I guess we're all in consensus. Does that answer your question?

38 COMMISSIONER CARLOCK: Yes, it does, thank you very much.

39 CHAIR KNIERIM: Any other questions? Opportunity for rebuttal.

40 MR. CULLERS: Thank you, Commissioners. I do have some points to make on rebuttal. I
41 would note that if the Commissioners decide it is eligible for...as a landmark, that really puts H & H
42 Properties in an awful situation because there's no...as I explained earlier, since it's not actually
43 designated as a landmark, we can't unlock any funds to help preserve the property; it's going to be at H &

1 H Properties expense to preserve it and H & H Properties is not going really have an incentive to go an
2 unlock those funds and say, hey, please designate this as a historic landmark, because then the five year
3 time period goes away and it becomes forever. So, it's a really untenable position to put...or, I wouldn't
4 say untenable, but it's very burdensome position to put the property owner in to live with this historical
5 eligibility determination.

6 We've heard a lot about the way the restaurant shut down...obviously the Perez family is
7 unhappy about that. That's not relevant to deciding whether it's eligible. And I did provide an example
8 of a building that's eligible with something historic, and that was the pub in England. I don't think I
9 agree with Mr. Bertolini's thoughts on what integrity means, and he basically said, well, if you took
10 somebody, you know, that has personal experience with the restaurant, and you put them in the building
11 the way it is today, would they...you know, would they recognize it. And, I mean the answer to that is...I
12 mean...I think that wrongly focuses on the experiences of individual people, their memories with the
13 restaurant. The focus would be...if you brought somebody that had nothing...I think the right question is,
14 if you brought somebody that had nothing to do with the restaurant into the building, and they saw the
15 association, that's the right question, because that's who's going to be going through this restaurant in
16 fifty years, or through the building in fifty years. It's not going to be people that have experience with the
17 restaurant; it's going to be people that have no experience with the restaurant. So, the question is, is that
18 person going to pick up on the association with the historic trends, and I think the answer to that is
19 probably no.

20 The idea that the story is under-told, I don't know that that is relevant to deciding whether it's
21 eligible. And, is it really that rare that a Mexican restaurant survived for fifty years? I mean, there's
22 another restaurant in town that survived for even longer. I'd also note that the...the thought of preserving
23 a building as a monument to its prior use is maybe not a good policy, because it's going to discourage
24 people from...like the Haun's, from doing exactly what they did. And I believe them, that they bought
25 this restaurant, they put over a hundred thousand dollars into the restaurant to make it survive, and it just
26 didn't work. So, now, they can't get out from under it. And I think that's a significant policy concern
27 that the Commissioners should be aware of. I mean, if the next person wants to go in and buy a building,
28 and keep the long-standing business in that going, and they fail...I mean now we're saddling them with
29 that building as...because it's eligible for historic landmark designation.

30 I'd also note that nobody from the Perez family has actually approached the Haun's and asked
31 them about doing what they want, which is, they want their restaurant back. And the Perez family...why
32 haven't they approached the Haun's and say, hey, let's find a better way...a different location to make the
33 restaurant work. And I don't think...I didn't hear any effort by the Perez's to do that, and there's nothing
34 stopping them from doing that. If that's what they want, there's nothing stopping them. Let's let them
35 have that conversation with the Haun's...they haven't tried to do that.

36 The next point I want to make is...the building is...let's face it, the building is not going to be an
37 impressive monument to anything, okay? The building is an empty, generic shell. If we want to make a
38 monument to the historical trends, maybe...can't we do something better than preserving this empty shell
39 forever? That's...in my mind, that's almost a little insulting, that's we're going to preserve the Perez
40 family restaurant, and they were in this historic shell, but surely there's a better way we can do that. If the
41 Commission decides that it is eligible, then we're going down the road to preserving some aspect of that
42 shell forever, and it's not a very impressive shell. And this brings me to my other point, I mean, I was
43 really disappointed that Ms. Bird had no other ideas on how to honor the legacy that don't include
44 preserving the shell. She wants to maybe turn it into a museum, or a...I don't know, a non-profit or
45 something, but that's not...the Commission cannot force the owners to do that; the Commission has no

1 control over what it's going to become. I mean, maybe it will become that, but probably not. I mean the
2 building...this kind of goes back to my other point, that the building is a generic shell of really no
3 economic, or minimal economic value. It's just not in the Commissioners' power to turn that building
4 into something that's actually a homage to the historic values. So, thank you very much; that concludes
5 my rebuttal.

6 CHAIR KNIERIM: Thank you. At this point, we will have some discussion and then see where
7 we go from there.

8 COMMISSIONER M. DUNN: Kurt...I want to respond to one of Eric's questions earlier.
9 There's a building downtown that was originally built to be a bank. Later, while the bank was still there,
10 it became a hotel, now it's Nature's Own. So, talk about change of uses; there's been some significant
11 ones for that building. And yet, if someone were to go and walk up to that building, they can...I mean
12 other than the word 'bank' at the top...it doesn't say hotel anywhere, but bank is up there, but there's also
13 features on the building that kind of speak to its history, and the key is, they make people ask questions,
14 and then people do what Ashley did which is go to Google and figure it out...and dig up that history.
15 And so...so that's just an example of change of use doesn't mean we've lost the history. The history can
16 retain...can remain in the building even if there's something else entirely going on in there. So, that was
17 just to that piece.

18 I also wanted to address...and now I've forgotten his name...Jeff, I think it was, the lawyer? He
19 brought up some issues on architecture, and I just want to help us get past this because I think Anne
20 helped us do this, but I just want to say it again, his point was, it doesn't look Mexican enough,
21 essentially, to be a landmark for what we want to landmark it for. And, I just feel like that's like saying
22 Stonewall Inn doesn't look gay enough to be landmarked for an event that took place inside of it. The
23 event inside doesn't necessarily match the architecture outside, and if we're looking at events, then
24 architecture is kind of a moot point except when it comes to, is there enough integrity to undergird that
25 significance. So, I really think the architecture is not something that we're looking at in this.

26 He also made a really, really fantastic point that he brought up again in his rebuttal, but
27 landmarking is not just for us, it's for our kids and it's for our grandkids. And I tell you what, I cannot
28 even...there's so many people that are new to Fort Collins, and I'll mention something, and they're like,
29 what? That was here? And they don't have any clue about it because the building related to it was
30 demolished. And so, having a building, a structure remaining, even if its just the shell and something else
31 entirely different is going inside, gets people saying, why is this shell here? What's it doing here?
32 What's going on? What's the point? They do what Ashley did, they pull out Google, they've just learned
33 some really important local history. So, having that physical artifact still with us is a critical part of what
34 historic preservation is, because if it's...if there's nothing physical, you might find it in a book, but how
35 many people pick up books these days? You might find it in a movie, but how many movies do we have
36 about local Fort Collins history? Really, these local buildings, these local places, these local sites are
37 what get people thinking about this stuff. Why is that there? What's going on with that?
38 Why...like...having a different use could be the very reason why somebody asks that question. So I
39 think that's an important understanding of why we landmark properties, not that we're even talking about
40 landmarking this one, but that's what we're looking at when we're looking for eligibility.

41 And then, I just want to say, I think this building is significant for a couple of reasons, maybe
42 more than a couple. One is, there's this Mexican American family that is making...at the time, they
43 would be calling it ethnic food, and I know my grandpa, he wouldn't even go to Taco Bell, because that
44 food was so different, and yet here, we've got a restaurant that became beloved by the entire community.

1 And I think that shows a change in our community that's something we would want to capture and
2 acknowledge, and that's important. And so, I think that's an event or a pattern that took place right here
3 in Fort Collins that we would want to remember. I'm also really intrigued by what Mary said about they
4 were some of the first folks going north. It really seems to me, and perhaps we need to do more research
5 on this, they could be the very reason why north of the Poudre became such a strong Hispanic cultural
6 community. They could have been the ones leading that, in which case, as Monica said, this really, then,
7 is a cornerstone building for that change. And that's something...one of the letters of...it was actually
8 against supporting this eligibility, said why don't you just move the building? And yet the location of this
9 building is a key part of the story that it's telling. And so, I would say that that pattern of development is
10 embodied in the location of where that building is, and it can be kind of verified by the number of
11 Hispanic shops, not just restaurants, but all kinds of things, that are now north of College, and that was
12 such an important part of our local history.

13 And I also really feel like this building is significant for the people that it's associated with, and
14 that's the entire...four generations of the Perez family. I think we want to acknowledge buildings that are
15 associated with important people in our community, and I think...Aaron...what was his name...alright,
16 there was a fellow that got up and spoke...Aaron was in his name somewhere, and he just talked about the
17 community that was there, and the importance that that had on his family, and that's all because of the
18 Perez's; it's not because of the building, but that's the place that embodied their sense of what Fort
19 Collins is, and their family's involvement in it, and it's all due to the Perez family and how they treated
20 people, and that's the kind of thing we really want to acknowledge with buildings that we find eligible.
21 So, that's all I had to say Mr. Chair.

22 CHAIR KNIERIM: Thank you, Meg. And I agree with that, except I think that the building
23 itself, you know...we've talked about how plain it is, and I think that is significant because it was difficult
24 in late 1960's for the Hispanic population to get loans, to get...you know, if it was a fancy building, that
25 would tell a different story. But, this tells a significant story of working hard and getting the loan, and
26 yeah, it's not an impressive building, but look what happened with it. And that tells a story, you know,
27 when someone sees that building and says, oh, that's a plain little building, that tells a story, right. So, I
28 agree with what you said, but I also think that the building...the plainness of the building is significant in
29 itself.

30 COMMISSIONER GUENTHER: I appreciate that, Kurt, and Meg, I appreciate your comments
31 as well. Again, I mentioned earlier, I'm very practical when it comes to a decision like this. And while
32 the intent of what we're discussing is noble, honorable, and a lot of the comments that we heard this
33 evening are heart wrenching, if nothing else, but I think we, as a Commission, have to look for practical,
34 reasonable, and balanced, and frankly cost-efficient opportunities, not just for this particular situation, but
35 in the future, so that having a historic designation on your business or on your home is an aspirational,
36 inspirational thing, that you want that. I suspect, and don't mean to speak on behalf of the Haun's here by
37 any means, but had they known that they wouldn't be able to sell this building if their original intent to
38 keep the restaurant open, if they didn't know that they would be able to sell it or lease it, make
39 modifications to it, I suspect they never would have invested in trying to make this business go. And so,
40 whether it's this particular situation, or looking at the precedent, looking at the example that it sets for,
41 again, either commercial or residential, business or homeowners, it's far-reaching, it goes beyond just this
42 specific decision that we're making right now.

43 CHAIR KNIERIM: But at the same time, we're limited by the structures that...the parameters by
44 which we need to make a decision. We can't go beyond that...we can't...we're not in the business of
45 writing code, we're not the legislative branch...we have police power.

1 COMMISSIONER NELSEN: We have what power? I have a lot of thoughts. I think, Meg, I so
2 appreciate what you said. And I will say, Eric, I'm not sure that...it's hard to just look at the case, the
3 issue at hand, within the framework, sometimes the very narrow framework, that we're allowed to by
4 code.

5 Some of us were at a presentation earlier this year about documenting slave houses...I think,
6 yeah, a few of us were...which is an extreme example, but it's something that certainly at the time was not
7 seen as architecturally significant. It is not high style, but it absolutely tells a story, and it is essential to
8 our nation's history at this point that those are preserved. There's very little economic value in those...I
9 think the land is probably valuable, but, especially...say, like, at their fifty-year mark, they were probably
10 not seen as something that was really worth preserving. So I think it's easy to discount the near past, and
11 I don't want to boil all of this down to issues of just racism, right, because what I heard tonight was so
12 much more than institutional and overt racism. But, at the same time, there were significant challenges,
13 and I would love to think that those challenges could be seen as something that we're so far past in a few
14 generations, but it's certainly very fresh right now. And I think that building represents it, in addition to
15 the work that your family has done to build a community. Meg, I thought you did an excellent job of
16 lauding the other aspects of the significance to this particular community. So, I think this is absolutely
17 eligible, this is what this is about, the events and trends, and the link to the building and its location. It's a
18 landmark, and not in the technical sense, a codified way, but people are giving directions based on the
19 building; we heard that from many people. So, outside of the kind of more significant urban
20 development...that's a fascinating link, and I would like to know more...it currently serves as a
21 wayfinding. So, we could extrapolate that into a beautiful story, but it's...I was very touched by what I
22 heard tonight, and I think it's fairly clear to me that...obviously the events and trends are well-
23 documented, and if we're asked to evaluate the integrity of the building and its significance, then
24 absolutely it should be eligible as a city landmark for everything that we've heard tonight.

25 CHAIR KNIERIM: Thank you. Other thoughts, Commissioners?

26 COMMISSIONER CARLOCK: Mr. Chair?

27 CHAIR KNIERIM: Yes?

28 COMMISSIONER CARLOCK: I'm really torn. I agree that it has significant significance, if I
29 can say that. But, I also am mindful of the realities, as Eric pointed out, that the decision we make is
30 going to affect a piece of an asset that someone holds that will now not be worth as much as it would have
31 been, and the difficulties in trying to then find a use for it. And, I wonder how the...how this story will
32 live in that building in the future. I don't have a clear picture, unless there's a fundraising effort to buy it
33 back from the Haun's and turn it into a non-profit museum, or something to that effect, or a community
34 center for aiding immigrants; I think that would be an excellent use. But, we are in effect taking away an
35 asset in a substantial part from the private owner, and that bothers me...the ramifications of what we say,
36 because it's...we're not just deciding that it's eligible, we're basically saying it is because the effect is
37 pretty much the same. I mean, there can be no changes, no demolition, no...and that concerns me. So,
38 I'm in real conflict here; I just wanted to throw that out there.

39 COMMISSIONER NELSEN: Do we know...really is it well documented to this Commission
40 that it's absolutely a depreciation of assets? I mean, first of all, Brad, we're delving into some territory
41 that feels outside of our purview, but also, I'm not sure that that was established outside of a passing
42 comment by the applicant.

1 MR. YATABE: I really want to focus the Commission on the decision you're making, and I
2 understand, you know...I like to entertain some conversation about different topics, but I do...at some
3 point, I do need to focus you. And I do think you need to look at section 14-22, and it's really a question
4 of eligibility that is a question of significance and integrity. I think the other pieces that you're talking
5 about...just some of the things that have been referenced tonight in terms of the economic impact, or
6 whether there might be a better way of memorializing this, some type of alternative...those are outside of
7 this determination. Your role is fairly simple, and I understand the consternation, but this is also a
8 small...well, I won't say a small piece...this is also a piece in a larger process, and you're just being
9 asked to take on the one piece. And I agree with the Chair's statement that you are not, essentially
10 making code here, you are applying the code that Council has seen fit to adopt, and to the extent that's
11 ever changed, then your role may change, but at this point, it's pretty clear that significance and integrity
12 are what you're looking at, and that's sort of the...those are really the sandbox that you're in now. And,
13 yes, it will have ramification one way or another, but that is...that is outside of this particular examination
14 right now. And some of those are, yes, for example, if you find it to be eligible, that will affect the
15 development review process, and also if you find it not to be eligible, it will have that same effect. And
16 also, of course, your decision could be appealed, whatever that decision may be, as well, so...again, this
17 is a piece of it, and I misspoke when saying it's a small piece; it is an important piece of this, but it is a
18 very focused piece.

19 CHAIR KNIERIM: Thank you, Brad.

20 COMMISSIONER M. DUNN: Mr. Chair, I'd like to make a motion that might help us kind of
21 zero in on our conversation. Would that be okay?

22 CHAIR KNIERIM: Yes.

23 COMMISSIONER M. DUNN: Okay, I move that the Historic Preservation Commission find the
24 commercial property at 1802 N. College Avenue eligible...and when I typed it up here while I was
25 tapping here...eligible is underlined and bold. I just want to emphasize, we're talking about eligibility.
26 Alright... 1802 North College Avenue eligible, as a Fort Collins landmark, according to the standards
27 outlined in section 14-22 of the Fort Collins Municipal Code, based on the following three findings of
28 fact: number one, the Pobre Pancho's building is significant to the history of Fort Collins and the local
29 Latino community under criterion one – events, for its association with a Mexican immigrant family that
30 established a restaurant business reflecting the spread of Mexican foodways, and which also speaks to the
31 changing taste of local non-Mexican residents who came to embrace the flavors of Mexico, and also the
32 site's association with, perhaps even leading the trend, towards Mexican-American and Hispanic
33 businesses moving north along 287 north of Fort Collins beginning during the '60's and a pattern of
34 development that is still evident today. Reason number two: the Pobre Pancho's building is also
35 significant to the history of Fort Collins and the local Latinx community under criterion two – people, for
36 its association with four generations of the Perez family including, and I hopefully will get all these
37 names right, Amelia Perez, Frank Perez, Mary Perez, daughter Amelia Perez, Monica Bird, and Karolyn
38 Bird...and if I messed any of that up, feel free to...we can correct that later...who made their mark upon
39 our local history through the Mexican restaurant business; and number three, the Pobre Pancho's building
40 retains integrity and clearly conveys the functional and humble nature of the family-owned restaurant
41 while still displaying some lovingly added decorative embellishments showing the importance of the
42 building to the Perez family and the Fort Collins community that enjoyed dining in the Pobre Pancho's
43 establishment.

44 CHAIR KNIERIM: Thank you, Meg. Is there a second?

1 COMMISSIONER WALTER DUNN: Second.

2 CHAIR KNIERIM: Walter Dunn seconds. Discussion? Well, I certainly agree with that, and
3 it's...in terms of eligibility, in terms of our role in this whole larger process, it certainly is eligible. I
4 agree with the motion. Seconded by Walter.

5 COMMISSIONER NELSEN: I think I sort of blurted out all of my thoughts earlier...again, I
6 apologize, but it's so late. Thank you, Meg, for your motion...I support it as well.

7 CHAIR KNIERIM: Other discussion?

8 COMMISSIONER JIM ROSE: Mr. Chairman, I guess the thought I have, and I agree with the
9 content of Meg's mega motion. The...what this says to me is, we have to tell a story. If we're going to
10 be truthful about our history, we have to have artifacts. You don't go to a museum and look at a bunch of
11 written text that just says, this is why this is important. We have to have tangible evidence. So, when you
12 do a walking tour, when you go by 306 Cherry Street now, it's not the house where the Thomas' lived,
13 it's an attorney's office, but it's a city landmark because something happened there that we can say, that's
14 where that happened. Well, this is the same thing. That building, and I agree with you Kurt, I think that
15 relative prosaic nature of the construction tells us even more about why its important. So, we have to
16 have that, we have to have...that's the place. So, when you do a walking tour of Hispanic Fort Collins
17 and it's history, that's where you go and you point to that, and you say, the Perez family was part of Fort
18 Collins at its inception when things weren't so easy, and you can tell that story, but you can't tell
19 it...there's a place in Philadelphia called Franklin Square, done by Robert Venturi, the American
20 architect, that's supposedly where Ben Franklin's house was, but it's not there. It's just a steel frame the
21 shape of the house. And the only reason the steel frame is there is because people couldn't go into there
22 and say, oh, I see, this is where Ben Franklin lived. They have to have something that frames it. Well,
23 this is even better than that. So, I think we have to do this because that's the story we want to tell.

24 CHAIR KNIERIM: Thank you.

25 COMMISSIONER M. DUNN: I've just got to say, I've been in that steel frame thing, and it
26 really lacks any sense of connection to history. You feel like you're walking through a book; you don't
27 feel like you're walking through a building. I think that's a fantastic example, Jim.

28 CHAIR KNIERIM: Other discussion? Otherwise, we'll call the question.

29 MR. YATABE: I will remind Commission members...and this goes not only for this motion, but
30 for all motions. If you are voting against a motion, I ask that you state a reason why you are voting
31 against the motion.

32 CHAIR KNIERIM: Thank you.

33 COMMISSIONER GUENTHER: Can you clarify that request, Brad? Is that a part of the regular
34 rules of order?

35 MR. YATABE: That is. I believe it's stated in the Boards and Commissions manual.

36 CHAIR KNIERIM: Hearing no more discussion, let's call for a vote. Roll call please?

1 MS. MATSUNAKA: Thank you, Mr. Chair. Jim Rose?
2 COMMISSIONER ROSE: Yes.
3 MS. MATSUNAKA: Eric Guenther?
4 COMMISSIONER GUENTHER: Yes.
5 MS. MATSUNAKA: Meg Dunn?
6 COMMISSIONER M. DUNN: Yes.
7 MS. MATSUNAKA: Margo Carlock?
8 COMMISSIONER CARLOCK: Yes.
9 MS. MATSUNAKA: Walter Dunn?
10 COMMISSIONER W. DUNN: Yes.
11 MS. MATSUNAKA: Anne Nelsen?
12 COMMISSIONER NELSEN: Yes.
13 MS. MATSUNAKA: Kurt Knierim?
14 CHAIR KNIERIM: Yes.
15 MS. MATSUNAKA: Mr. Chair, that's seven yes, zero no.
16 CHAIR KNIERIM: Thank you. With that, that concludes number six on our discussion agenda.