

**Verbatim Transcript**  
Historic Preservation  
Commission

July 17, 2024  
August 21, 2024

HISTORIC PRESERVATION COMMISSION

CITY OF FORT COLLINS

Held JULY 17, 2024

300 Laporte Avenue

Fort Collins, Colorado

In the Matter of:

201 LINDEN STREET (LINDEN HOTEL) DESIGN REVIEW

Meeting Time: 5:30 PM, July 17, 2024

Commission Members Present:

Jim Rose, Chair  
Bonnie Gibson, Vice Chair  
Margo Carlock  
Jenna Edwards  
Jeff Gaines  
Aaron Hull  
David Woodlee

Staff Members Present:

Heather Jarvis  
Jim Bertolini  
Maren Bzdek  
Yani Jones  
Rebekah Schields  
Melissa Matsunaka

1 CHAIR JIM ROSE: Now we will move to item number six on our agenda, which is a design  
2 review for 201 Linden Street for window replacement. And I think, Jim, you're going to do that.

3 JIM BERTOLINI: Yes, Mr. Chair, thank you. I'll just get the staff report up in just a second. It  
4 looks like I'm having some connectivity issues, so one moment. Apologies for that...my laptop decided  
5 to disconnect from the internet right when it was time to start.

6 So, thank you Commissioners, my name is Jim Bertolini; I'm your Senior Historic Preservation  
7 Planner, I'll be giving your staff report tonight. This is a request for window replacement for the upper  
8 story windows in the Linden Hotel at 201 Linden Street – that's at the intersections of Walnut and Linden  
9 at the center of the Old Town Landmark District. Next slide.

10 So, your role tonight, as with any design review on a designated City Landmark...the request  
11 from the applicant is to provide a final design review of the proposed request to replace the windows. So,  
12 the main question for the Commission to answer is, do the project plans meet the Secretary of Interior  
13 standards for rehabilitation, and in this case, by extension, the Old Town Design Standards? And your  
14 role this evening, your task, would be to issue a certificate of appropriateness, or issue that certificate with  
15 conditions, or deny that certificate. You also have the option to continue the item if you feel you don't  
16 have enough information to make a decision this evening. Next slide please.

17 So, just a summary of not only this request, but the background on treatment of this building.  
18 This is a request for full replacement of the second- and third-story windows facing the street. The  
19 background here...first major rehabilitation of the Linden Hotel since designation as a historic resource  
20 came in 1994 to '95. There was a major public-private partnership to rehabilitate this building, kind of  
21 peel back some of the mid-20<sup>th</sup> century modifications to the building and restore it to an early 20<sup>th</sup> century  
22 condition. Extending beyond that, in 2018, there was some interior rehabilitation work that converted the  
23 upper floors to housing units. Part of the discussion that came up at that time was whether the windows  
24 could be replaced or repaired. This did come to the then Landmark Preservation Commission, and at that  
25 time, the Commission requested a window study to evaluate the condition. There was some concern that  
26 there was interior modifications to the existing windows that might have compromised their integrity.  
27 And then you've got that last 2018 window study in your packet that details what the potential repair  
28 options are for the windows, at least at that time.

29 What occurred over 2023 with indications of deterioration of those windows...the key event was  
30 one of the windowpanes in the building fell into the street, and so Poudre Fire Authority did order the  
31 windows to be secured. There's plexiglass over all of the upper-story windows at this time. Next slide  
32 please.

33 So, again, your current request...the applicant is seeking to remove all the remaining historic  
34 windows on the upper floors and replace those with new units. Staff has ordered an updated window  
35 study, which is a typical requirement to determine if replacement is actually necessary or if repair is  
36 possible. That's underway at this moment...we engaged Deep Roots Craftsmen which has experience in  
37 historic carpentry and window repair. That's being funded out of the City's design assistance grant fund.

38 Some background on the Linden Hotel. This is a 1900 photograph that you're seeing there on the  
39 right...sorry, next slide....1882...this was constructed in 1882, commissioned by Abner Loomis and C.B.  
40 Andrews; these are two of our earliest business magnates for Fort Collins, designed by architect William  
41 Quayle, who I believe was based in Denver. It housed a lot of the key, sort of, businesses for downtown  
42 Fort Collins: the Poudre Valley Bank, this was the first location of that, and then it bounced around Old  
43 Town quite a bit over the last century and a half, it housed the post office for a short time, the Masonic

1 Lodge. It's most prominent story was its establishment as the Linden Hotel, one of the downtown's most  
2 prominent hotel buildings. Next slide please.

3 This is a 1934 photograph that you're seeing, and you can already start seeing some modifications  
4 to the street level occurring here. It's a three-story building. Just in terms of some of its character-  
5 defining features, since it's significant both for its history and its architecture, would be the brick and the  
6 native sandstone that's a fairly common feature of most of our downtown buildings in the Old Town  
7 Landmark District. It has that unique corner entry, it has double oriel windows and some ornate  
8 decorative wood details throughout the building, half arch and flat stone lintels and stone sills with all the  
9 windows, and you're seeing different configurations from floor to floor, and then the double-hung wood  
10 windows which you see actually on the first, second, and third floors depending on the location. Next  
11 slide?

12 This is a 1951 photograph of the building, and you can see there's been a few more storefront  
13 modifications to the building by that point. This just covers some of the specific preservation history of  
14 this resource. This was the third building in Fort Collins to be landmarked by City Council...1974; that  
15 actually predates the Historic District designation. Following the Linden Hotel's designation, it was also  
16 included in the National Register of Historic Places as part of the 1978 designation by the National Parks  
17 Service for that. It's an honorary designation that provides some access to federal tax incentives. Then,  
18 in 1979, City Council followed suit and determined the entire area as a Fort Collins Landmark District,  
19 which is the Old Town Landmark District. Next slide.

20 I did want to pause on the '94 rehabilitation here, this just gives you a before and after  
21 photo...before on the left and after on the right...from that rehabilitation project. You can see the upper  
22 floors were fairly stable, not a lot of modifications there, mostly just repair and replacement in-kind of  
23 deteriorated materials. The lower floor did...just because we do tend to see some storefront modifications  
24 over time in these main street style buildings...there were some modifications, especially to some of the  
25 windows that have been filled in. For example, you can see the Walnut Street face there, and towards the  
26 bottom, you see that set of four tall windows...two of those had been filled in. One of the questions from  
27 the Commission at the work session was, how were those treated? The two missing windows in this  
28 elevation, for example, were simply replaced in-kind. And you can go...if you were to go up to those  
29 today, you'd see kind of matching wood windows between the historic set that survived this rehabilitation  
30 and then the two new windows that were installed there, and that's fairly characteristic of most of the  
31 building during that '94 rehab. Next slide please.

32 So, dealing with the 2018 rehabilitation...this went through a couple of different sets of review,  
33 just based on what the Code requirements were at that time. There was...at the time, the Commission  
34 was operating an administrative design review subcommittee that was not...that we no longer operate. In  
35 that case, they were reviewing some of the exterior modifications proposed in 2018 that included a  
36 rooftop patio, some door and deck modifications, stabilization of some of the sandstone pilasters, and  
37 then some replacement of four windows installed in '94. That was approved without coming to the  
38 Preservation Commission; however, as part of that, what was referred to the then Landmark Preservation  
39 Commission, was a request to replace the windows. The Commission denied that request; their basis was  
40 that there was lack of approval for a treatment plan, that the suitability of the work was not acceptable  
41 considering the standards that apply to this part of the building. And so, one of the things that was  
42 commissioned at that time was a window study, and that window study determined that repair was  
43 possible for those windows. And, typically when that's the case, we require repair of the existing  
44 windows. Next slide please.

1           So, on this next slide, we'll just kind of cover how the Secretary standards that we've adopted for  
2 approval of projects on City Landmarks deal with the issue of repair versus replacement. We know  
3 most...we know that a lot of historic material will eventually wear out. A lot of preservation method is  
4 about extending the service life of those materials as long as possible, both...just for that more authentic  
5 connection to previous craftsmen, but also just from an environmental standpoint, conserving existing  
6 building materials as long as possible before we need to extract new materials to construct new. So, also,  
7 windows do tend to be a character-defining feature in a lot of buildings, especially as is the case here  
8 where there's architectural significance to that resource windows tend to be a prominent feature of those  
9 buildings. We do try to repair before we replace, and usually we can retrofit historic windows for modern  
10 energy performance requirements...usually that just means coupled with other modifications to the  
11 building like adding insulation, maybe adding solar panels or something else to the rooftop, that sort of  
12 thing, to bring their energy production up.

13           Replacement's usually only approvable under the standards when repair is not possible. And,  
14 typically, what the standards and then the guidelines that the Parks Service issues to kind of interpret  
15 those standards and help in more specific cases like this...they recommend a tiered approach to windows.  
16 So, more visible or character-defining window sets, i.e. those that face the front street, typically we're  
17 going to scrutinize more carefully, and really focus on repair for as long as we possibly can, versus if they  
18 are less visible, then we might be less concerned with that...they are going to be less character-  
19 defining...might be appropriate to replace or modify in those cases. Typically, when we do approve  
20 replacements under the standards, they need to be in-kind. There's some wiggle room there, especially  
21 since most of the time when we're replacing older single-pane windows, they'd be replaced with dual  
22 pane, so you do need to beef up the structure of the window a little bit to accommodate the extra weight  
23 of the additional glass. But, typically when we approve that, there might be Code requirements that are  
24 driving that, like egress...usually fire egress is a motivating factor to replace a window, or they might be  
25 on a less visible elevation, or in some cases...not true for wood windows, but in some cases, we have  
26 historic material that's no longer available, and so we allow for a substitute material in that case. Next  
27 slide please.

28           I'm going to cover a couple of the questions...I'll cover the questions that the Preservation  
29 Commission had from the work session last week...kind of move from those that were intended for staff,  
30 and then I'll leave the ones that were intended for the applicant to the applicant once they deliver their  
31 presentation. One of the questions was whether cost, otherwise known as economic hardship, is a  
32 consideration when we're talking about window replacement...not typically, and that's not unique to  
33 historic preservation codes with the City. The City generally does not have an economic hardship  
34 component to its Land Use Code or Municipal Code requirements. We don't typically consider that as a  
35 factor. But, we do have some grounds within Chapter 14 that allow the Commission to issue a waiver of  
36 conditions to the typical Code requirements, and those are outlined in that section of your Code.

37           We also typically...I'd take this with a grain of salt, just because the information is a little bit  
38 dated. But, typically, we've seen that window repair, especially when we're talking about wood windows  
39 that are pretty easy to repair if they are still in good shape...typically, that's more cost effective, long  
40 term, than replacement over the life of the windows, than the cost of simply replacing those with new  
41 units. That can...that difference in cost tends to go down if we're really stretching the maximum of  
42 energy performance and things like that...the cost goes up because you're buying more glass and need to  
43 invest in more insulation around the window, that sort of thing...that can really narrow the margins there.  
44 But, typically, we haven't seen the cost kind of justify that in the past. And, furthermore, there are

1 financial incentives available to offset those costs for designated historic buildings like this between state  
2 tax credits and the City's zero interest loan program.

3 One of the other questions that came up was, is it typical to specify window treatments on an  
4 elevation drawing or similar? Generally yes, although we don't typically need something as detailed as  
5 an elevation drawing; we often do have that. So, for example, the '94 rehabilitation did have elevation  
6 drawings that specified window treatments, but kind of depends on the situation. Typically, we just need  
7 a clear plan...that could be via a table, it could be a marked-up photograph, that's usually sufficient.  
8 You'll see in that 2018 window study, you can see kind of a window-by-window assessment. And then,  
9 typically, again, using those Parks Service guidelines that we always use to interpret the standards  
10 here...they typically classify windows into really four different categories: class one being just a routine  
11 maintenance, light sanding, repainting, class two being stabilization, maybe there's pieces that are starting  
12 to dislodge and need kind of reattached and refit together, then class three being that we actually have  
13 parts that have rotted out, or have broken off and need to be replaced, but you can actually replace those  
14 specific pieces, and then past that, then that just becomes a candidate for full replacement in-kind if  
15 it's...especially if you're ending up replacing about fifty percent or more of the window at that  
16 point...that's worth just replacing the entire unit. Next slide please.

17 A couple of other questions the Commission had was just about the window treatments on the  
18 ground floor...we discussed that on a previous slide how that treatment in '94 compares to the current  
19 plan. The upper floor windows in that project were not modified in the same way the street level was,  
20 meaning that their condition before the project began was different, they didn't have kind of that  
21 streetscape modification, they were pretty much in place as they were developed historically, and so, there  
22 wasn't a need for significant reconstruction. The upper floor windows were just serviced at that time to  
23 bring them into working order.

24 There was also a request from the Commission to take a look at that June...dated June...window  
25 quote in the packet that assessed a few different types of windows that were considered as replacements,  
26 and to have staff assess those relative to our standards and guidelines. And, a more detailed outline of  
27 that is in the staff report. I would note, before I get into the second two bullet points, that staff does not  
28 have current evidence that indicates the windows are beyond repair, so evaluating if those replacements  
29 are appropriate is on the condition that the existing windows are determined to be beyond repair. If that is  
30 made, the dimensions on the new proposed windows appear fairly close to meet the standards. We would  
31 suggest an adjustment on material in this case, just because this is a very prominent building. I would  
32 acknowledge that aluminum clad...I think the application notes a preference for aluminum clad wood.  
33 That is a common type of substitute material that's been approved in federal historic tax credit projects  
34 across the country, so it's not out of the question to approve that with an interpretation of the standards. I  
35 would note though that the Old Town Design Standards under which this building falls don't specify  
36 substitute materials; they do specify in-kind replacement, even if you're replacing it with a newer window  
37 with dual plane, more energy efficient glazing. So, that is something to consider as the Commission  
38 moves forward. That's really our main note there, is that based on where this building is, this may be a  
39 better candidate for a stricter in-kind replacement if replacement is in fact warranted. Next slide please.

40 Any...there were some requests for the applicant, which again, I'll have the applicants' team  
41 discuss those...just any additional or more specific information about when and where the replacement  
42 windows will be used, and what type of materials. There was also a question about what the residential  
43 units would sell for. Staff would just caution the Commission that that's not really a factor outlined in the  
44 Code for your consideration, so...the applicant is certainly able to answer that question, but that is not

1 something that's outlined in the Code as a consideration for project approval on City Landmarks. Next  
2 slide please.

3 So, covering the staff recommendation...staff does not have a recommendation for you this  
4 evening. It's our consideration that we don't have sufficient information to determine if the existing  
5 windows are beyond repair or not. For that reason, that's why we've commissioned an updated window  
6 study with Deep Roots Craftsmen, just to determine if that's actually the case or not. And so, we do not  
7 have a recommendation on your action this evening. Next slide.

8 Alright, and so, again, just a reminder on the role of the Preservation Commission. This is to  
9 provide...the request is to provide a final design review of replacing the upper floor windows on the  
10 Linden Hotel. And, again, your options are to issue, issue with conditions, or deny a certificate of  
11 appropriateness under the Municipal Code, or you have the option to continue this item until the August  
12 meeting. That concludes the staff report. I will be around if you have questions for staff. I do know the  
13 applicant is here and has a presentation...we may just need a moment to get that up since I've been  
14 having network issues to get that onto one of the laptops up here.

15 CHAIR ROSE: Okay, before we hear from the applicant, do Commissioners have any desire for  
16 clarification from the staff in terms of their report? We can reserve questions if it's okay to simply have  
17 the applicant present, then we will entertain questions for both the applicant and staff. Okay...so please  
18 proceed when you are ready.

19 CLAIRE HAVELDA: Good evening, Mr. Chair and Commission Members. My name is Claire  
20 Havelda; I'm an attorney with the law firm of Brownstein, Hyatt, Farber, and Schreck. I am here  
21 representing the applicant team. With me this evening is Mr. David Diehl of OneSeven Advisors who is  
22 the owners' representative and who will make brief comments at the end of this presentation. We also  
23 have Mr. Mark Wernimont who is with Colorado Sash and Door, and our expert. And, because I never  
24 trust the technology, I brought you all hard copies of the presentation so feel free to keep those and make  
25 notes on them if you would like. Jim, are you able...or Yani...thank you. If you'll move to slide three  
26 for me Yani? Thank you.

27 So, the request is to replace all forty-two of the one hundred- and forty-seven-year-old windows  
28 on the second and third floor of the 201 Linden Hotel. And, because I know this is of great concern to the  
29 Commission, I want to assure you that the only visual difference with what we are requesting permission  
30 to replace with is less than a one-half inch difference on the window check rail, which will be visually  
31 imperceptible when you are standing on the street and looking up to the second and third floor windows.  
32 So, I just want to kind of set that expectation, that we're not here with some wild and crazy alternative, or  
33 changes to dimensions or paint colors or anything like that.

34 I also want to spend a little bit of time clarifying the timing on the expert reports because I know  
35 there was some confusion when I watched the work session afterwards. So, just to kind of run through  
36 the timing of how we got here this evening. As Jim mentioned, on October 21<sup>st</sup>, 2023, we had a window  
37 failure, and it didn't actually fall from the second story to the street, it actually hit the sidewalk, which as  
38 you can imagine is incredibly dangerous – poses a huge amount of risk for civil liability for the owners  
39 and it's something they wanted to take care of right away. So, we immediately contacted the City to  
40 discuss the best way to approach this issue, and City staff were gracious and met with us on November  
41 9<sup>th</sup>, 2023. We did discuss finding a neutral expert to do a window assessment because, quite frankly, the  
42 owners had grave concerns about the Barlow report that came out last time. And so, the City staff  
43 provided a list of three experts. Mr. Diehl contacted all of those experts; a couple of them never  
44 responded, including the one that is doing the City's report. One declined to do the report with the

1 parameters we were asking for, but did offer to take one of the windows to a firing range, shoot at it, and  
2 provide a ballistics report. We didn't feel that would probably be very helpful to the Historic Preservation  
3 Commission, so we did decline to use that expert, and that was the Heritage Window Restoration.

4 So, I understand that the staff's best information is that their expert report will be coming in  
5 August. I'm going to ask that you not wait for that. This has been of grave concern for the owners since  
6 the failure of the window in October. We also have grave concerns about the scope of the report that the  
7 City requested. We don't believe that it addresses some really fundamental components, the first of those  
8 being that there is a fundamental design flaw with these windows that no amount of rehabilitation is going  
9 to overcome. The second is that the Barlow report, and I would assume the report that is forthcoming,  
10 lack consideration of relevant City and owner goals that I think it is the job of the Historic Preservation  
11 Commission to weigh into its decision-making process. Next slide please.

12 I do want to take a minute to do a little bit of housekeeping in terms of the record. We request  
13 that our complete application, including all attachments thereto, be made part of the record. Mr.  
14 Wernimont's report did include a reference to the proposed replacement. We understand that it may have  
15 been difficult for the Commission to really envision what we were seeking to replace with, so we actually  
16 brought a window that would be what we are proposing to replace with. I'm not sure of the best way to  
17 get that into the record. We are happy to leave that here, we are happy to have pictures taken, or a video,  
18 whatever makes the most sense, we're happy to do.

19 I'm also...I want to...there was a legal memorandum issued by Ms. Jarvis November 27<sup>th</sup>, 2023,  
20 that included an attachment with the specifications for an expert report. I would ask that that be included  
21 into the record. I see that staff has proffered the 2018 Barlow expert report into the record, that's fine, we  
22 won't object, we would simply ask that the Dohn report and Mr. Wernimont's previous reports from 2018  
23 are also made part of the record. I would ask that these slides be included, and I think that's everything.  
24 So, however you want to handle that, Ms. Jarvis, if Mr. Rose would confirm that those will be made part  
25 of the record, that would be helpful.

26 HEATHER JARVIS: Mr. Chairman, you have no objection to those things being part of the  
27 record? You have no objection to the additional items being part of the record, that are listed on this  
28 slide?

29 CHAIR ROSE: Apparently not.

30 HEATHER JARVIS: Okay, and also, regarding the window that's here. This meeting is being  
31 video recorded, so if we were to walk it in front of the Commissioners, that would be one aspect of  
32 recording it. But, I think photographs would also be good.

33 CLAIRE HAVELDA: Happy to do whatever makes the most sense. It is extremely heavy, so if  
34 it's not too much of a problem...if the Commission wanted to take time to look at it, and then we could  
35 also do pictures and video, and whatever is most appropriate.

36 HEATHER JARVIS: If that...if static pictures are satisfactory to the applicant and to the  
37 Commission, then that would be okay for the record. There would not be a video of it because I don't  
38 think...Melissa can weigh in...because I don't think we can turn the cameras to the back of the room.  
39 But, we could take static pictures, and then the Commission could recess for the purpose of looking at the  
40 windows, if you wish.

41 CLAIRE HAVELDA: And if I might, Ms. Jarvis, I'm happy to take a video and upload it for staff  
42 to include in the record if that's easier too.



1 HEATHER JARVIS: Mr. Chairman, and Claire, I don't think that...sorry, Ms. Havelda...I don't  
2 think that...we don't have to have a video, I was just thinking that that was one aspect of recording that's  
3 already happening, but we don't have to have it.

4 CLAIRE HAVELDA: That's fine.

5 CHAIR ROSE: I'll accept any suggestions from Commissioners, but my suggestion would be  
6 that we wait until the presentation has been concluded; that may be an appropriate time to ask questions  
7 both of the applicant and of staff rather than interrupting at this point. So, I would just ask you to  
8 proceed.

9 CLAIRE HAVELDA: I guess I want to clarify, is that a denial of the request of the items to be  
10 placed in the record?

11 CHAIR ROSE: That's not a denial of the items to be placed in the record, it's simply a suggestion  
12 that we not disturb the meeting's progress at this point by going around to look at the window in its  
13 physical form.

14 CLAIRE HAVELDA: Absolutely, thank you for the clarification. Next slide please.

15 So, I think Mr. Bertolini did an incredible job, as he always does, of giving you the history of the  
16 building. I'm not going to do that again in the interest of efficiency and time. What I do want...there we  
17 go, thank you. What I do want to talk about is the history of the request to replace these windows. So, as  
18 Mr. Bertolini mentioned, the first request came in 2005 when these windows were a hundred and twenty-  
19 eight years old, and that was denied by the City. The second request came when the windows were a  
20 hundred and forty-one years old, in 2018. The expert report by Dohn Construction and Mr. Wernimont's  
21 reports were submitted; the City took it upon itself to engage Mr. Barlow to do the Barlow report, and  
22 based on the Barlow report, that request was denied. The concerns we have, that I want to make a record  
23 of with the Barlow report, are the fact that no weight was given to private property owners' fundamental  
24 property rights, no analysis was done of concerns of window operability, safety, civil liability, and  
25 sustainability from the perspective of the owners. The owners' repair requirements that were suggested in  
26 that report, I believe are a potential violation of the Sheets case, and what the Sheets case tells us is that  
27 permit conditions must have a rough proportionality to the impact on the land use interest; you may not  
28 require a landowner to pay more than is necessary to mitigate the harms resulting from the development.  
29 So, I understand that there are Secretary of Interior standards, but there is also case law that must be  
30 considered. I can't give you legal advice, you have counsel to do that, but I want to make a record of that  
31 concern. The Barlow report also gave no analysis or weight to the City's climate action and sustainability  
32 goals, or frankly to the Historic Preservation Commission's own guidelines and policies in the Fort  
33 Collins Municipal Code 14-2.

34 So, moving on in our timeline. In October, we have the second story window failure, and then  
35 you have now before you the third request to replace these windows, which are now a hundred and forty-  
36 seven years old. We posit the windows have a fundamental design flaw, and that rehabilitation does not  
37 sufficiently address this. We also do believe that there is significant deterioration to warrant replacement  
38 under the Secretary of Interior standard 36 CFR, section 68.3. Next slide please.

39 So, I want to talk a little bit about repair versus replacement, because when you look at the  
40 Secretary of Interior standards, they also say that they cannot, in and of themselves, be used to make  
41 essential decisions about which features of a historic building should be saved, and which should be  
42 changed. But, once a treatment is selected, the standards and guidelines provide a consistent

1 philosophical approach to the work. So, rehabilitation is not appropriate in this case, where the window  
2 design is fundamentally flawed, we have significantly degraded windows, and attempts at rehabilitation  
3 have not proven sustainable. Rehabilitation does not meet the operability standards that private property  
4 owners have a right to in residential buildings, it doesn't meet the safety standards that the property  
5 owners are seeking for a residential building, and it doesn't meet the proportionality of the Sheets case. It  
6 doesn't meet the Historic Preservation Commission goals, or the City of Fort Collins sustainability goals.  
7 Next slide please.

8 Replacement, on the other hand, aligns with all of these goals. So, the proposed replacement does  
9 meet the Secretary of Interior standards. When the severity of deterioration requires replacement of a  
10 distinctive feature such as these windows, the new feature will match up with the old in design, color,  
11 texture, and where possible, materials. It is not a mandate that the materials have to be identical. If using  
12 the same type of material is not feasible, then a compatible substitute material may be considered. You  
13 have the right to entertain if alternative materials such as those we are suggesting are appropriate in this  
14 instance. Replacement meets the HPC goals, the building safety standards, the City's energy and  
15 maintenance and sustainability goals. Next slide please.

16 I want to take a minute to also address some things that were documented in the last denial for the  
17 request for replacement, and I want to counter those, because I don't think they ever were. Replacement  
18 does not create an adverse effect on the general historical character of the landmark. The windows are  
19 going to be visually identical from the street. Replacement holds with the general historic character of the  
20 landmarked area because you won't be able to tell a difference visually. Retention of faulty materials  
21 does not outweigh the safety, operability, environmental and sustainable concerns that replacement would  
22 address. There's no visual changes to this landmark. Replacement will encourage the protection,  
23 enhancement, and perpetuation of use of the landmark by honoring the owners' concerns related to safety  
24 and sustainability. This isn't a first floor commercial building where the public can come in and look at  
25 the inside of the windows and compare that to what they looked like a hundred years ago. These are  
26 private residences, second and third floor. The only way the public is going to view these windows is  
27 from the street level, so you have to keep that in mind.

28 The current windows are also creating water damage, and Mr. Diehl will speak to that in a...a  
29 little bit later. And part of what the owners are trying to do, and I want to convey this to you, they love  
30 this building, they love the historic character, they are invested in this building. But, they are trying to  
31 protect both the inside, the outside, and the longevity of this building, and we ask that you take that into  
32 consideration also. Replacement also minimizes the disruption in the daily life of the owners. And I  
33 think one of the Commission members mentioned this, does it make sense to do a full replacement versus  
34 piecemeal? And I think, traditionally, what the Historic Preservation staff will tell you is that they have  
35 done a more piecemealed approach. But again, these are private residences, you are talking about  
36 people's homes; you are talking about them having to come in front of the Historic Preservation  
37 Commission, or pay me to come in front of the Historic Preservation Commission, on an annual, biannual  
38 basis if we take the piecemeal approach, and that's just not in anyone's best interest. So, if I can have the  
39 next slide please.

40 So, I want to talk about the Secretary of Interior standards. Replacement materials should match  
41 the old with the exception of hidden structural reinforcements. Nobody is going to see the interior of  
42 these windows, and what you are going to see is visually going to match. So, the Secretary of Interior  
43 standards tells us, if using the same kind of material is not feasible, then a compatible substitute material  
44 may be considered. And I am not a window expert by any stretch of the imagination, but luckily I have  
45 one here with me, and Mr. Wernimont is going to tell you why the clad exterior that we are proposing on

1 these windows is different than anything you've probably seen before with a clad exterior, and it's going  
2 to be visually in line and identical to what the historical windows looked like. Next slide please.

3 I want to take a minute to step back and really reorient us to the Historic Preservation  
4 Commission's defined purposes, and I'm sure you all know these like the back of your hand, but I'm  
5 going to go ahead and make my record if I may. Fort Collins Municipal Code, section 14.2, one of the  
6 first defined purposes is to stabilize and improve the aesthetic and economic vitality and values of historic  
7 sites and structures. The owners are attempting to protect this building, the interior and the exterior;  
8 therefore, we meet this defined purpose. The next purpose is to promote the use of historical structures.  
9 Again, these are private residences; there's no public access. And, if we want to continue to encourage  
10 private owners to come and invest so much into these buildings, we cannot make the criteria so incredibly  
11 difficult for them that they just choose not to do so.

12 The next purpose is to promote and encourage continued private ownership and utilization of  
13 such structures. Same point that I just made; there must be consideration of the private property owners'  
14 rights in this balance, including operability, safety, exposure to civil liability from these falling windows.  
15 Visual difference, again, is less than one-half inch on a check rail. Repair requires excessive and ongoing  
16 maintenance which defeats the purpose of this Historic Preservation purpose, frankly. Finally, the last  
17 purpose I want to highlight is to promote economic, social, environmental, and sustainability through  
18 ongoing use of the existing buildings. Replacement is the only economically and environmentally  
19 sustainable option for these windows. Next slide please.

20 I want to also take some time to talk about safety and sustainability. The owners have really clear  
21 safety and sustainability goals for these windows; they want operability, they want efficiency, and they  
22 want predictability of long-term maintenance costs. They need to be able to budget. What the Barlow  
23 report suggested, and to get these windows to the environmental standards that the owners want, means  
24 sealing these windows shut, they can't open them. I can't imagine if the government tried to tell me that I  
25 couldn't open the windows in my home. And I want to be very clear, that's what repair will result in.

26 I also want to make a record about the City's sustainability goals. The replacement windows  
27 meet the City's adopted International Building Code standards...they are listed here, I won't go through  
28 them for you, but more importantly, I think, they meet the City's adopted Our Climate Future plan and the  
29 City's Our Climate Future action guide, which identify an urgent need to reduce carbon emissions and  
30 improve energy efficiency. The City's own website identifies two-thirds of the carbon emissions in this  
31 town come from the buildings in terms of lighting, heating, and cooling. New replacement windows are  
32 energy efficient and significantly reduce carbon emissions in a way that the repairs just don't even come  
33 close to. Next slide please.

34 As Jim mentioned, the Old Town Design Standards are applicable to this project, so I want to  
35 take a minute to talk about those. The Design Standards promote historic preservation best practices, and  
36 when you read them, they say they seek to manage the change so that historic character of a district is  
37 respected while accommodating compatible improvements. That's exactly what we have here. They  
38 reflect the City's goals to promote economic and sustainable development, enhance the image of the city,  
39 and reuse of historic materials. They also tell us that when strict adherence to design standards is  
40 inappropriate, that alternatives may be considered if the preferred approach is not feasible. And so, in  
41 those instances, what the Historic Preservation Commission is charged with doing, is looking at the  
42 quality, the appearance, the character of alternative solutions and new materials, and that's what we're  
43 asking you to do here this evening. One more slide please.

1 The Old Town Design Standards do make the claim that repair is generally less expensive than  
2 replacement standards, and you've heard this from staff also. This isn't accurate in this case. Ongoing  
3 repair...our expert has run the numbers and can talk you through that in more detail, but ongoing repair of  
4 the current windows is estimated to be \$352,798 over a thirty-year period. The replacement option, our  
5 proposed option two, is \$218,950. The other option, our secondary option that we are proposing, is  
6 \$284,690. That's a pretty huge cost difference. And I understand that the general premise is that the HPC  
7 doesn't take cost into account, but you're Old Town Design Standards that are applicable to this project  
8 open the door for that consideration by saying things like repair is less expensive than replacement. So,  
9 they've opened the door for you to consider that evidence. Next slide please.

10 These are the repair breakdowns. If you would like more information, Mr. Wernimont can walk  
11 you through these. At a high level, what you see is that, at a minimum, over a thirty-year period, these  
12 windows are going to have to be repainted three times. We also did a cost escalator of 3.75 percent, and  
13 we got that number by looking at what the escalation in cost has been from 2016 to 2024. Next slide  
14 please.

15 This is our estimated replacement cost for the two options we have in front of you this evening.  
16 The first option, the wood, would need to be repainted once during that thirty-year period, so that is what  
17 extends the cost there. The option that we would prefer that you would approve, option two, the clad, has  
18 a thirty-year warranty on that paint and would not have to be repainted. Next slide please.

19 I just want to make a record; I'm not going to read everything on these slides. These are the Old  
20 Town Design Standards that we believe the replacement has met: encouraging adaptive reuse, ensure  
21 congruent energy efficiency. Next slide please. Replace of historic windows with a matching design if  
22 repair is not possible...these are the things that the HPC is to consider. We believe we have met those. I  
23 do want to make that caveat that the second option, obviously, is not the wood option. Next slide please.

24 We also believe that we have met standard 3.10 – replace of historic window with a matching  
25 design if repair is not possible. And, as you can see, or will see in a little bit, the windows are virtually  
26 indistinguishable from the originals. So, with that, I am going to turn it over to our expert, Mr.  
27 Wernimont, to give some brief comments. Following him, Mr. Diehl will have a couple comments, and  
28 then I will close us up. And I appreciate your time and consideration.

29 MARK WERNIMONT: Thanks for letting me fill in the form; I usually forget to do that when  
30 I'm up here. First of all, this evening, I wanted to, how shall I say this, I was told I'd have five minutes to  
31 speak this evening, and I'm assuming you'll probably have a fair amount of questions after we get done,  
32 particularly when we look at the sample. So, I'm just going to go through a brief background of myself,  
33 what we've done with the windows, what the windows look like, and kind of where we're heading down  
34 this path. And I think Maren and Yani both know holding me down to five minutes is usually a  
35 challenge, so...

36 So, first of all, my name is Mark Wernimont; I'm the owner of Colorado Sash and Door and have  
37 been doing window restoration and repair in the state of Colorado, Wyoming, Nebraska, and Kansas for  
38 roughly forty-three years at this point in time. First project I worked on was for Spruce Hall on the CSU  
39 campus, my last project I just completed was doing the window rehab work on the Carnegie Library here  
40 in town for the City of Fort Collins. During those years, we've worked on the REI flagship store, the  
41 Tivoli Building on the Auraria Campus, the Brown Palace Hotel's floors two through eight, the Northern  
42 Hotel, many buildings on the CSU, CU, UNC campus schools, for Denver Public Schools, Boulder,  
43 Greeley, Poudre R-1, historic downtown buildings from Laramie, Cheyenne, Fort Collins, Loveland,  
44 Estes Park, Holyoke, Greeley, Louisville, Boulder, Central City, Blackhawk, Denver, Colorado Springs,

1 and also Walsenburg. None of these jobs that we did, did we look at just a strict single solution for the  
2 projects. We looked at options that would be...all four of the items that we would look at would be a  
3 repair, rebuild, renovate, or replication work, and that's something that's a little unique with our company  
4 in that we do all of the above.

5 On these particular windows, and its almost too bad we didn't stand the window up; the sample  
6 that's in the room behind you today is the actual size and the actual window that fits in this building. It  
7 will amaze you how tall it is...roughly almost nine feet in height. The fundamental design flaw with  
8 these windows is that they were produced with an inch and three-eighths thick sash, which is the same  
9 size that would be in all the residential houses built in Fort Collins. The problem is the thickness of the  
10 material for an application that was not designed for that height. If you look at the building we just did  
11 for the Carnegie building, they're an inch and three-quarter inch in thickness, have a bigger check rail,  
12 and the window size are actually smaller than what we're dealing with today.

13 There have been significant deteriorations in the windows; we addressed the majority of those  
14 when we did the rehabilitation in 2018. We've replaced a fairly substantial portion of the check rails in  
15 the project. The glass that hit the pavement was based on a check rail failure that was actually a joint in  
16 the style that let loose...that's the reason why the glass actually hit the pavement at this point. When we  
17 looked at the dollars that Claire talked about, it's probably the first time that I've had an owner that sat  
18 back and said, what's my cost over the lifespan for a given period of time. We actually picked the thirty-  
19 year warranty because the aluminum clad product that we are proposing carries a thirty-year warranty. I  
20 would have to say this, that outside of the Fort Collins area, we have projects...two particularly in Denver  
21 that were done where we did do an aluminum clad wood window. They are both in the Tivoli Building,  
22 they are also in the Brown Palace Hotel, and both of those owners looked at from a standpoint of what the  
23 costs were going to be to continue to maintain the wood paint and finish on the outside of the structures.

24 One of the most interesting things I found digging through my notes on this job...I had told the  
25 owners back in 2016 that I anticipated the painting of these windows would have to happen every five to  
26 seven years. You should have received in your packet more photographs that I've taken of virtually every  
27 window on the job, and in the period since 2018 to today, we have paint failure on the majority of the  
28 windowsills and a majority of the lower sash on the project. So, my timeframe and my estimation of the  
29 paint is holding true. When I looked at doing the budget costs for the repairs, that's what I used to apply  
30 for the painting of the windows themselves. The little bit of difference between the aluminum clad  
31 windows, which would have no exterior painting requirements to it, versus the factory pre-finished paint,  
32 which is the sample that you have here in Chambers today, is that that finish is warrantied for ten years.  
33 We have experience with a couple of projects on CSU's campus that's pushing fifteen years at this point,  
34 but we actually added some paint costs to that number as what probably is going to have to happen on the  
35 job.

36 Energy efficiency of the double hungs is an inherent problem. We, over the years, have come up  
37 with a system where we have used different weather strippings on both the jam sides for the bottom rails  
38 and the check rails of the windows. But, regardless of what we do, if we make them seal well, they do not  
39 operate. If they operate, they will leak water as they always have, because we haven't been able to and  
40 can't change the design, how the components were put together. Operability of these windows and  
41 meeting the codes...the new windows we're providing would meet all of the current energy codes, the  
42 structural performance for the size, the location, and can also meet the sound control that are all required  
43 by the City of Fort Collins today. So, if you were to knock this building down, put something in its place,  
44 the window that we're proposing meets all of those guidelines. And, as Claire pointed out, the details that  
45 we have on the windows are...literally the only change that's really of any size difference is the width of

1 the check rail, which is helping support the sash. Now, to the aluminum clad on the exterior, the exterior  
2 appearance will be virtually identical to the wood painted version that's here, mainly because it's not an  
3 anodized finish, it's a painted finish that's on it. Also, when they do the extrusions, they're actually done  
4 to the same profiles, so it's more of a radius corner instead of a sharp, hard, broken corner like you would  
5 see with commercial aluminum windows.

6 At this point, as we've gone back through this and looked at it, the best recommendation I've  
7 made to the owners, which is kind of the same position I was making in 2018, is to replace the windows  
8 with one that is the appropriate size components to survive, and giving the owners an exterior appearance  
9 that looks correct. Everybody that sees the building will see no difference to it. At the same time, they  
10 get operable windows, they get a chance to actually get some fresh air back into the space at this point in  
11 time. I'd be fully available to answer any questions as we walk and look at the sample and go through the  
12 pieces, but if there's questions that anybody has now before we turn it over to David, I'd be glad to  
13 answer that.

14 CHAIR ROSE: Okay, thank you.

15 MARK WERNIMONT: Thanks.

16 DAVID DIEHL: My name is David Diehl, I'm the owners' representative for the project. I've  
17 lived in Fort Collins since 1989, and I came here to go to CSU. And I don't know how many of you were  
18 around during the '94 and '95 rehabilitation of this project, but one of the things they ran into is the  
19 portion of the building on the Walnut side collapsed during the renovation. And I've gotten two  
20 emergency calls on this project since I've been involved, one was the October incident you hear about,  
21 but the other was during the 2018-19 renovation when we got a notice from Dohn Construction that the  
22 façade on the Linden Street side was detached and at risk of collapsing into Linden Street. And what they  
23 found was water deterioration coming in through the roof, windows, and otherwise was rotting things out.  
24 And what we ended up having to do was put in some steel reinforcement that tied that façade back into  
25 place so we didn't end up with a building collapse like what had happened in '94 – '95.

26 The impacts to the lives and property of the owners issue...of course there's impacts to the  
27 owners of these condos, but I kind of set that aside and look at it from a community impact point of view.  
28 In the October incident, we ended up having to close the sidewalks, fire department comes down,  
29 and...retailers are struggling in this area. Nature's Own is a friend of ours, they own that first floor...they  
30 didn't have the ability to have customers coming in and out. So, there's an unpredictable nature that also  
31 impacts your neighbors because this is a second and third floor project, not just a first floor or something  
32 that can be maintained around a private residence without impacting your surrounding retailers in this  
33 area.

34 The liability concerns, I think, are obvious. When you have a sheet of glass falling from the  
35 second or third floor of that size, it could have taken somebody's head off. So, of course, we've got  
36 liability concerns. But, I also was sitting there with the Poudre Valley Fire Authority when I made it  
37 down to the building, and I've got a fireman who is frustrated with me because he said this is an  
38 avoidable situation, these windows are rotting. I said, you know, we've tried to replace them, and he's  
39 like, well, you're going to have to secure them now, and I then get into the, well, they're historic. And I  
40 think you'll see it in the incident report, but he said, well, they're now a safety hazard and historic is  
41 irrelevant. So, I've got somebody that's frustrated with me because I've created community risk. So, it's  
42 not only the risk of the owners, but you know, the risk to the firemen who were asked to come out and  
43 secure the property and review to see if we have any other window panes that are going to come down.

1 So, I think those were significant. And I'm available to answer any questions about what I've presented  
2 or the history of the project as well.

3 CHAIR ROSE: Thank you.

4 CLAIRE HAVELDA: I just have one more slide. So, one of the tenants that you learn as a  
5 lawyer is, when you have multiple statutes and codes, and different things that apply to a certain project  
6 or to a certain case, we have what we call tenants of statutory construction, or in this instance would be  
7 tenants of code construction. So, what the case law instructs is that when you have multiple codes that  
8 govern, such as climate action goals, the building standards, and you have private property interests to  
9 take into consideration...if you can read those to be consistent and harmonious and give sensible effect to  
10 all of their parts, that's what you do, and replacement allows you to do that. If you move forward with  
11 repair, I would posit to you that the Secretary of Interior standards on repair, because they do not weight  
12 private property interests, they do not take into account Fort Collins' climate action plan, read conflict  
13 into those policy goals. And it is your job, as the Historic Preservation Commission, to figure out how to  
14 read those policy documents and codes in harmony.

15 So, when you review this holistically, replacement is truly the only option. Thus, the applicant  
16 team respectfully requests that you approve the replacement of all forty-two of these hundred- and forty-  
17 seven-year-old windows on the second and third floor of the Linden Street Hotel. I know that was a long  
18 presentation; I really appreciate how thoughtful I know you all are going to be about this, and has been  
19 said, we are here to answer any questions you may have.

20 CHAIR ROSE: Okay, thank you. Any other testimony before we ask the Commissioners if you  
21 have questions of either staff or the applicant? Margo?

22 COMMISSIONER MARGO CARLOCK: I don't necessarily have questions...I understand the  
23 dilemma, and I certainly, if I were a resident of one of those condos, I'd want to be able to open my  
24 windows, so I certainly understand where you all are coming from. But, we do have certain obligations  
25 that we are instructed over and over about, and certain things that we follow. One thing I would like a  
26 little more clarification on, because its different from what I've understood in the past, is that you  
27 mentioned that the replacement windows would be...or that newer, more modern windows are more  
28 highly energy efficient and more durable, and I'm not sure that's my understanding that that's always the  
29 case. So, I would like a little clarification on that, perhaps from staff.

30 I also know that the inappropriate repair done in 2018 is part of the reason why the pane fell out  
31 and the water is seeping in and rotting the sashes. I feel like it is quite possible that it isn't possible to  
32 repair them. It is possible that the damage has been done to the historic windows. But, I am not able to  
33 make any kind of a decision until I see the commissioned study on what...if it is reparable or not and  
34 what the condition is at this point. So, that's just my comment.

35 CHAIR ROSE: Bonne:

36 VICE CHAIR BONNIE GIBSON: My one question is along those same lines. When are...is  
37 staff expecting that additional report to be completed and available?

38 MAREN BZDEK: We are expecting to receive that by August 5<sup>th</sup>, so we would be able to provide  
39 staff analysis prior to the August hearing.

40 VICE CHAIR GIBSON: Okay, thank you.

41 CHAIR ROSE: Jeff?

1 COMMISSIONER JEFF GAINES: I'm understanding of everything that you've outlined. It's an  
2 iconic building in Fort Collins, and I know it's been a long run to get to this point, but I think that another  
3 month to get the staff report makes sense.

4 CHAIR ROSE: Other questions? I have a question, and I'm not sure it's a fair one, but do we  
5 have any idea how many times the paint color has changed?

6 JIM BERTOLINI: Mr. Chair, I would say I did not track that, but it's pretty typical for paint jobs  
7 to be either touched up or replaced every few years, five to ten years.

8 CHAIR ROSE: And I realize I was giving you a virtually impossible question to answer, but my  
9 point I guess is, if we allow this replacement to be clad with a precise color, we've frozen that opportunity  
10 then that, for over a hundred years, has been a case with this building where the paint color has changed  
11 with the times. So, I think one of our options is to say, if it's replaced, then we should have it be able to  
12 be a changeable color. And I don't see that that's possible with a clad window. So, I guess I'd ask the  
13 applicant, what's your response to that?

14 CLAIRE HAVELDA: Thank you for the question. I am little taken aback by a Historic  
15 Preservation Commission member asking me about changing historic colors. I would think that if we  
16 wanted to change the color, we'd have to come back in front of you to get permission for that...that  
17 would be the impetus to change the color. And so, we simply wouldn't be coming back to ask to change  
18 the color for at least thirty years. And I'm speculating a little bit with the hypothetical, but I can't  
19 understand what a precipitating circumstance would be where the City would feel the need to require the  
20 change of color. Have you seen that happen? Can you help me understand?

21 CHAIR ROSE: Well, I could see a change of ownership in which...and I'm not trying to predict  
22 the future of what might happen, except that we know that this building has undergone a multitude of  
23 owners and a whole variety of interpretations aesthetically of what was a...I mean, you saw the photos, so  
24 we know what it's been through. I guess I just...and I'm not reaching a conclusion, I think what Bonnie  
25 said, and Margo said earlier, and Jeff, said we would be better prepared to really reach a conclusive  
26 decision if we really had that report that we are awaiting that will be given to us in less than a month.  
27 And, that then puts us in a position then I think to make a further judgement about, okay, if that report  
28 comes back and confirms what you've concluded, that they need to be replaced, then I think our next  
29 decision is, okay, how is that going to occur? And that's the only reason for my question. So, I don't  
30 expect a definitive response, I just simply bring it up as a potential for consideration at whatever point we  
31 make a decision.

32 COMMISSIONER DAVID WOODLEE: I guess the other answer to that I think is the thirty-year  
33 guarantee is so that you don't have to...Mark can correct me if I'm wrong, but I don't see anything in the  
34 way of painting it anyway if somebody so chose. So, I'd say its still possible, it's just unnecessary.

35 CHAIR ROSE: And this may be more appropriate at the point when, if we've concluded that a  
36 replacement is...best alternative, then that's a detail we can address at that time. Any other questions?  
37 Jenna?

38 COMMISSIONER JENNA EDWARDS: Yeah, this question is for your expert. You mentioned  
39 fundamental design flaw several times in the presentation. Can you explain to us what that fundamental  
40 design flaw is?

41 MARK WERNIMONT: Sure. Claire, did you put the section drawing that I gave you in the  
42 packet? Okay. Double hung windows on a sash have a thickness going from the surface on the outside to



1 the surface on the inside. Residential windows, normal house windows, have a thickness of that sash at  
2 an inch and three-eighths. Most of them will have a width from the outside edge to where the glazing  
3 starts for the glass, it will be roughly two inches, some will be slightly under that just based on who built  
4 the house, et cetera. When you go to a window that's in an opening of this size, which is normally a  
5 commercial building at this point, the sash grow in thickness to an inch and three-quarter, and most of the  
6 times, they will grow an extra quarter inch in width at that point in time. So, if you look at the cross-  
7 sectional area of the window, it's about sixty percent more wood in the window itself. Secondly, if you  
8 drive around Fort Collins, most of the older homes, particularly larger windows, it doesn't pertain to the  
9 large pictures that we have where there's a smaller transom across the top, or a smaller upper sash, and  
10 they did that because the were decreasing the weight of the window. The check rail is the piece that  
11 separates...it's the lower bar of the upper sash and the upper bar of the lower sash, where they meet and  
12 come together. That's the profile we're talking about where this is thicker as well in height to take the  
13 extra weight. And that's the details. Outside of that, there's nothing that's any different to it. But, it  
14 strictly gets back to the window sash itself.

15 COMMISSIONER EDWARDS: So, the design flaw is the extra...

16 MARK WERNIMONT: What they used was a sash that was smaller than they should have for  
17 the height of the opening.

18 COMMISSIONER EDWARDS: Gotcha. Okay, thank you.

19 MARK WERNIMONT: Less wood.

20 COMMISSIONER EDWARDS: Got it, thanks.

21 JIM BERTOLINI: And, if it may help, I believe that's on page 142 and 143 of your packet.

22 CHAIR ROSE: Other questions from Commissioners? Anyone else in the public have input that  
23 they would like to offer at this time? Hearing none, I think we will close this portion. Yes?

24 CLAIRE HAVELDA: I'd like an opportunity for rebuttal for just two minutes if I might?

25 CHAIR ROSE: Okay.

26 CLAIRE HAVELDA: One of the Commissioners mentioned that the reason that the window  
27 failed was because of repair work done in 2018 and 2019. There is...I think that you probably got that  
28 from the 2018 Barlow report? Okay.

29 COMMISSIONER CARLOCK: No, I didn't.

30 CLAIRE HAVELDA: Okay, well, we dispute that conclusion, and our expert would say that's  
31 not why the window failed. The window failed because of the design flaw, so I just want to have that  
32 clarified in the record that that is not conclusively, definitively...has not been definitively decided.

33 CHAIR ROSE: Any other input before we reserve it for Commission discussion? Anything more  
34 from staff? Okay. Alright, Commissioners, what is your pleasure?

35 VICE CHAIR GIBSON: I love this building...I love this building; it's beautiful, and I appreciate  
36 the idea of safety, you know, making sure that folks can walk around there, and that the occupants can  
37 live a nice, dry lifestyle. I have trouble with the idea of a fatal design flaw in a window that has lasted a  
38 hundred and forty-seven years. I'm not a window expert saying that, therefore I would like to take the  
39 applicants' expert report and the City's expert report, when it's completed, and compare the two. And, as

1 Commissioner Rose said earlier, maybe they do come back and say, yes, this is correct, we need to  
2 replace these, it's safety, it's...but I'd like that extra information before we can definitively go forward.  
3 Some of the Old Town Design Standards don't jive with this with me, so I'd like to see that report before  
4 we say, okay, additional wood windows are not appropriate, therefore, we can take that next step. I'd just  
5 like that extra information.

6 CHAIR ROSE: David?

7 COMMISSIONER WOODLEE: I want to kind of second what she's saying. A large majority of  
8 my interpretation of this is kind of feeling like I'm actually in opposition, specifically in the scope of this  
9 being something that is relating quite literally to public safety. Beyond the confines of these being private  
10 homes, the fact that now, actually seeing the physical size of that window, thinking about that falling onto  
11 a sidewalk is kind of like a final destination to...flashback, in a sense, that's quite horrifying. But, in the  
12 sense, however...almost against what I'm thinking initially, since there is in fact another study underway  
13 that's going to be delivered soon, I just want to make sure that whatever we approve and whatever we  
14 decide is most appropriate is a decision that is in fact going to last another hundred plus years, that  
15 whatever we're going to put in there is not done in haste. Not because I'm unempathetic to, like, guys,  
16 let's just get this project over with, let's just move forward and get it done, but by waiting another month  
17 just to have good data on, I'd say just two different parties' size, that we do in fact make that decision that  
18 this will last a long time. So, just kind of a general comment on that. But, I empathize with the applicant  
19 and the amount of time that this takes, and just know that.

20 COMMISSIONER EDWARDS: I agree with what David and Bonnie said. I also think that  
21 having this report will help us inform our next steps regardless. I mean, if we say, go ahead and replace,  
22 that report can help us decide what materials we ultimately use based on that. So, I think it's imperative  
23 for us to have that report to give the final decision. And then, if we decide to approve replacement, then  
24 we have that additional information to help inform what will be the next decision which is which  
25 replacement we allow, right? So, it's important for both of those measures.

26 CHAIR ROSE: Other questions or comments? Okay. I think most of us are at least are aware of  
27 what our options are...I mean the request is obviously to move to final design review and approve  
28 replacement of the windows as being compliant with the Secretary of Interior standards, that's what we're  
29 being asked to do. I think there's the caveat that says, with more information, we can make a more  
30 informed decision, and my sense from the Commission is that that seems to be the tenor of our  
31 discussion. So, if there aren't any more questions, if there's no need for additional input from staff, I  
32 would ask for a motion for...to achieve whatever it is I think our consensus is, which is I believe what  
33 Bonnie said is a continuance until next month. So, I would entertain a motion to that effect. Margo?

34 CLAIRE HAVELDA: Before we get there, are you going to close the hearing before having  
35 viewed the window? I just want to be clear, so the record is clear.

36 CHAIR ROSE: My sense is that we have information that is sufficient for us to know that we  
37 want to continue the discussion and will arrive at a decision next month, but that...unless Commissioners  
38 have a different view, I don't believe the physical examination of the sample window changes the content  
39 of our discussion at this point. Should it occur that we have this discussion again, which I anticipate fully  
40 that we will, it may then be appropriate. And I guess my suggestion would be, in order for the viewers  
41 who may be seeing this online, to put the window in a place where it can be seen by the public as well as  
42 the Commission being able to go around and look at it. It will become even more germane if that's a  
43 decision that the Commission arrives at, that says we believe window replacement is appropriate, then it  
44 really will be appropriate for us to see what that window will look like. But, at this point, unless

1 Commissioners would really have some desire to parade over and look at the window, then I think we  
2 would just simply hold the discussion and await it. Margo?

3 COMMISSIONER CARLOCK: I'm sorry, I feel like somebody in second grade going call on  
4 me. I think that hauling that window was an extremely wonder gesture on the part of these folks, and I  
5 don't know if we...I mean, I imagine it's heavy and that it's awkward, and you know, bless you for  
6 bringing it. I would suggest that we all look at it now so that they don't have to bring it back next time. I  
7 just...I mean I really appreciate that you all brought that, and I definitely am planning to go look at it.  
8 But, I don't know...that's just my...

9 CHAIR ROSE: Unless I misinterpreted what Heather said, though, the concern you have is that  
10 the public is denied that same opportunity because they won't see it.

11 HEATHER JARVIS: My Chairman, that's not really my concern. My concern was how to make  
12 it part of the record...the overall record of the hearing, and I think the fact that it is...the window is here,  
13 and the Commissioners seemed as though they were amenable to viewing it today while it's here, that  
14 doesn't preclude the applicants from bringing it again, but they can bring it while it's here, and we can  
15 capture the window, and maybe even the size of it with one of you standing by it for scale, for the record  
16 in photographs.

17 CHAIR ROSE: My other concern, however, is one Commissioner is absent. And, we aren't  
18 providing the opportunity for all of the Commissioners to see that; that's why I'm suggesting another  
19 opportunity to look at it next time. I don't think there's any problem at this point with people going and  
20 looking at it now, I just think our absent Commissioner might very well like to also see it.

21 CHAIRE HAVELDA: and I would suggest, we can move it to the front of the room, that's not a  
22 problem. And then the separate concern that arises for me, if you have a missing Commissioner that  
23 wasn't part of this hearing, I think that's a separate issue.

24 HEATHER JARVIS: Mr. Chairman and Ms. Havelda, this is recorded, as well as minutes from  
25 that for that Commissioner to be able to review and get up to speed. And, whether its in the front of the  
26 room or the back of the room for the particular window, it will be captured in video and photographs if  
27 it's the front, or just photographs if it's in the back, for that Commissioner to view. And, that  
28 Commissioner would see it in person if the applicants were to bring it another time as well.

29 CLAIRE HAVELDA: I'm happy to move it to the front of the room. I hear your concerns about  
30 the public too, so happy to do that.

31 CHAIR ROSE: Okay. Well, I don't know...so we need to belabor this. I do think, however, that  
32 physically being able to really look at the detail versus what you might see on TV is a different situation,  
33 and in deference to Chris, who I think will have a real definitive interest, because I think he has a lot of  
34 devotion to Fort Collins and Old Town. So, I just don't want to have him be denied that opportunity as  
35 well. So, if the sense of the Commission is that you're going to continue, the decision will actually be  
36 made next month anyway. And so, that would be an appropriate time to, once again, look at the physical  
37 evidence. But, that's just my...that's my opinion. That alright? Objections?

38 COMMISSIONER GAINES: Yeah, I think that we'd all be okay either way. I do think it makes  
39 sense. It's a lot of work to, in general, participate in these hearings, and we apologize for the  
40 inconvenience, but I think it will make for a more successful hearing if we have the window back next  
41 month when we're all here. And thank you.

1 CHAIR ROSE: Other questions, comments? Margo?

2 COMMISSIONER CARLOCK: I was going to make a motion.

3 CHAIR ROSE: Okay.

4 COMMISSIONER CARLOCK: I move that the Historic Preservation Commission continue this  
5 item to the next meeting, scheduled August 21<sup>st</sup>, 2024, or such time as we are in possession of the window  
6 study that's been commissioned regarding whether the proposed work meets the U.S. Secretary of the  
7 Interior standards for rehabilitation.

8 CHAIR ROSE: Thank you, is there a second?

9 VICE CHAIR GIBSON: Second.

10 CHAIR ROSE: We now have a motion and a second. Is there discussion? Heather?

11 HEATHER JARVIS: I keep missing the button for my microphone, excuse me. The motion to  
12 postpone...it is...it can be debated only to the extent necessary to enable the Commission to determine  
13 whether the main motion to postpone, or whether it should be postponed. But I did want to clarify so that  
14 you all are...and everyone in the record knows that that's keeping the hearing open until the time certain  
15 that it is postponed or continued until. But, as far as debate, it would be limited to whether to postpone it  
16 at this time...is the limit on debate to that.

17 CHAIR ROSE: Questions? Are you ready to vote? Melissa, can we have a roll call please?

18 MELISSA MATSUNAKA: Yes, Mr. Chair. Carlock?

19 COMMISSIONER CARLOCK: Yes.

20 MELISSA MATSUNAKA: Edwards?

21 COMMISSIONER EDWARDS: Yes.

22 MELISSA MATSUNAKA: Gaines?

23 COMMISSIONER GAINES: Yes.

24 MELISSA MATSUNAKA: Gibson?

25 VICE CHAIR GIBSON: Yes.

26 MELISSA MATSUNAKA: Hull?

27 COMMISSIONER AARON HULL: Yes.

28 MELISSA MATSUNAKA: Woodlee?

29 COMMISSIONER WOODLEE: Yes.

30 MELISSA MATSUNAKA: Rose?

31 CHAIR ROSE: Yes.

32 MELISSA MATSUNAKA: Seven in favor, zero opposed.

1           CHAIR ROSE: Thank you. And to the applicants, as Jeff said, we are not trying to be difficult  
2 and recalcitrant. We understand how important this project is to you all, and I think to Fort Collins in  
3 general. This, as Jeff said, this is a true icon, and we don't want to make any mistakes. We want to do  
4 this right. So, hopefully a month's delay is just simply going to help us all do the thing right, and we  
5 commend you for your presentation and for your willingness to be patient with us as we reach a decision  
6 next month, thank you.

HISTORIC PRESERVATION COMMISSION

CITY OF FORT COLLINS

Held AUGUST 21, 2024

300 Laporte Avenue

Fort Collins, Colorado

In the Matter of:

201 LINDEN STREET (LINDEN HOTEL) DESIGN REVIEW (CONTINUED FROM JULY 17, 2024)

Meeting Time: 5:30 PM, August 21, 2024

Commission Members Present:

Jim Rose, Chair  
Bonnie Gibson, Vice Chair  
Margo Carlock  
Jenna Edwards  
Jeff Gaines  
David Woodlee

Staff Members Present:

Heather Jarvis  
Jim Bertolini  
Maren Bzdek  
Yani Jones  
Rebekah Schields  
Melissa Matsunaka

1 CHAIR JIM ROSE: We'll move on to our next discussion item, which is 201 Linden Street  
2 Design Review, which is a continuation of the discussion that was held on July 17<sup>th</sup>. So, first thing we  
3 will do, as we've said, the protocol is we will hear from staff, then we will hear from the applicant, then  
4 we will hear from the public, then we will just open it up. So, Jim, I think this is yours.

5 JIM BERTOLINI: Thank you, Mr. Chair. Jim Bertolini; I'll be giving the staff presentation for  
6 201 Linden Street. And, as you mentioned, this is a continuance of an item that the Commission already  
7 received information on in July, and so this staff presentation will just review some of that material from  
8 the July meeting, introduce some of the new information that's been added to the record, and also, in this  
9 case, include a staff recommendation for action.

10 As a reminder of the request here, this is to provide a final design review of the proposed request  
11 to replace windows on the second and third floors of the property at 201 Linden Street, the Linden Hotel.  
12 The primary question to answer is, do the project plans meet the Secretary of Interior standards for  
13 rehabilitation, and I should extend that to mention, do they meet the Old Town Design Standards adopted  
14 by City Council in 2014 to interpret those standards specifically for this historic district. And your action  
15 tonight would be to issue, issue with conditions, or deny a certificate of appropriateness for this request.

16 And so, just a little bit more detail and background here. So, the applicant is seeking to remove  
17 and completely replace the remaining historic windows on the second and third floors. The updated  
18 window study completed by Deep Roots Craftsmen is in your packet. That was completed in time to  
19 consider at this meeting; that was the primary reason the Commission chose to continue this item to this  
20 meeting...that was funded out of the City's Design Assistance Program grant funds. The primary  
21 takeaway that I'll call your attention to in that window study, and the question that it was attempting to  
22 answer, was whether or not the windows were in a condition to justify replacement, or if repair was still  
23 an option. As we'll cover a little bit later, the conclusion was they are candidates for either significant  
24 repair or replacement at this point, due to their current condition.

25 Just a little bit of background about the building...the history of window repair on this building  
26 that we covered last month. The last major rehabilitation...of this building was in 1994 to 1995; that  
27 basically did most of the restoration work that was similar to much of the restoration and rehabilitation  
28 work undertaken in the Old Town Landmark District over the 1980's up through the early 2000's, to  
29 bring it largely to its current condition.

30 Specific to the Linden Hotel, the question of window repair kind of accelerated...repair or  
31 replacement...accelerated in 2018 in relationship with interior rehabilitation and the conversion of the  
32 upper floors that were formerly hotel rooms into housing, and condo-ing out those housing units. The  
33 question at that time was similar to what you're being asked to answer tonight, which is the question of  
34 whether those windows are able to be repaired or if they needed to be replaced. The window study...the  
35 HPC did request a window study at that time to evaluate the condition. At that time, while there was  
36 some damage and modifications to the windows, they were considered reparable at that time. Since that  
37 time, in late 2023, one of the windows failed; the windowpane from the upper story crashed into the  
38 street. Poudre Fire Authority at that time ordered those windows to be secured. Currently, they've got  
39 extra coverings over top to keep the historic windows in place.

40 So, specific to the Linden Hotel, again, this is review from last month. This building was  
41 constructed in 1882, it's one of our, kind of, visual and historical anchors for the Old Town Landmark  
42 District. Just to run through some of the character-defining features, so those features that the standards  
43 call to preserve, just relates to its size as a three-story building, the brick and native sandstone on the  
44 exterior, the corner entry at the intersection of Walnut and Linden, double oriel windows, and the ornate,

1 decorative wood details throughout the building, the stone lintels and sills, and the half arches, especially  
2 on the second floor, and then the double hung wood windows on the second and third story.

3 A little bit about the historic designation. This was the city's third city landmark, designated in  
4 1974; that actually predates the Historic District designations for downtown by a couple of years, but it  
5 was also included in both the National Register and City Landmark Districts as a contributing resource, so  
6 there's a few layers of historic designation and historic significance to the property. Moving specifically  
7 to the issue of the windows themselves as a character-defining feature. They are frequently a character-  
8 defining feature for buildings, especially in this case where architecture is one of the standards of  
9 significance that it meets.

10 The reason that the standards focus on repair is not only because of the connection to the historic  
11 craftsmanship and the historic materials, but its also an issue of material conservation; that's an ethic  
12 that's kind of built into historic preservation going back to the National Historic Preservation Act in 1966,  
13 and then some of the subsequent studies that actually dealt with the topics of embodied energy and  
14 material conservation in the 1970's that we're now kind of revisiting with...in the 2010's and 2020's in  
15 relation to climate action and climate change. So, the question...the underlying principle there is that  
16 when we conserve materials and leave them in place, and repair and maintain them for as long as  
17 possible, that reduces the environmental cost of producing new materials that need to be replaced on a  
18 more frequent schedule. In many cases, historic windows can be retrofitted for modern operability, since  
19 usually modern operability is the historic operability they had. A lot of times they are either nailed or  
20 painted shut, and that just needs reversed. And they can be retrofitted to meet modern energy  
21 performance requirements in the International Energy Conservation Code; typically we do that with storm  
22 windows that provide that kind of second layer of glass that's important for that. But, and important thing  
23 that both the Department of Energy and the National Parks Service have stressed in this environment of  
24 historic building treatment with windows is a reminder that windows only account for about ten percent  
25 of a building's energy loss in most cases. That's part of why National Parks Service guidance in relation  
26 to the federal preservation standards really focuses on starting elsewhere for more cost-effective  
27 interventions to improve a historic building's energy performance. So, we usually talk about insulating  
28 the roof and attic space, insulating the walls if possible, and then kind of approaching the windows farther  
29 down the line if that intervention is necessary.

30 Obviously historic materials do wear out, so replacement does become a requirement at some  
31 point. Usually under the Secretary of Interior standards, and then how we interpret those with our local  
32 standards and the federal guidelines, we only approve replacement once repair is not possible or not  
33 practical; that's really the framework the guidelines set up. They do set up a tiered approach, so as is true  
34 of other character-defining features, the more visible, and therefore usually more character-defining a  
35 feature or a set of windows, the greater degree of concern for preserving the historic material over  
36 replacement tends to be...so, street-facing elevations tend to get more attention and more concern for  
37 preserving historic building...or preserving historic windows, whereas secondary elevations, alley-facing  
38 windows, tend to not be as much of a concern. And, of course, then the higher up in the elevation of the  
39 building you go, from first story, to second story, to third, there tends to be a little bit less focus as well.

40 Typically, the standards call...the federal standards call for replacement in-kind with some  
41 exceptions on dimensions, material, et cetera, especially when code requirements might force a particular  
42 direction, or it might be a less visible, or less character-defining elevation of a historic building, or, and  
43 this is highlighted in the City's Old Town Design Standards, if the historic material is no longer available.  
44 Typically we try to avoid wholesale replacement if possible, but circumstances vary.



1 I'll just review...these I won't spend as much time on...these are just reviews of some of the  
2 Commission's requests at the July work session, just to kind of remind you what your questions were last  
3 month, and some of the responses to that. The question on economic hardship, which again, in general,  
4 the City does not use economic hardship as a factor for most of its code requirements, not just historic  
5 preservation. Is it typical to specify window treatments on an elevation drawing or similar? Yes, but a  
6 window study is typically the level of detail that we need, and we now have a window study with that  
7 level of detail. Some other questions about how the ground floor window treatments were handled in the  
8 '94-'95 rehab. Similarly, there were some missing windows that had been infilled prior to that point;  
9 those were designed and kind of restored in-kind. So, if you walk across that street level, some of those  
10 windows that were recreated as part of that rehab are matching wood windows to match the historic  
11 windows that are right next to them in those street elevations.

12 Actually, I'll have to update what I have down below here, evaluating that June window quote  
13 that was provided in your July packet. That...we do have evidence that the windows need either  
14 significant repair, or that replacement in-kind is a reasonable approach here under the standards. So, I'll  
15 apologize for that error in the presentation. A couple other requests, just clarifying again that all the  
16 second and third story windows are being requested to be replaced with the clad...the metal clad product  
17 that the applicant is proposing. There was a question about what the residential units are selling for, and  
18 again, staff is encouraging you not to use that as part of your discussion since that's not a factor that's  
19 called out in the code as something for this Commission to consider.

20 So, moving to the continuance additions. You do have a significant number of additions to your  
21 packet that have been made since the continuance, some of those at the applicants' request or submission,  
22 and some of those at the Commission's request. Attachment number three are additional materials that  
23 were submitted by the applicant for your consideration this evening, largely that's rebuttal material from  
24 what the staff report includes. And then the subsequent attachments are really just flushing out the record  
25 of decision-making up to this point. And so that includes some materials from the 2018 back and forth,  
26 including Preservation Commission packets where this topic was considered back in 2018, six years ago.  
27 That's just to give you a...kind of bring you up to date on how this conversation has unfolded the last six  
28 to seven years.

29 So, as mentioned, the major reason for the continuance was to give the City time to engage Deep  
30 Roots Craftsmen to provide a third-party analysis. The conclusions from that report...that is an  
31 attachment in your packet...the conclusions from that report are that the windows are in need of either  
32 serious repair or replacement. It includes an analysis of several different options, including storm  
33 windows, full replacement, partial replacement, and then in the summary includes a recommendation for  
34 an approach. From staff's analysis, the window sashes are compromised and significant intervention,  
35 including potential replacement is warranted. The primary disagreement here is on the solution to address  
36 that. Staff is recommending what the recommendations are from the window study from Deep Roots  
37 Craftsmen, and the applicant is of course seeking a metal clad replacement product.

38 I did want to include an analysis of the potential for waiver of conditions just to kind of preempt  
39 that conversation. Staff doesn't feel that two conditions, one of which would need met for waiver of  
40 conditions to the code requirements applies. Hardship generally is not a factor with windows since most  
41 of our treatments are fairly straightforward, especially in this case where either a significant repair, or  
42 partial or full replacement is warranted. And then the other factor there that can be met is nominal and  
43 inconsequential. We've certainly asked the Commission to consider that before...in this case, staff's  
44 analysis is that that's not met considering what the Old Town Design Standards say regarding substitute  
45 materials, which they generally prohibit those unless the historic material is not available. Since wood

1 windows are still in common usage and relatively easy to manufacture, that doesn't seem to apply. And  
2 considering the past forty years of preservation work in the District, it really focuses on a more faithful  
3 standard to a pre-1940 setting for this historic district, and materials to match that. And so, for the most  
4 part, we've always required in-kind replacements to be of the same material that they are replacing.

5 So, staff's recommendation...I apologize for the length of the slide...but staff's recommendation  
6 is essentially what Deep Roots Craftsmen's primary recommendation that you'll find in their summary; I  
7 think that's pages nineteen to twenty-one of their report, I'm not sure what the packet pages are for that.  
8 And that's essentially options C and F; option C is a partial replacement of the windows, it would repair  
9 and stabilize the upper sashes retaining some of that historic material that's not really expected to  
10 function, and then replacing in-kind the lower sashes that are expected to move up and down and provide  
11 ventilation for those upper floor units. And then design and install a storm window over top of that that is  
12 an interchangeable screen and sash system...or screen and storm window system. So, and there's detail  
13 of an option for that that's also in the Deep Roots Craftsmen report. One of the important statements in  
14 that report indicated, as is commonly true of historic windows, that to achieve those energy performance  
15 requirements, an exterior storm window is recommended in this case. So, staff's recommendation is to  
16 deny the applicant's request, but in the interest of getting them a decision tonight, to instead approve a  
17 certificate for this recommended approach of option C with that partial replacement of the lower sashes,  
18 and then option F, which is to add that wood material storm/screen combination. Although we would  
19 note, especially considering the condition findings of the 2024 Deep Roots Craftsmen report, that full in-  
20 kind replacement is something else that would meet the Old Town Design Standards and does seem  
21 warranted in this case as a consideration if the Commission chooses to go that direction.

22 The Preservation Commission posed a few questions last week just to add to the record, one was  
23 to just clarify the treatment of what it would apply to. Based on Deep Roots Craftsmen's analysis, that  
24 treatment would apply to all of the windows on the second and third story, just consistently every single  
25 lower sash would be replaced as part of this if the Commission chooses to approve that approach.

26 Some clarification on the Old Town Design Standards based on that...just wanted to clarify that  
27 the Old Town Design Standards do allow for exterior storm windows, even on buildings that may not  
28 have had them historically. In those cases, they are just required to kind of meet the sash configuration of  
29 the historic window that's underneath them. So, the expectation would be a one over one storm window  
30 over top of the historic. Just...the glazing pattern should match.

31 There was a question on how the screen window operation would work, and again, there's an  
32 image...sample image in the Deep Roots Craftsmen report that shows that. I think it's fairly far down  
33 into that report. It's essentially an interior insert that you can pull in and out from inside the unit, so it's  
34 relatively easy. Inserts are a fairly common approach to meeting that functionality request...or  
35 functionality requirement.

36 There was also a request to build a matrix for the various options that are on the table here. One  
37 limitation that staff kind of elected for that was to exclude the pre-2024 information. The reason we  
38 decided to do that is because there has been a significant change in the condition of the windows. So,  
39 essentially, the condition assessments prior to this year aren't super relevant in this case; they don't reflect  
40 existing conditions that do indicate that either significant repair or full replacement is a potential approach  
41 here. So, the matrix you're seeing is the three...the two approaches the Deep Roots Craftsmen has  
42 recommended that meet all six of the factors that they were asked to take a look at, which includes safety,  
43 of course, keeping those windows up in the window openings, structural integrity, the exterior aesthetics,  
44 the historic integrity, which specifically relates to, does it meet the Old Town Design Standards,

1 operability, and then energy efficiency. And, at least from staff's analysis, we're finding that most of  
2 those...all of those requirements are met from their top two recommendations. The applicant's request  
3 does meet most of those, but again, because of the way the Old Town Design Standards deal with  
4 substitute material, like a metal clad product, that does not...those standards do not appear to be met in  
5 this case.

6 So, to close this out...again, your role here will be to assess the information you've received from  
7 staff, from the third party window study, and from the applicant that has their presentation queued up. I  
8 would also note that we do have Jon Sargent from Deep Roots Craftsmen here electronically...he's here  
9 virtually, so if you end up having questions when you get to that point in the agenda, do feel free to call  
10 on Mr. Sargent. And again, your task tonight will be to issue, issue with conditions, or deny a certificate  
11 of appropriateness. That concludes the staff presentation. I will at this time invite the applicant team to  
12 come up for their presentation; I'll need a moment to pull up their presentation for them. And I would  
13 note, I think they're potentially going to have one of the sample windows here, but there's a delay in  
14 actually getting that here. I'll let Ms. Havelda speak to that.

15 CLAIRES HAVELDA: I can just talk about that before we get started. Good evening,  
16 Commissioners, again, my name is Claire Havelda. Is that really loud for you? I can't tell...okay. I'm  
17 with the law firm of Brownstein, Hyatt, Farber, and Schreck. I am joined this evening by our expert,  
18 Mark Wernimont from Colorado Sash and Door. Unfortunately, our owners' representative, David Diehl,  
19 couldn't be here, he is ill, though his son and son's friend are trying very hard to get here with the  
20 window so that you can see it again this evening. What I would ask is that, when the window comes, if  
21 we could kind of pause wherever we are, if that's me, happy to pause, so that the Commission can look at  
22 the window and then those gentleman can take the window away again so they don't have to be here for  
23 the entire hearing. Thank you.

24 So, if you could go to...I think it's probably my third slide, you can move ahead to that. Am I  
25 correct in assuming that the Commission has had a chance to read the letter that I proffered and the  
26 rebuttal report from Mr. Wernimont? Okay, then I won't go into too much of a belabored presentation to  
27 that point.

28 What I do just want to make a quick record of is...I have some real concerns about the Deep  
29 Roots Craftsmen report. First and foremost, there is this continued narrative in this case, and it's a false  
30 narrative of meritless assumption that the owners failed to take care of this building, and that's why these  
31 windows are in such a state of disrepair. I would say that that is conjecture and speculation, and quite  
32 frankly one of the real reasons we had concerns about the Barlow report in the first place, and that what  
33 we have with Deep Roots Craftsmen is a report that tends to just parrot that narrative. What is most  
34 concerning is that for a report of the nature, where that concern has been flagged, there was no attempt to  
35 speak with the owners and get the real history of the state of the windows. So, I find that concerning. If  
36 they had taken the time to speak with the owners, they would know that there were virtually no pulleys  
37 left in the windows, most of the ropes were gone, well in advance of 2018 at the time that the owners  
38 purchased this building. The counterweights were not removed in 2018, I don't know where that  
39 information came from. And there was not a removal of significant historic material in 2018, and Mr.  
40 Wernimont has a visual exhibit and he will explain that in greater detail later.

41 The whole point in having a neutral expert was to have a neutral expert, not one that only looked  
42 at the 2018 Barlow report and failed completely to incorporate or review the 2018 Dohn report, which  
43 was the applicants' expert. The other concern I have is that, just on the very basic level, it was the upper  
44 sash that failed and crashed to the sidewalk, and we don't have significant recommendations for repair of

1 the upper sashes in this report. That is the true safety issue here. Yes, we absolutely believe that the  
2 lower sashes need to be replaced, but so do the upper sashes. No, I'm still on this slide.

3 I spoke about the failure to look at the other expert reports, which I believe would be best practice  
4 in the industry. There's also...I think it's the first, if not the first, the second page, first paragraph of the  
5 Deep Roots Craftsmen report, talks about and acknowledges that fundamental design flaw that we talked  
6 about last time in this hearing, about the fact that the windows are too small for their casings, and there is  
7 absolutely no analysis of that in the Deep Roots Craftsmen report. The other concern is that the  
8 recommendation for the tape balance system, and Mr. Wernimont will speak to this again...he is the  
9 expert, not me...but that is not industry standard for windows of this size, it's absolutely not. And so, that  
10 we find concerning, that that is a recommendation to the Commission. Could I have the next slide please?

11 The other thing that this report fails to do is to...one of our main concerns is operability, that goes  
12 to the fundamental property rights of the property owners, and how can we have windows that actually  
13 operate for safety reasons, just simply because as a homeowner, you have a right to open your window,  
14 and the government doesn't tell you...doesn't have the right to tell you, you can't. All this report says is  
15 that, if you do these massive amount of repairs, it will increase operability, but by how much? Two  
16 inches, three? The other thing is, when you talk about adding storm windows, I'm not clear on the  
17 product that Deep Roots Craftsmen is recommending, but they're incredibly difficult for windows this  
18 size, and at this second and third floor, to operate. And most storm windows aren't able to be opened.  
19 So, if you have fixed storm windows to meet your energy efficiency goals, you have completely negated  
20 the operability of the windows. It doesn't help me if I can open the window but the storm window is  
21 fixed shut. And I disagree with Mr. Bertolini...which, I have huge respect for him and the HPC staff and  
22 their expertise, and I don't want this to come across as if I don't...but Old Town Standard 3.11, and I  
23 went and looked at this after the last work session, Commissioner Rose, when you talked about, are we  
24 allowed to put storm windows on the outside of historic buildings? I think the plain reading of 3.11 is  
25 that if they did not exist previously, you cannot put them on now. And I want to be clear that the owners  
26 think that that would be visually damaging to the aesthetics of this historic building, and they don't want  
27 to do that. They have put a lot of time, energy, and money into this building, and it's very important to  
28 them how this looks aesthetically. You also don't have authority to tell property owners that they have to  
29 put storm windows on the interior of their homes; that's beyond your jurisdiction. So, when we take out  
30 the storm window from the analysis, you no longer meet the Climate Action Plan for the City of Fort  
31 Collins, or the energy efficiency goals that the owners want to see in this building.

32 I'm also concerned that this report, like the 2018 report, is devoid of analysis of how the repairs  
33 by themselves would meet the climate action goals, or how they meet the property owners' rights; it's  
34 completely devoid. And I think historic preservation staff made a point that while the climate action  
35 goals weren't in effect in 2018, even though the underlying policies were, well, they were certainly in  
36 effect when Deep Roots Craftsmen wrote this report, and we made a point of having that addressed at the  
37 last hearing. So, the repairs that Deep Roots Craftsmen is recommending simply do not meet the safety,  
38 they don't meet the climate action goals, and they don't meet the operability standards. If I could have  
39 the next slide please?

40 Finally, I understand that pinpointing price in this instance is difficult, but that's why we ask  
41 experts to help us with it. I found the Deep Roots Craftsmen analysis of the cost to be confusing,  
42 contradictory, and completely devoid of an inflation analysis, and it says that in the report. There's no  
43 inflation factor in here. There is no real assessment of what the cost of replacing or fully repairing the  
44 upper sash is, which is what failed in this case.

1 Mr. Bertolini had mentioned that he would be looking to the National Trust for Historic  
2 Preservation to support the point that repair was often less financially costly than replacement. I would  
3 simply ask you...I took a look at that report; it is based on residential, Queen Anne, fifteen hundred  
4 square foot buildings, which means the windows are less than half the size of what you're talking about  
5 here. And that report specifically states that window repair costs were not considered. They focused on  
6 things like storm windows, they focused on things like blinds that you could put in the interior of the  
7 home, the focus of the report was not comparable to the situation you have here. I think it was probably  
8 very helpful for homeowners looking to do some repairs on their windows; it is not applicable to this  
9 situation that you have in front of you.

10 Finally, I want to talk a little bit about the weight of the expertise in this situation. You know, we  
11 have the Craftsmen report that parroted a lot of the information from the 2018 Barlow report, and I'm  
12 sure that the owners of Deep Roots Craftsmen are very committed and very good at what they do. But,  
13 from a review of their website, Deep Roots Craftsmen has been in business for six years. Mr. Wernimont  
14 has been in business and doing this, and working in these historic contexts, for thirty years, and that  
15 means something. And I think that goes directly to the weight that you give each individual expert's  
16 opinion. At this time, I'm going to ask Mr. Wernimont to come up and go through the rebuttal report he  
17 put together. When he is finished, I have one final slide if you will allow me to go through it, and then  
18 that will conclude our presentation. Thank you.

19 MARK WERNIMONT: Good evening, Mark Wernimont again. I'm not going to go back  
20 through a bunch of the stuff that's in the writing that you have; I just want to take a few minutes of your  
21 time and talk about a little bit of the details and some of the proposals that are in the Deep Roots  
22 Craftsmen document that they put together. The first one is, that's a cross-section of the actual window  
23 sash on the project with the material that was removed. And throughout the Barlow report, and again in  
24 Deep Roots Craftsmen, was this indication that we took lots of material out of the sashes themselves. The  
25 true answer is that the sash on the side already had a plow on the edge of the sash for the ropes that were  
26 used at some point to support the windows. Yes, we did increase the size of those on the lower sash so  
27 that we could put the spiral balances back into the window. But, it's basically shown by the dotted line  
28 between...are the two sizes from sash to sash of the amount of material that we were taking out of it, so  
29 it's not like we took the whole side of the window sash off in order to make it work.

30 Same thing for the RDG panel. You can see in the outer pane where the glass is in place...the  
31 intersection shows the small section of wood that we've taken off in order to allow that sash to be in  
32 place. And to point out that on the upper sash, that's only taken out on three sides: the top and two sides.  
33 That same profile detail has been used in the windows that were done by my company in the Northern  
34 Hotel many years ago. It's also down in several schools in Colorado Springs, Denver, and in  
35 Walsenburg, same detail approved by the National Parks Service and funding by the federal government  
36 at this point.

37 In the Deep Roots Craftsmen...and I put it in my document...the first thing that they stated was  
38 the thickness of the sash, and that's what I had pointed to be the failure point of this window system since  
39 day one. I pointed it out in 2018, but I finally had somebody else that made the statement. In the Deep  
40 Roots Craftsmen's report, they're talking about installing an inch and three-quarter sash, if they do what  
41 they recommended, in a frame that was designed for an inch and three-eighths sash, which is all well and  
42 good; however, the sash that's failing is the upper sash, which is really what needs the material. So, in  
43 order to do the work on the job, you need to replace both the upper and the lower sash in the opening,  
44 which is one of their options to replace all the pieces. However, the sash thickness by growing by three-  
45 quarters of an inch is going to require that the interior sill be cut back three-quarters of an inch in order to

1 leave the frame and the brick mold in place. At the same time, the exterior sill, which is what keeps the  
2 water from coming back into the building, runs underneath the upper sill, and more than likely, that sill is  
3 going to need to be replaced in order to keep the water from coming back out of the building. So, doing a  
4 sash replacement, as they agreed, and doing it of a correct size, as they agreed, really doesn't work within  
5 the existing frames of the windows themselves.

6 Now, at the same time, we've heard a lot of talk about the different balance systems. Tape  
7 balances were developed to replace ropes and weights. They were designed to hang in a pocket where the  
8 old pulley was. The system that we're using today is because the only place that those weights, those tape  
9 weights, are used at this point, is that single application. What my company has attempted to do over the  
10 years is to look back at products from outside the historic restoration, but to use materials from the entire  
11 window industry to use on our products. The spiral balances that were used in this building are the ones  
12 that are used in replacement aluminum windows that are of larger size than what these windows are.  
13 Some of them may be a para-balance instead of a single, but we cannot do a para in this operation. We've  
14 used them successfully; there's not a reason that they wouldn't be used. And the replacement windows  
15 that we would be putting in place will use a spiral balance inside the window assembly. Now, that may  
16 be a difference between my background; I've had people point out at times I can equally argue all points  
17 of the restoration. I've done band-aid repairs, I've done individual parts and pieces, I've done full  
18 replications, and I've done full replacements, and can tell you all of the advantages to all of those.

19 What I've attempted to do with working with this owner is to try to give them the best product to  
20 make the building look correct and operate going into the future. I don't know if there's anything else,  
21 but I would be glad to answer any questions that you may have.

22 The costs...costs are costs. I used the numbers...when we put together our numbers, I used what  
23 my costs were back in 2016, I revised them in 2018, I've used them based on my cost of just doing the  
24 window restoration work for the Carnegie Building, the City museum, which we've just done. And we  
25 built wood storm windows for the inside of that structure.

26 And I do have something else I'll add back in a second as I forgot about it. Restoring windows in  
27 a small size with divided lights will always be cheaper restoration, day one, than buying a new product.  
28 Once you get to a larger sized window, and less divided lights, the costs are going to be significantly less  
29 buying the new product. Looking at where the repairs are going, and where the costs, particularly on this  
30 building, and here again, using a residential job as an example, we have to do any painting work on that  
31 building will require a permit from the City to close the sidewalk. There's a cost for that. There's a cost  
32 to bring in the equipment to get up to the third story of that building, none of which show up in a  
33 residential house or show up in the costs that you looked at for the comparison at this point in time.

34 If you look at our options, and I guess I would say that we have given the City both options in our  
35 proposal; we gave them a wood option, and Jim, if you would go to that next slide. The wood option is  
36 what was used on the alley side of that building; that's actually the sample that we had brought in to look  
37 at, and the sample that may still make it here this evening. I don't know that the owner is objectionable to  
38 using the wood product at this point in time, but the finish that's on that window, we have two buildings  
39 on CSU's campus in a light color that's pushing twenty years, and they've not needed to be repainted.  
40 The same windows are sitting in the REI flagship store in Denver, black finish, west-facing, large lights.  
41 They got eleven years before they had to address the paint, and they didn't have to strip it, they literally  
42 had to sand it and repaint it. So, there's some cost there, the owners realize that, but that's an option. We  
43 also have the aluminum clad windows sitting in the Auraria building on the old Tivoli structure, those are  
44 all aluminum clad, seven stories, profiles that match. They've got a thirty-year warranty on that building,

1 they don't have to touch it, and that's exactly what they were looking for. This owner is looking to  
2 maintain this building into the future, and that's what we've tried to give them as a solution.

3 On the interior storm window, as I heard the recommendation was as a panel with a removable  
4 piece of glass. You remember the window sample when it stood in the back of the room, so imagine  
5 picking up a piece of glass that's out through a twelve-inch deep opening, because that's how deep the  
6 wall is now that they've insulated it, go through the window, grab a piece of glass that's a little over  
7 thirty-seven inches wide, and almost fifty-four inches tall, and you're going to pick it up, bring it back  
8 through the opening, and store it someplace while air is ventilating in your unit. I don't know anybody  
9 that's going to do it. I have enough customers that don't like doing it on their exterior storm windows.  
10 We've done windows for the City that have a self-storing feature, we've done wood storms, we've done  
11 combination units, but the size of these things don't lend themselves to that.

12 And the last detail, if you look at it, is the aluminum clad section. And basically the only thing  
13 that changes...and I will say something, and it was in my document...there was a question raised at the  
14 last meeting about the structure of, or strength of, wood. Old growth wood is stronger, not a question.  
15 We can't buy much old growth wood. All of the windows that are being produced today, outside of  
16 custom craftspeople like myself, is not made out of solid wood, it's engineered. It is stronger than what  
17 the old growth wood is. Now, we're making it at our shop; I don't have the technology to really make the  
18 engineered wood products. I don't have the presses, I don't have the glue, I don't have the expertise, and  
19 I don't want it. But, if you're replacing the sash with a new piece that's wood we can buy today, it's  
20 really now that you just can't buy the wood we used to have, unless you can reclaim the stuff out of  
21 someplace else. Did I miss anything else. Okay.

22 CHAIR ROSE: Thank you. We will perhaps have questions, but I'd like the applicant to finish  
23 the presentation, and then we'll ask for public input, and then we will proceed with questions.

24 CLAIRE HAVELDA: Thank you, Mr. Chair. If...Jim...I think it's the second to the last slide, if  
25 you could move us forward to there. And just so the Commission knows, Mr. Diehl was texting me, and  
26 they are about fifteen minutes, I think at this point, out. That's the slide I need, thank you. So, we're  
27 working to get it here as fast as possible.

28 I want to leave you with these thoughts. The Historic Preservation Commission's defined  
29 purpose in 14.2 must be taken into consideration. It's not just the Secretary of Interior standards, it's not  
30 just the Climate Action Plan, it's your own governing documents. So, the first thing your 14.2 Code  
31 section says is that your job is to stabilize and improve the aesthetic and economic vitality and values of  
32 historic sites and structures. The Craftsmen report recommendation fails to improve the aesthetics by  
33 recommending the exterior storm windows. The Craftsmen report fails to improve the economic vitality  
34 of the historic site with what are, frankly, exorbitant costs. The replacement windows, which you will  
35 see, are visually identical from the street level to any passerby. These meet this goal.

36 The next goal, to promote the use of historical structures. I have to tell you that after seeing what  
37 the owners have been through with this building, it does not encourage people to purchase historic  
38 buildings. The next one is to promote and encourage continued private ownership and utilization of such  
39 sites and structures. You must take into consideration the private property owners' rights in this balance,  
40 including operability. You have to take into account their goals for environmental standards, as well as  
41 the City's, safety and exposure to civil liability like we talked about last time. None of these were  
42 sufficiently covered in the City's expert reports.

1 Finally, to promote the economic, and social, and environmental sustainability through ongoing  
2 use of the building. Frankly, the Craftsmen report discourages the economic and environmental  
3 sustainability when you're just looking at what they're talking about with repairs for the lower sash. The  
4 replacement, however, meets all those goals. And Mr. Bertolini had a nice chart up for you about what  
5 goals were met and what weren't. I would argue that the historic integrity is met by these windows  
6 because they are visually identical. When you talk about the materials, nobody is going to see the  
7 materials, nobody is going to be on the second and third floor of these buildings; they are residential, they  
8 are private. There is no jurisdiction to regulate the interior of these buildings.

9 So, in closing, I will simply ask that you...yes, you have to look at the Secretary of Interior  
10 standards. As we talked about at the last meeting, we meet the replacement standards. But your job as a  
11 Historic Preservation Commission is also to interpret the standards and interpret your governing policy  
12 documents, and you...I would charge you with a duty to read the Secretary of Interior standards, the  
13 historic preservation 14.2 section of the Code, the City's Climate Action Plan, in harmony. When courts  
14 look at various statutes and various codes, if there are two ways to read those, and one puts two statutes in  
15 conflict, and one reads them in harmony, the courts will always read them in harmony. You have the  
16 ability to read the Secretary of Interior standards, and your 14.2, and your Climate Action Plan in  
17 harmony by allowing for these replacement windows which are visually identical and preserve the  
18 historic nature not only of the appearance of this building, but protects it from the elements, and also  
19 meets those energy goals which are so important going forward into the future.

20 So, with that, I would renew our request for the certificate of appropriateness for the replacement  
21 windows. I would ask that our rebuttal reports and slides be incorporated into the record, I would thank  
22 you for your time, I would ask that you give us just a few minutes to get that window here. I think it's  
23 important that you see what we're talking about and the integrity of what we're talking about. And,  
24 again, I thank you for your time and your patience.

25 CHAIR ROSE: Okay, in deference to your request, I think I will proceed, but I'll ask for public  
26 input if anyone from the public, either present or online, would like to provide testimony. Melissa, do we  
27 have someone online?

28 MELISSA MATSUNAKA: No, Mr. Chair, zero attendees online have their hands raised.

29 CHAIR ROSE: Anyone online requesting to provide testimony? Okay. Anyone here in the  
30 audience that would like to address this issue?

31 KAREN MCWILLIAMS: Good evening. My name is Karen McWilliams; I am the former  
32 Historic Preservation Manager for the City, and I recently retired. I was on staff at the time that the  
33 earlier work...actually, I was on staff pretty much from the restoration of this building all the way up  
34 through 2020 when I retired. So, this building is designated as a landmark, it's designated as a landmark  
35 for its own right, an individual Fort Collins landmark. And it was designated because it's highly  
36 significant; it's significant for its history, but also for its architecture, and every part of that architecture  
37 goes into making up this building. So, it's very important to consider that this is not just a building that  
38 contributes to a district that gets support from all of the individual buildings that are all gathered together;  
39 this is a stand-alone landmark that is iconic and really a flagship in Fort Collins. This building has to be  
40 the most photographed and symbolic building of Fort Collins that we have.

41 Wholesale window replacement is not appropriate; it really chips away at the historic fabric of the  
42 building. And when you start getting into, oh, let's go ahead and replace this little thing here, they won't  
43 notice, and then pretty soon, you're chipping away at something else, oh, they won't notice. Pretty soon,



1 people notice, or you've got a building where you're saying, seriously, how much of this historic building  
2 is truly historic, and how much of it is replacement materials? And this building in particular, back in  
3 2018, there was concern about the front wall failing, of the brick on the front wall, and there was a  
4 proposal to take off brick and replace it with materials that were not even real brick. So, I mean, again,  
5 you can get to all kinds of issues by allowing changes to a building piecemeal. You have to look at the  
6 building and realize that historic fabric is significant in historic preservation codes and policies for a very  
7 significant reason. Now, with that brick on the front of the buildings, we insisted that they tie it back in  
8 and some systems where they did, and it works great. There's all kinds of solutions that can be  
9 approached that can save historic fabric. Sometimes it takes a little creativity, sometimes it takes some  
10 more effort to find the correct material, or the correct replacement, but it's important in these buildings  
11 not to treat them like run of the mill properties.

12 So, for that reason, replacement should be approved only when repair is not possible. Now, I've  
13 heard here that, according to a couple of different reports, repair is not possible. However, again, you get  
14 to the wholesale repair is not possible? I can understand replacing certain windows that have indeed  
15 deteriorated beyond feasibility of being able to be repaired, that it won't work to repair them. But, every  
16 single window on the second and third floor? Then, metal clad as a replacement material is never  
17 appropriate for an iconic historic building like this. Yes, it's on the second and third floor, so  
18 theoretically you won't really notice it, but in all honesty, you will notice it. There will be some damage  
19 that's caused to the buildings, the windows will get scraped, you'll see some of the metal flashing, or  
20 some of the metal parts of the windows. The details won't be quite the same. It's important to, again,  
21 retain the important characteristics of these buildings, and if you are going to replace them, replace them  
22 in-kind with the same dimensions, the same profile, the same material, not to just change things because  
23 it's more convenient.

24 Let's see...and then, finally, their attorney referred to Old Town Standards 3.11 about the storm  
25 windows and said that it suggested that storm windows were not appropriate if the building had not  
26 historically had storm windows. And when I look at 3.11, it says specifically, design a storm window to  
27 minimize its visual impacts. If a window did not historically have a storm window, place a new storm  
28 window internally to avoid exterior visual impacts, and use storm windows designed to match the historic  
29 window frame if placed externally. So, right there, they're saying either one could work.

30 This building, when we look at windows, we look at them as a unit, we don't sit there and think  
31 of, you know, oh, we've got work on the outside, that qualifies, work on the inside, they can rip it apart.  
32 It's very unfortunate that so much of this work occurred before, in 2018, without review and without  
33 approval, because that was not part of...okay, they were supposed to, by virtue of having a historic  
34 building, come to the Landmark Preservation Commission and staff and talk about what they were  
35 proposing to do, and get approval before they did the work. They didn't do that, and their failure to do  
36 that has led continuously to this problem today. And that concludes...

37 CHAIR ROSE: Thank you. We'll need you to come to the microphone.

38 CLAIRE HAVELDA: I'm going to object for the record. I know you're not used to hearing  
39 objections. I also note that that public comment was I think two or three times what is normally allowed  
40 by Council. The last comment is based on speculation and conjecture; it is not based on fact, and I would  
41 ask that it be struck from the record.

42 CHAIR ROSE: Well, since this isn't a legal proceeding in the sense that we know precisely how  
43 protocol is dictated here, I'll simply respect that comment and ask it be included in the minutes, but in

1 terms of being struck from the record, I think that will be at the discretion of the conclusion of the  
2 meeting in terms of the outcome.

3 I see that the window has arrived, so I think the appropriate thing to do, as soon as we  
4 reconvene...and my suggestion is going to be that we sort of do a hybrid sort of recess so that the  
5 Commissioners can all move to the back and look at the window. I also think it's important that  
6 somehow the window itself is able to be seen by those participating online and any who may not be in  
7 attendance. So, I'm not sure where we want to do that. But then once we've had an opportunity to look  
8 at the window, however logistically we do that, we will come back and I will ask the applicant to respond  
9 to the comments of the public, and then I will ask for our staff to continue in response to all those  
10 comments. Jim?

11 JIM BERTOLINI: Mr. Chair, just one point, one procedural point, or I guess two procedural  
12 points. First, it might be best if we close...if we see if there's any other public comment before closing to  
13 go see the window at the back of the room. And, related to that, this is part of the reason we took  
14 photographs of the proposed window product last week. So, if there are those who are not here in person,  
15 I can direct them to the packet page number for the packet that's posted online so they can take a look at  
16 that.

17 CHAIR ROSE: Okay. Yeah, I didn't see any other hands raised, so...oh...alright, Kevin, you  
18 didn't raise your hand before.

19 MELISSA MATSUNAKA: Mr. Chair, we have one participant online with his hand raised, Mr.  
20 Diehl.

21 HEATHER JARVIS: And, Mr. Chair...

22 CHAIR ROSE: Okay, I didn't hear that request before. I guess we have it now. Okay, so we will  
23 take...I think we will take the testimony from those in attendance first to follow the way its been going,  
24 and then we will ask the participant online to provide testimony. So, Kevin, please proceed.

25 KEVIN MURRAY: Sorry, I guess I didn't have...I put my elbow up, but I didn't put my whole  
26 arm up. Kevin Murray; I own a historic construction company in town, and have done a lot of work for  
27 the State Historic Fund throughout the state. I've been rehabbing windows I think just about as long as  
28 Mark, so we've known each other for quite a long time, and we've actually worked together a few times.

29 But, I want to just say that I'm amused that this is in front of you guys again. The first time I was  
30 involved in these was in 2005...oh, also wanted to say, I just saw Jon. I wanted to say that I thought the  
31 Deep Roots review for you was very well in-depth and I disagree that it was not done well. I don't  
32 think...I think it covered everything that a historic one should, and it did a really good one. And I  
33 wouldn't suggest that it's not worth reading; it's really good, in-depth.

34 I'm amused that this has come back to you again. In 2005, we looked at the windows for the then  
35 owner, Veldman Morgan, and we saw that they needed rehabilitation at the time. We went for...I think  
36 maybe it was City money, but it might have been Veldman's money, to rehab one of the windows putting  
37 weather strip and rehabbing the structure of the window, and after looking at that, the owner decided that  
38 he wanted to paint the outside and glaze the outside, and sell the building, because, and probably the cost.  
39 He didn't want to have to deal with it. But then, I also was involved in the 2018, and at that point, I'm  
40 kind of surprised because I think by 2019, the owner had decided that pretty much option B was  
41 something that they were willing to do. And I think the staff and the owner and the LPC at that time had  
42 agreed that option B would be what would be moved forward, and it didn't happen.

1           It sticks out to me that since 2005, maintenance should have been done on any wood window, and  
2 they are, at that point, over a hundred years old. And nobody seems to have moved forward with doing  
3 any maintenance, and if maintenance was done, they would be in better shape than they are today. You  
4 wouldn't have glass falling on the ground outside. That counts from the lower rail solely falling out, and  
5 maybe from rot or whatever. The old double-hung windows are made to take apart and be repaired. You  
6 can look online, I have a video where it shows you how to take them apart, how to replace them, how to  
7 fix them. The question of maybe not being thick enough...those one and three-eighths windows, which is  
8 standard for a double-hung, survived for over a hundred years without any problem. So, I'm not so sure  
9 that the idea that they aren't up to standards is more for a standard of a lower-grade wood than might be  
10 in a window today.

11           I wanted to also point out, I heard that people were worried about the energy efficiency and all  
12 that, and I think about six years ago, maybe longer, I worked with staff and Mark Wernimont to do a  
13 seminar with Utilities to work on what we could do to keep windows...historic windows...fit what  
14 Utilities was trying to get with energy code and all that, and you know, pick everybody's spot. So, I think  
15 you have a staff here that's working really hard at making that happen. And to think that...understand  
16 that they're not just making this stuff up. They actually have a lot of thought into it and they've done  
17 really good work on it.

18           Anyway, other points...I already talked about deferred maintenance, and I think it really needs to  
19 be done. If nothing else, something needs to be done right away. I think option B is the best. I know that  
20 option C is what the City has picked...the upper sash, if you repair it, it's the one that gets used less, so  
21 what's the problem here? The lower one, you should be able to repair it. The biggest problem is the  
22 things we've done in 2018 did remove wood, but I think as option B points out, that can be repaired. I  
23 think the Barlow report covers that well. I want to also point out that the windows were put in in 1994;  
24 they've already been replaced, and that's because they weren't as good. And so, keep that in mind too,  
25 that...in 247 Linden, we replaced a bunch of double-hungs that were put in in 1974. They just don't last  
26 as long as the older ones. When we do our old windows, we have old growth wood, we save a lot of stuff  
27 and we reuse it. So, I'm sure that other manufacturers do that too. So, I'd think about it, but I really  
28 seriously think that replacing the old windows can be done as a compromise, or to get along with  
29 someone, but option B would work just fine. Thank you.

30           CHAIR ROSE: Thank you. Now, anyone else present that would like to provide testimony?  
31 Seeing no hands raised, I will now go to our participant online. Go ahead, Melissa.

32           MELISSA MATSUNAKA: Thank you, Mr. Chair. It will be just a moment. He accepted the  
33 panelist's promotion, so now he'll be able to start his video and unmute himself.

34           DAVID DIEHL: I assume you can hear me okay?

35           MELISSA MATSUNAKA: Yes.

36           DAVID DIEHL: Okay. I'll spare you the video...I'm not feeling very well. But, wanted to  
37 comment, and I've been present for most that I can be.

38           I have no doubt that, like the Commission, the historic staff, and everyone else that's commented,  
39 everyone's well-intended on wanting the best for the historic preservation of this particular property, but  
40 nobody has been involved as the owners and as Mark Wernimont. So, we're getting lots of comments  
41 around things that supposedly happened at each stage, and nobody was there for the full amount of time.  
42 I have been, and I can tell you that historic preservation and following the steps was a priority, and we

1 made sure that that happened. So, the things that the owners are being accused of is frustrating. I know  
2 it's from a well-intended purpose, but simply is not accurate.

3 The other thing that bothers me in terms of some of the comments around these windows being  
4 repairable, and then thinking back to Claire's comments about reading these standards in harmony, is  
5 maybe consider the last time that the Department [*sic*] of Interior standards were updated, and I believe it  
6 was over thirty years ago. So, there's no anticipation of new materials, new processes, new abilities to do  
7 things that were presumed impossible at various stages along the way. So, take a present-day approach to  
8 the things that you're aware of, the experts that have been involved, and you know, weight most heavily  
9 the expert who's been most closely involved, and know that we all came at this from the best of intentions  
10 for historic preservation as well.

11 CHAIR ROSE: Okay, I think we got a little bit out of order here. We were going to allow  
12 rebuttal by the applicant, but we haven't received all the public testimony yet, because we were waiting  
13 for someone else online, I believe.

14 MELISSA MATSUNAKA: Mr. Chair, that was my mistake. There was no one else online; it  
15 was Mr. Diehl.

16 CHAIR ROSE: Okay, alright, then I think that's the order is restored I guess and we are receiving  
17 rebuttal from the applicant, which is really the next stage of this process. So, I'll open that up.

18 CLAIRE HAVELDA: Mr. Chair, might I ask that you have a chance to look at the window so the  
19 young men that brought it don't have to stay here for the rest of it. Is that alright?

20 CHAIR ROSE: Okay. I think what we will do is recess. It's 7:10; let's reconvene back up here  
21 at 7:15 so people can use this as an opportunity to view the window and anything else they need to do in  
22 that five minutes.

23 HEATHER JARVIS: Mr. Chairman?

24 CHAIR ROSE: Yes?

25 HEATHER JARVIS: We had talked last time about possibly bringing the window into here, into  
26 this area, because then it could be on camera.

27 CHAIR ROSE: Well, Mr. Bertolini said though, we have...we can do photographs, so if anyone  
28 hasn't seen it...but that's...Jim, I'll defer to you.

29 JIM BERTOLINI: Sure, if that works, I can just pull up the photographs we took at the July  
30 meeting, and kind of share those on the online session so that folks can take a look at that instead.

31 CHAIR ROSE: Okay. So let's reconvene now at 7:16.

32 (*\*\*Secretary's Note: The Commission took a brief recess at this point in the meeting.*)

33 CHAIR ROSE: We still have to have one Commissioner come back. Okay, now during the little  
34 intermission when we were at the window, there were some questions asked. And I think what we'll ask  
35 is to try to recollect those, rephrase those. I think the first question I asked is where does the screen go,  
36 and the response was...?

37 MARK WERNIMONT: On this application at this point, we're not proposing to put screens on  
38 the windows. We have suggested to the owners that if they do want a screen for the opening, that they

1 would raise the lower sash, install or use an expandable screen, which can be painted the same color as  
2 the building, raise the window up, install it under the sash, drop the sash on top of it, they have a screened  
3 opening. That way the exterior of the building doesn't get distracted by the screen or anything else in  
4 front of it; you see all of the detail to the window.

5 CHAIR ROSE: And I think we could assume there were no screens originally.

6 MARK WERNIMONT: No, there were no screens originally.

7 CHAIR ROSE: My other question, and then I think Jeff also had questions, had to do with the  
8 size of the check rail, the meeting rail, and that, it was pointed out, and I'll let you explain that.

9 MARK WERNIMONT: Yeah, the size...what you see looking at the window is what's referred  
10 to as the check rail, and that's the top of the upper sash...or excuse me, top of the lower sash and the  
11 bottom of the upper sash, where they lock or come together. The new windows, to meet the wind loading  
12 that's required, and have a place to hold the weather stripping, is bigger than what the original is, which is  
13 also the part that failed in the window, and we're off somewhere three-quarters, seven-eighths of an inch  
14 overall in thickness. But, we're talking three-eighths to a quarter of an inch over a hundred and four inch  
15 tall window. So, it's a pretty minimal piece.

16 There was a question raised as far as the size of the trim and the details...our distance from the  
17 edge of the brick to the edge of the glass on the other sides are all within a quarter of an inch of what the  
18 existing is. And as we were operating the window, I'd like to point out that that has the spiral balance  
19 system installed in those windows at this point.

20 There was also a question raised as far as operation of a double-hung over a single-hung. A  
21 comment that I made is that I could sell, or you can buy, a single-hung as easy as a double-hung, but I  
22 would always buy a double-hung so that if you ever had to do service work on it, you can do everything  
23 from the inside. The Poudre Schools actually has, I think, seven buildings with double-hungs in them and  
24 blocks to hold them in place until they have to service them, and that's where they went down their path.

25 CHAIR ROSE: Were there other questions that Commissioners asked during that time, looking at  
26 the window? Jeff, you had a question I think.

27 COMMISSIONER JEFF GAINES: Yeah, I asked just one other question, which was the lining  
28 on the head of the window.

29 MARK WERNIMONT: Yes, yes. The sample that we have here today has pieces that when you  
30 open the window that you will see that are beige in color. With this color, if it were put into the building,  
31 those pieces would be black, which is the same color as the inside of the window, so basically if you  
32 opened it, you would not see them.

33 CHAIR ROSE: Were there any other questions we need to have recorded?

34 COMMISSIONER DAVID WOODLEE: I have a couple questions for you really quick, not just  
35 about that window. But, I am by no means a window expert, so I'm going to ask you to potentially repeat  
36 something that you already said, so I'm going to apologize in advance. The tape balance system, am I to  
37 understand that that is more or less an appropriate solution only insofar as it being a retrofit for a  
38 weighted rope pulley system which has been removed from these windows. Is that correct?

39 MARK WERNIMONT: Yeah, and actually I'll give you a good analogy. The piece was  
40 developed to replace the pulley and the ropes which fail over time. I will also tell you it's almost

1 impossible to buy as good a sash cord today as I could have ten, fifteen, twenty, thirty years ago at this  
2 point. Sometime in the '50's to the '60's, they came up with this tape balance system. But, envision this.  
3 Take your Stanley sixteen-foot tape measure, recess it into the pocket of the window at the head, hood the  
4 end of it to your window sash on both sides, that's your tape balance system.

5 COMMISSIONER WOODLEE: Gotcha, okay. And, just a random note I just happened to  
6 observe...it said 201...the address was on the side of these windows, or this window, like a sticker. Did  
7 you guys already buy the windows for this project?

8 MARK WERNIMONT: We did, as was pointed out, that I think Karen alluded to, there were  
9 some windows...or Kevin did...there were some windows in the alley side of this building that were  
10 replaced sometime in the 2000's, somewhere in there. When Kevin? Alright, 1994. When the building  
11 was being worked on, those windows would not operate. Again, those were in the back side of the  
12 building and literally the same residential house style window. So, there were I think three or four, and I  
13 don't remember specifically because some went to aluminum on the back side in the alley, but there's two  
14 or three of those that were already installed in the project.

15 COMMISSIONER WOODLEE: Okay, gotcha, thank you.

16 MARK WERNIMONT: You're welcome.

17 CHAIR ROSE: Okay, now I think because there has been public testimony, we will give the  
18 opportunity to the applicant to respond, and then we will also ask staff to respond, then we will open up  
19 the floor for Commissioner questions and responses, and proceed from there. So, I guess I would ask the  
20 applicant then to respond to public testimony.

21 CLAIRE HAVELDA: And I just want to be clear. I was trying to pull up the historic design  
22 standards, so I may have missed it. Did we officially close public comment? Yeah? Okay, thank you.

23 Some of the public comment Ms. McWilliams made talks about chipping away at historic  
24 character. That is the furthest thing from what these owners are trying to do. These owners are trying to  
25 stay in visual conformity with the historic aspects of this building. They are also trying to take care of the  
26 structural integrity of this building. This idea that these windows were just fine up until just now  
27 completely ignores the fact that the building was scheduled for demolition and was about to...and was in  
28 such a state of disrepair that it was falling apart. It also disregards the fact that one of the walls fell down,  
29 and that's why those four windows had to be replaced, because the walls collapsed, likely because of all  
30 the moisture coming in. So, this ideas that these windows have been just fine for a hundred plus years is a  
31 fallacy.

32 The other thing, the idea of this slippery slope argument...I cannot imagine anyone who has  
33 followed the progression of the request to deal with these windows would think that the Historic  
34 Preservation Commission would allow carte blanche...an owner to just do whatever they wanted with  
35 these historic buildings. I think the guardrails that the City has with the Historic Preservation  
36 Commission are the strongest I've seen in perhaps any community. So I think that argument is false.

37 The idea that metal clad is never appropriate first of all prejudices the matter, second of all does  
38 not take into account the climate action goals, the environmental concerns, and the forward-looking  
39 nature that these owners have in terms of trying to take care of this building for the next one hundred  
40 years.

1 Three point eleven, and that's what I was trying to pull up, says, if they weren't on the outside of  
2 the building, you put them on the inside of the building, that's what it says. The implication being that  
3 you cannot put them on the outside of the building, or the end of that sentence would have been, this is  
4 how you put them on the outside of the building. I don't think the Historic Preservation Commission has  
5 the ability to regulate the interior of these buildings; they are residential, it is overreach. The client...the  
6 owners do not want storm windows on the inside of their homes, for all the reasons Mr. Wernimont talked  
7 about with how incredibly difficult it would be to remove that glass, and how incredibly dangerous it  
8 would be to remove that glass and have it fall to the sidewalk below. I think with that, I will...I know  
9 that there's going to be questions and more conversation from the Historic Preservation staff, and I want  
10 to make sure that I'm respectful of that time. Thank you.

11 CHAIR ROSE: Okay. And I'd like now staff to be given opportunity to provide any additional  
12 comments with respect to the testimony that's occurred already.

13 JIM BERTOLINI: Certainly, thank you Mr. Chairman. I will actually use this time to call  
14 attention to the fact that we do have Mr. Jon Sargent from Deep Roots Craftsmen who's here virtually to  
15 answer questions, and I'm actually going to give him the opportunity to make any statements relative to  
16 his report that he'd like to enter into the record since we've discussed that quite a bit. Before I give Jon  
17 that opportunity, the only additional statement that staff would make is just, in this case, we'd certainly  
18 cede the point that metal clad windows are approved on lots of preservation projects that the National  
19 Parks Service approves for federal tax credits; they're a pretty standard replacement product in  
20 commercial rehab environments. The main nuance that we would just reiterate for the record is that, for  
21 the purposes of the Old Town Landmark District, City Council has adopted the Old Town Design  
22 Standards...those leave a much narrower path to substitute materials than you would have say, outside the  
23 Landmark District for a different historic building in Fort Collins. But, with that, Jon, I'll go ahead and  
24 give you the opportunity if there's anything you'd like to say at this point about your report to clarify the  
25 record, I'll give you that chance.

26 JON SARGENT: Sure, yeah, and thank you to the Commission and to the City for having us  
27 involved; I really appreciate the opportunity. It's a fairly rare instance when you get several people  
28 involved in the window restoration industry in one spot, so I think it's overall a neat thing that the City  
29 has that at its disposal to have some people locally that really know what they're talking about. And,  
30 really enjoyed everyone's accounts.

31 Just a couple things I wanted to bring up in relation to our report. So, you know, we kind of  
32 wanted to provide a...basically just another voice in a broader, perhaps a broad lens to the situation...give  
33 a chance to bring in some of the aspects such as cost and environmental efficiency that might add to the  
34 record, but knowing that there's been a lot of previous studies as people have pointed out, and also  
35 recognizing that most of the people involved have a far, far longer involvement than we do.

36 So, I hope that the fresh perspective has helped a little bit to fill in some of the gaps. And I want  
37 to just highlight that even though we did take that broad lens, our understanding with this Commission is  
38 that the focus is really on the historic aspects of things. So, although the cost elements and sustainability,  
39 et cetera, hopefully can help to provide a different voice. The key points will be the historic elements.  
40 And, of that, you know, I hope that one thing that came through that we were trying to examine is that key  
41 question of, you know, are these current windows salvageable or not. And, we determined that, yes, they  
42 are. You know, obviously, there's still a variety of options on the table, but that should be certainly  
43 factored in that determination from a number of folks was that, you know, yes, they can in fact be  
44 salvaged should that be the route that folks decide to take.

1 Just one other note, too, you know, on any window product, the good thing to have at your  
2 disposal is any record of how long that's going to last. Beautiful thing about working window restoration  
3 is we kind of have the evidence in front of us at any given time of these hundred-year-old windows. So,  
4 hopefully the group is also gathering and weighing other longevity factors of any other options that are on  
5 the table, including replacement. And then of that same vein, you know, whatever happens at the  
6 building, we would hope that a side-by-side comparison would be conducted at some point, so, if a full  
7 restoration was something that was ultimately decided upon, I would think a mock up by someone in  
8 place would be a reasonable thing to have, just the way that you can look at that replacement window in  
9 front of you. It would be worthwhile, in our opinion, that you might have hands-on examples of each  
10 option as well. So, happy to answer any questions on our report, but mostly just really appreciate you all  
11 having us involved.

12 CHAIR ROSE: Okay, thank you. Jim, do you have any other input from staff?

13 JIM BERTOLINI: No, thank you, Mr. Chairman.

14 CHAIR ROSE: Okay, I think I will now open it to questions and comments, and expressions of  
15 opinions and however you want to bring those forward as Commissioners. If you need clarification, you  
16 can address the applicant, you can address staff, you can address the consultant, I think that's appropriate  
17 in any of these situations. At some point, we will close that component and then ask simply for  
18 discussion among the Commission. So, but at this point, I think your questions can be addressed to any  
19 of the parties that have addressed the Commission thus far. So, I'll just open it up and you can carry your  
20 questions forward.

21 COMMISSIONER MARGO CARLOCK: I have to confess that I'm a tad confused at this point.  
22 It seems like there's been a lot of discussion about energy efficiency, sustainability goals, climate action  
23 goals, and there seems to be various opinions on windows and, you know, they only contribute ten  
24 percent, but then they're this huge part of it...the old windows aren't as good as the new windows, but  
25 then again, the old windows are better than new windows. So, I would just like a little clarification on  
26 that, because I've understood that old windows are more energy efficient, and, no...I'm getting a no. So,  
27 I just would like some more clarification about that on both things. I know, sir, that you'll be speaking to  
28 the replacement window, and then perhaps we could have Mr. Sargent speak to the older versions, and  
29 kind of comparison...I mean, are we talking about a vast difference in energy ability, or are we talking  
30 about a fairly small difference? I just would like some clarification on that...not that energy efficiency is  
31 our number one criteria, or what we're supposed to be basing things on, but it is a factor.

32 MARK WERNIMONT: Let me preface this, in the document that I did the rebuttal to the Deep  
33 Roots Craftsmen, I did address that, and I actually put true numbers back to it. Part of my background is I  
34 was one of the board members for Colorado Preservation, Inc. I did window training sessions for  
35 probably five or six years at their conference, and have done them all over the state and talking about  
36 them. In energy performance you have with a window, two parts. So, let's talk about thermal  
37 transmission of heat through it. And I'm going to go back, and I want to use an R-value, because I think  
38 everybody is more knowledgeable with that. If you have a wall that has an R-value of twelve, because  
39 that's what the wall with the insulation and everything else is...

40 UNKNOWN SPEAKER: Would you please move closer to the mic?

41 MARK WERNIMONT: I can do that. I usually stand back because it gets a little loud, but I can  
42 do that.



1 So, if you have a wall that insulated to a value, call it an R-12, and you have, in this case,  
2 probably thirty percent of the wall is window, which is a little unusual, because if you look at this  
3 building from the outside, the space between the windows is bigger than the window, but not hugely  
4 different than the window. So, thermal performance going through the window is important. A standard  
5 piece of glass, nothing to it, just a piece of glass, ignore the wood because that's a small part of it, is an R-  
6 value of one. That's a true statement...you can check it in multiple standards you can get there. If you go  
7 to an insulated piece of glass, prior to all of the latest gases in the glass and low-E coatings and stuff on it,  
8 when it was first made, it's an R-value of roughly two. The space that's inside there does not have to be a  
9 sealed unit, but it just has to keep air from being pushed through it. So, if you've got a wind blowing on  
10 it from the outside or the inside, unless there's a hole, that performance is going to stay there. If you put  
11 the RDG panel on the window, which was done on this job, you get a roughly an R-value of two. If you  
12 replace it today with a new window that has the latest gas and the low-E coatings that you have out there  
13 that's available, you can get to an R-value of five, which is roughly a U-value of 0.20. The current City  
14 guidelines...and I may be wrong on this...is heading to a 0.23 U-value. It was at a 0.27, so here again,  
15 that's where the number is. We, at this altitude, lose some of that option because, unless the windows are  
16 made at this altitude, or made close enough, they cannot put the gas in the cavity and have it stay there. It  
17 basically gets forced out as you bring it up to this altitude. So, that's the first one.

18 The second one is the air and filtration going around a window, and I'm a strong proponent of  
19 storm windows on small applications where you can get to them and service them. The storm window on  
20 the outside has been tested to give you as much thermal performance as what the added piece of glass  
21 does, so you can get to an R-value of two with just the storm window. But, what you're really doing  
22 when you're sitting in your historic house, and the drapes are blowing, and there's dust on the window  
23 sill, and there's dust on the check rail, that storm window is stopping the air infiltration from the outside  
24 of the building; it never gets to the cavity. If you put the storm window on the inside, and you still have  
25 your ropes and weight windows in place, any air that gets by the brick mold, any air that gets by the  
26 window sash, ends up in the pocket for the weights that are there. So, it's instantly now in the wall of the  
27 house. You've stopped it from touching the blinds, but it's made everything around it cold. So, that's a  
28 nutshell, or as quick piece for thermal performance.

29 If the heat is going to rise...I've been in several programs, Kevin alluded to one of which...I've  
30 been involved with the efficiency works programs for window replacements, and I'm the first person that  
31 will tell you, if your house is cold, you don't spend the money on the windows. Heat goes up, insulate the  
32 roof. This building has already had that done to it. Next step is to make sure you don't have cold coming  
33 in from the bottom side of it; again, not the window side of it. Once you get all of those other factors  
34 done, the single best thing to do is to stop the air from going through the house so you don't have to  
35 constantly reheat the air that's in the house. Once you've got that done, that's the time to look at going to  
36 the insulated glass.

37 COMMISSIONER CARLOCK: And what is the R-factor on the window you're proposing?

38 MARK WERNIMONT: This one is going to be roughly and R-value of...let me make the  
39 transition...it's a 0.28, so it's going to be a 3.2 I think, roughly.

40 COMMISSIONER CARLOCK: Okay, thank you.

41 MARK WERNIMONT: No problem.

42 CHAIR ROSE: Other Commissioners? Jeff? What's that?

1 COMMISSIONER CARLOCK: I think that Mr. Sargent was going to respond to that question  
2 too.

3 CHAIR ROSE: You addressed your question to Mr. Sargent as well? Oh, sorry, I missed that I  
4 guess.

5 COMMISSIONER CARLOCK: That's okay.

6 JON SARGENT: Yes, I would agree with much of what Mark has said. So, you know,  
7 essentially with a well-installed and proper storm window, plus a fully restored window, generally  
8 speaking, it's about comparable. Sometimes exceeding, sometimes not quite as efficient as a modern  
9 unit, it really depends on the product itself. But, in general, as noted in our report, if exterior storms are  
10 an option, then we would see that as potentially a comparable energy efficiency as replacement, and that's  
11 again without knowing exact data on the ones that are being proposed.

12 CHAIR ROSE: You have other questions, Margo?

13 COMMISSIONER CARLOCK: If I understand correctly, what you said was that it'll be  
14 comparable...a repair would be comparable to the replacement, even without the storm windows, or  
15 depending on what was used in the repair?

16 JON SARGENT: It would be entirely dependent on the storm window, just as stand alone...

17 COMMISSIONER CARLOCK: Just the storm window?

18 JON SARGENT: Correct, stand alone. As a historic sash, it would be quite a bit lower energy  
19 efficiency than most modern double-pane equivalents.

20 COMMISSIONER CARLOCK: Got it, okay thank you.

21 CHAIR ROSE: Okay, other questions? Jeff?

22 COMMISSIONER GAINES: Yeah, a couple of questions for Mark. You mentioned on the  
23 option of replacing the sashes that the sill would have to be deepened...the water stop would effectively  
24 have to be moved back. Could you talk about how that's done a little more, and risks?

25 MARK WERNIMONT: Yep, I can do that. Jim, can you bring back up...you know which  
26 section I want? It would have been page ten. It's the cross-section that I drew, yeah. Yep, outstanding.

27 The key in the whole process, if you look to the left...yes...on the screen, if you looked at the  
28 piece to the left, the furthest out most piece is the brick mold that you see on the outside of the window.  
29 The piece that's behind it is referred to as the blind stop, and it's actually the frame that makes the pocket  
30 for where the weight goes. In the case of replacing the sash, and not replacing the frame, those two pieces  
31 stay in place as well as the jam liner, or the jam, which is the piece that the sash runs up against. So, if  
32 the blind stop stays in place, and if we use what their suggestion is to go to an inch and three-quarter sash,  
33 the upper sash grows by three-eighths of an inch. So, the wood piece that you see between the two sashes  
34 is referred to as a parting stop, that has to move three-eighths of an inch. To make the sashes line up and  
35 work correctly together, they both should be the same size, so now the interior sash grows by another  
36 three-eighths of an inch. So, that's where, when the window, the lower sash comes down to sit, and  
37 there's a normal rabbet, or a recess, between the bottom of the lower sash and the interior sill to keep  
38 water and rain from being blown into the structure, usually the distance is three-quarters to an inch in  
39 height.

1 If we bring that back, we are now opening up the sill that goes to the outside, which is not a  
2 continuous piece that goes all the way to the inside as the interior sill does, would need to be replaced so  
3 that you don't have a chance of getting water back into the brick, and water back into the brick which was  
4 what was causing the brick to fail back when they started this structure, and Karen talked about how they  
5 repaired it a couple of different directions. Does that make sense?

6 COMMISSIONER GAINES: So the sill would be replaced?

7 MARK WERNIMONT: The sill...the exterior sill on the outside sill...and you have to remember  
8 that that's down below everything. So, the jam sits on top of that exterior sill, the blind stop sits on top of  
9 it, the brick mold sits on top of it, so it's got to be carefully cut out on both sides, removed, new piece put  
10 back in place, then sealed, and then the new sashes put back in place.

11 COMMISSIONER GAINES: Thank you. I guess I'll ask you one more...well, if we don't mind  
12 switching around...Jon, does that...is that the way you'd see it too?

13 JON SARGENT: Not quite. So, part of why we had kind of proposed that one option might be to  
14 replace the lower sash would be to keep the upper sash as inch and three-eighths and not have to alter the  
15 parting stop channel, or parting stop at all, and then make the adjustment since it would be a custom  
16 fabricated lower sash, make any adjustments needed on that. For instance, that three-eighths of an inch  
17 could be basically just rabbeted out of the bottom side of that lower sash to still engage that...kind of  
18 wrap that interior stool, or maybe it could be modified. So, it's certainly not black and white, I'm not  
19 saying it's not without its own design challenges, but I would not see it as something that would rule out  
20 the possibility of being able to go with the thicker sash there.

21 COMMISSIONER GAINES: And if both sashes were to be replaced with inch and three-quarter  
22 at that point, would that be beyond the ability to...

23 JON SARGENT: Mark is definitely correct in that that scenario would create some significant  
24 complexities there from a design standpoint. I mean, there's still some adjustments that could be made,  
25 that the sash could potentially be rabbeted out to kind of wrap around, partially around, the blind stop. I  
26 think some of those details would be something that, if the City wanted to see further details on that, we  
27 can certainly provide. But, no question that if the upper sash stays in place as it is, it would simplify  
28 things.

29 MARK WERNIMONT: And the only piece I would add to what Jon said, we thought about that a  
30 lot. The main reason why I'm of the opinion that the upper sash needs to be replaced: that's the piece  
31 that's failed. So, I don't know quite how we rebuild the lower sash and repair the sash that has failed and  
32 let glass hit the street. Just my opinion.

33 COMMISSIONER GAINES: Next question, while you're there. So, on the replacement side, so  
34 replacing with a new manufactured unit, what are the things that could go wrong and not be done right?  
35 What are the risks?

36 MARK WERNIMONT: Well, the pieces that we've done with windows in this area is we know  
37 the window openings aren't square, and that needs to be planned for ahead of time. Typically when we  
38 do these with either the metal or the aluminum clad...prime example is we just finished doing the  
39 windows at 247 Linden Street, we did the same double-hungs. Those were not historic windows in the  
40 opening; we went back to something that was correct for the opening. We did those with the aluminum  
41 clad. But, the brick mold profile we used was three inches wide so it allowed us to put the window square  
42 into the opening so that the window would go up and down and operate as it should, which then also

1 minimized the caulk and the sealant that needs to be used between that trim and the window. One of the  
2 advantages of the aluminum system...and here again it's like we talked at the meeting thirty days ago, the  
3 exterior painted finish is going to look virtually identical whether its wood or aluminum at this point in  
4 time...is that with the aluminum, we get an opportunity to use a nailing fin behind that trim because the  
5 aluminum trim is actually a profile. And, Jim, if you'll bring up that section three? And I don't  
6 remember if I had the brick mold in that profile.

7 The advantage is with that is on a new window you see installed in all the new homes, your frame  
8 is maybe a three-quarter inch dimension, and they'll put a trim board or run the siding to it. There's  
9 actually a nailing flange that's back about an inch and a quarter behind there. Doing the aluminum clad,  
10 we can actually set framing so that that unit is done and sealed and installed, and that follows the  
11 guidelines that we have to follow for the efficiency works programs in order for the residents to get their  
12 rebates back. But, that also then allows us to put the brick mold onto the window after its installed, and to  
13 do a second seal behind it. So, here again, if we plan the job and prep the opening correctly, we're  
14 probably going to set most of these windows from the outside, and then seal as we come back through the  
15 exterior. So, we're doing as much as we can to help keep it from deteriorating.

16 If those processes aren't followed, if the anchoring system that needs to go through the frame into  
17 the brick because there's only wood blocks every two or three feet, we're probably going to have anchors  
18 to hit the wind loading of probably sixteen to eighteen inches based on the size of this window. So, it's  
19 going to be the right blocking with the right anchoring into the old brick before the window ever gets to  
20 the opening, and then it's setting the window in correctly and anchoring and sealing it correctly. So, yes,  
21 there are pitfalls.

22 COMMISSIONER GAINES: Do you foresee needing to oversize the brick mold?

23 MARK WERNIMONT: I would always oversize the brick mold so I have the ability. It may end  
24 up that it's two, or an inch and seven-eighths on one corner, and it may be an inch and seven-eighths up  
25 here, but I may have to be two and a quarter on this corner, and the same thing on the opposite side. So,  
26 that's...I'm trying to build in the ability to make sure that the window operates and seals and does what  
27 it's supposed to.

28 COMMISSIONER GAINES: Thanks. And then, Jon, do you see any risks to the building from  
29 replacing the windows? Are there pitfalls you see?

30 JON SARGENT: You know, I think you make up a good point, from any scenario, you know,  
31 there's the systems that we have on paper and then there's the, you know, workmanship and execution.  
32 So, you know, with any one scenario, any of these systems are largely dependent on them being installed  
33 correctly. You know, I don't know the inner workings of how these replacements go in. I know that we  
34 see quite a few other replacements that have to modify the existing openings, whether that's removing the  
35 blind stop, almost always I see removing the pulleys and weights, that's already been done. So, I don't  
36 know if other alterations would be required to put these in that might be further irreversible changes to  
37 what's there; I really can't speak to that.

38 COMMISSIONER GAINES: Thanks.

39 CHAIR ROSE: Other questions? Margo?

40 COMMISSIONER CARLOCK: Since the, kind of the proposal that seems to carry the most  
41 weight for replacement at this point is talking about keeping the upper sashes and replacing the lower

1 sashes, and you mentioned the failure of the upper sash with the pane hitting...how many of those  
2 windows failed on the two floors? I'm just curious.

3 MARK WERNIMONT: At this point in time, I'm aware of one, I think there may have been a  
4 second, but the glass didn't hit the street. And when I went through and did my review of the windows, I  
5 saw two more check rails that we probably didn't repair or restore when we did the last work that need to  
6 be done.

7 COMMISSIONER CARLOCK: Okay.

8 CLAIRE HAVELDA: The owners' representative just texted me, he's watching, he said at least  
9 three.

10 COMMISSIONER CARLOCK: Have failed? Okay. And is that an instance, and this might be a  
11 question for both of you, where if we did come down on the side of repair, that you could repair  
12 those...either repair those that have failed, or are in the process of failing, understanding that you'd have  
13 to examine every one, or replace in like material those that are failing. Is that what I'm understanding  
14 would be the process?

15 MARK WERNIMONT: Well, doing nothing is an option.

16 COMMISSIONER CARLOCK: Well, I don't...I'm sorry, go ahead.

17 MARK WERNIMONT: No...and I appreciate the comment. When we did the windows in the  
18 Brown Palace Hotel, which have sidewalks on all three sides, and windows that go nine stories, they had  
19 similar condition where glass hit the sidewalk, they had similar conditions where they had check rails that  
20 were failing. They came back and said that since they were a hotel, they could make all of the windows  
21 fixed and it really wouldn't be any different than any of the other downtown hotels. At that point in time,  
22 fixing sash, putting them shut, putting a storm window on the inside, would all be an option. They didn't  
23 choose that, they actually went down a different path, which was unusual that we actually had sash thick  
24 enough that we were able to put a metal cladding on the outside, since it did not have putty glazing on the  
25 outside, and we put insulated glass back in the units themselves. They decided to go down that path.

26 If landmark wants this owner to go back and address the sash, the question is, we don't know, as  
27 Kevin asked me specifically, what part failed. Was it a window piece that was done with a wood dowel,  
28 or wood pin, like the original sash? And the answer was, yes, it was. Because I was curious to find out  
29 why it failed as well. I don't know which ones are going to fail. I know which ones are starting to bow, I  
30 don't know how to get to circumvent what might happen with the sash other than get to a point that we  
31 eliminate the piece that has been the problem over the length of time of these windows, and that really  
32 comes down to the upper sash. I don't know if I answered your question or not, but...

33 COMMISSIONER CARLOCK: I think so. I wasn't...when I used the word fix, I wasn't  
34 necessarily meaning fix it in place, I meant repair if it's the bottom...

35 MARK WERNIMONT: The problem is the piece that failed was not the bottom check rail, it was  
36 actually the side style where the dowel pin and the wood, where they were connected, failed.

37 COMMISSIONER CARLOCK: Alright, and then I would ask the same question of Jon.

38 JON SARGENT: Yeah, in terms of that failure, that's the most common failure that we see at that  
39 joint of the upper sash meeting rail. I will say that it wasn't explicitly called out in the report, but those  
40 upper sashes should be addressed. And I'd have to check again where that was noted or not noted, but I

1 would say absolutely, you know, no matter what is done on the building, there's I think five windows that  
2 we had called out that were likely full rail replacements. If those upper sashes are getting repaired, that's  
3 found in the window inventory. So, if going down the restoration route, essentially the glass will be  
4 pulled, the component would be replicated, and that joint would be reestablished, so that's the process  
5 that we would take on those five units there.

6 CHAIR ROSE: Okay, other Commission questions? Jeff?

7 COMMISSIONER GAINES: I was actually...I realized my mic was on and I was going to turn it  
8 off, but if I can ask some more questions if no one else wants to go. So, I know that cost, hardship, isn't  
9 supposed to be our focus here, but there's just so much information here for us to consider. I guess I  
10 would like to just know what the costs are for wood replacement windows versus replacement or  
11 extensive repair, whatever it takes to make both the upper and lower sashes right.

12 MARK WERNIMONT: Well, if you were to do that, if you were to take my rebuttal, it has a  
13 breakdown in there of what I had put together for the replacement costs. Those are numbers that we  
14 could go under contract for today, for either the aluminum clad or the wood version of that, either one of  
15 them are there. The numbers that I put back on the maintenance of the wood, which I addressed, and I  
16 think I put, I think, \$40,000 on my number so it took it out to the thirty-year timeframe, made sense. But,  
17 if you look at what I did with the numbers from Deep Roots, if you take their numbers and you add the  
18 storm windows to their options, and you decide you're going to replace both sash, that number is in the  
19 document. And I'd hate to tell you that...I can't remember all of the numbers at this point, but they're  
20 there. My recollection was the number with the storm window over thirty years with the work was like  
21 \$540,000. The new wood windows, with money to repair it, was \$280,000, and if I remember correctly, I  
22 think the aluminum clad was like \$230,000.

23 COMMISSIONER GAINES: And what portion of that cost is the storm windows?

24 MARK WERNIMONT: Their storm window cost was \$163,148 for thirty years, and I had to  
25 generate that number off their document to get to that. So, if you look at the restoration without the storm  
26 window, they still aren't at the cost of the new windows, and they have an R-value of one window sitting  
27 in the opening.

28 COMMISSIONER WOODLEE: I just thought of this too, so there's no real way to predict how  
29 long a product is going to last insofar as the window that you're proposing you use for this replacement.  
30 But, just theorizing here for a moment, if we consider the type of failure that has been documented on the  
31 original existing windows that are made of wood, that I don't think by anyone's stretch of the imagination  
32 is probably a type of deterioration that anyone could probably come up with and assume would happen.  
33 With your windows that you're proposing, what are the implicit failures that could happen? Do  
34 they...we've talked about clad aluminum, there's some engineered wood, there's obviously glass. What  
35 parts of those windows are subject to, and like really in the long game here, corrosion, rot, dry rot, glue  
36 delamination, everything that you could think of...what does that look like?

37 MARK WERNIMONT: Well, you heard the comment that there were windows in this building  
38 that were replaced because they were failing that didn't last that long. I would state explicitly, I think I  
39 know what the manufacturer was, but I don't want to do that because I'm not a hundred percent sure, but  
40 that window company is no longer in business. The company that I'm representing with this product, and  
41 I have sold to Kevin Murray, which was here earlier, on other projects, is done by a company that's now  
42 been in business for seventy plus years. We've been distributing their product for thirty, but we have  
43 windows in this area that have been here over fifty years that we're still servicing today. So, to me, that's

1 a pretty good indication of how they built their product. And, honestly, that's why I've chosen this  
2 product as our main product line for years. Not that there aren't any better out there, it just is a good  
3 product.

4 If you look at the window, realistically, you should, with the new ones, may have to replace some  
5 weather stripping over a ten-year period of time, that's potentially a given. The insulated glass has a  
6 warranty of twenty years at this point, we have more glass that has gone past that point than has failed  
7 since I've been selling the product. So, I think that's a reasonable expectation. But, that's also a product  
8 that's readily available; it's not going to go anytime in the foreseeable future. The balance mechanisms  
9 that they're using in the windows, I can still buy for those windows that are fifty years old. I can't say  
10 that that's true of all manufacturers, and I can't say that that's going to be true fifty years from now on  
11 this product. So, if I use what I know and I've seen, I would say, reasonably, thirty to forty years without  
12 a question that you're not going to need to do anything to it. The stance that I take with restoration-wise,  
13 if you maintain the windows, and we've restored them correctly the way that they should, and you do the  
14 painting on them as they need it, and as this building needs to be done probably every five to seven years,  
15 potentially you will have to do some renovation or rework of the sash probably within thirty years. I  
16 think that's a number that's similar in the Deep Roots stuff where they talked about it. And, over the  
17 hundred-year period of time, you may have to have done that twice.

18 I was asked not to put this in my report, but if we could use lead-based paint again, we  
19 would...yes, I am so sorry...we would have windows, if you look at some of these old barns and stuff  
20 that are around here that were painted with stuff that had that longevity, it would last longer. The paint  
21 finish that we put on the windows that's there now was the top of the line acrylic latex that Sherwin  
22 Williams sells, not the generic residential house spray at fifty feet and hope it sticks, it was you know, at  
23 that time, probably seventy to eighty dollar a gallon paint, and it lasted five to seven years.

24 COMMISSIONER WOODLEE: Okay, thank you.

25 MARK WERNIMONT: You're welcome.

26 CHAIR ROSE: More questions from...Margo?

27 COMMISSIONER CARLOCK: I think that, at some point, and I think it might have been you  
28 mentioned that a tape and balance system, which is what is proposed for repair...or the repair or  
29 replacement, is not appropriate for larger windows, that it doesn't...it fails more often, or isn't as easy to  
30 open and close, I'm not sure. Could you expand on that a little bit, and then maybe have Mr. Sargent  
31 answer?

32 MARK WERNIMONT: And here again, it comes down to different products that we've been  
33 involved with or looked at over a period of time. I've worked and installed tape balances. There's only  
34 one company left making them at this point in time. They're limited on their size and weight capabilities  
35 just because they are not used in any other application that's out there. My experience with it is...I used  
36 the analogy of the tape measure...if you use it and it gets caught, they rip on the edge fairly easily, and as  
37 soon as that starts, it usually will fail. So, I've tended to go towards the spiral balances which are still  
38 being used by other manufacturers and made by multiple companies, and something that's a serviceable  
39 item going into the future. And I hate to say this today, but the window hardware suppliers that I used to  
40 buy all replicated hardware and handles and locks and all that happy stuff, don't have a tenth of what they  
41 used to have twenty years ago; it's just not there.

42 COMMISSIONER CARLOCK: Thank you.

1 MARK WERNIMONT: You're welcome.

2 COMMISSIONER CARLOCK: And, Mr. Sargent?

3 JON SARGENT: Yeah, so on the tape balances, I'll be honest, we have limited experience with  
4 that system. You know, similar to the spring balance that you rarely see except for these retrofit  
5 situations. I know that both systems I think were used in historic systems from the start in some  
6 instances, but I would say both are more commonly seen in a retrofit situation. As noted in some of the  
7 previous reports, and also noted in ours, that, you know, one of the challenges here with those cavities  
8 being insulated going back with weights would be a lot more intensive. It could be done, but it would be  
9 quite intensive at pulling off elements to get back into the cavities, and kind of rebuilding the cavities.  
10 So, you know, what's been proposed is an in-kind replacement. No question it would be, you know, more  
11 on the innovative end of things in terms of something that you don't see very often. And there again, too,  
12 I think it would point to the suggested recommendation that, you know, if that was something that was  
13 going to be pursued, having an actual mock-up in place would be something that I would think would be  
14 worthwhile.

15 COMMISSIONER CARLOCK: I'll follow up. Is there another system other than the tape and  
16 balance that could be used if you were going to repair according to option C, or replace according to  
17 option B? I mean, with wood windows.

18 JON SARGENT: That would...you know, I think the only other option that comes to mind would  
19 be going back with the weights, but again, that would be cutting open the jams, removing the insulation,  
20 rebuilding those jams, and then going back with the original weights and balances...weights and pulleys.  
21 So, the most historically accurate, but also not represented in our report in terms of cost, but it would be  
22 substantially more cost and effort.

23 MARK WERNIMONT: One other...well, an option that would be on that size of windows, if you  
24 go into most commercial applications, they didn't have ropes, they actually had chains. That would  
25 probably be a better solution based on what that is. But the idea of going back into the weight pocket, is  
26 the pockets were also used...not only insulated, but there was actually wood added inside of that to help  
27 stabilize the wall, the masonry wall, on the exterior. So, I don't think that removing the insulation and the  
28 framing to go back to a rope, or chain, and weight system would be a good solution in this building. It's  
29 not every opening that had that happen to it. Particularly the six windows on the corner, where there's  
30 three windows together on each level, the window frame is actually holding that floor system in place.  
31 So, yes, I know way too much about this building.

32 CHAIR ROSE: Other questions? I have just one in particular, Jon, for you, in terms of  
33 recommendations. The difference between option D and E, one is to fully replicate the window, to build  
34 a new one precisely like what's being removed, one is a manufactured window, if I understand it  
35 correctly. What we've been presented this evening, however, is a window that is very similar to what's  
36 being removed. So, I'm wondering really what's the distinction between those two as far as you're  
37 concerned?

38 JON SARGENT: Just in the verbiage may not have been the best, but by manufactured, basically  
39 just saying more of...from a more common, I guess, larger window corporation versus a smaller shop, or  
40 a custom shop building custom all-wood windows. So, the replacement windows proposed, those would  
41 fall under...D...let me just make sure...E...sorry, option E. And one thing to note there too, one error  
42 that I spotted in the report prior to this meeting. On the cost page it says \$10,000 to \$120,000, that was  
43 mean to be \$100,000 to \$120,000. But, also, that was without knowing anything about this specific



1 product. So, in terms of the actual cost of those replacement windows, the information that Mark has  
2 provided, it sounds like, would be the accurate look at this specific product. Again, we didn't have any  
3 knowledge of what windows were proposed, and so that was more of a placeholder for a modern  
4 manufactured window by a larger corporation.

5 CHAIR ROSE: And I guess, in terms of the proposal to simply rebuild a precise replica window  
6 that's just exactly like what's taken out, then we still have the problem with energy conservation because  
7 that would be a single glazed window that would then require some kind of storm sash. So, it seems to  
8 me, those are so close that the comparison between the two can be...is a pretty fine distinction, but maybe  
9 I'm missing something.

10 JON SARGENT: Just one thing to note there, too, a part of the notion of kind of suggesting that  
11 maybe that lower sash would be replicated as an inch and three-quarter, one through there as well, again,  
12 just kind of trying to think outside the box, was that those could then more aptly carry an insulated pane  
13 versus an inch and three-eighths which is very difficult to retrofit with a dual-pane glass, and whether that  
14 would be acceptable from the historic standpoint is obviously a whole other topic. But, if going with a  
15 thicker lower sash, the thought was that it could be possible to get that dual-pane glass. You wouldn't  
16 have...you still would have, you know, the insulation value of just a single-pane window up top without a  
17 storm, obviously, but there might be ways to improve on that lower sash.

18 CHAIR ROSE: Okay, thank you. So, does anyone want to share your impressions and how  
19 you're planning to proceed with a motion? I guess one thing I would like to say, and I don't want to bias  
20 the conversation here...I don't believe exterior storms are a solution because I don't think they preserve  
21 the character-defining feature that we have in these windows. The upper sash and the lower sash are at  
22 different planes, and so when you look at these windows, you see they're at different depths. And if you  
23 put a storm window over the top, you've lost that because it's simply one plane. I also believe that that's  
24 really not a very efficient way to deal with the issue because of the mechanical issues of, if people choose  
25 to have ventilation, I think they are going to encounter some difficulties.

26 So, I have serious reservations about the use of storm sash, and I still believe that the Old Town  
27 Design Standards made that suggestion for good reason, because I think it does change the overall  
28 appearance. And, many of the allied storm windows that are cited are both interior and exterior. I happen  
29 to be familiar with Monticello. Monticello uses interior as well as exterior storm sash, and I think that  
30 may be a solution, but I don't think it's explored here in any depth. So, I have concerns about that as a  
31 recommendation, so I...however we proceed, I wouldn't support option F simply for that reason.

32 VICE CHAIR BONNIE GIBSON: I agree...I agree, I don't think storm windows are the way to  
33 go. I also don't think wholesale replacement is the way to go. You know, Karen's statement of, once you  
34 start to remove the historic fabric is true. Once we start getting rid of things, a little bit here, a little bit  
35 there...in addition, Council is correct that there's enough guardrails that, you know, they are not going to  
36 go willy-nilly, but once that historic material has been removed, it's not going back in. And how many  
37 more iterations are there going to be of replacements to historic properties, not just this one, that were left  
38 without much of the original fabric.

39 Yes, the Secretary of Interior standards can be read a certain way. The Old Town Design  
40 Standards are very clear in 3.9 where it says replace with the same material. And so, I would be more  
41 interested in, okay, let's identify the ones that need to be replaced, no repairs of those, and replace them  
42 with in-kind, let's go with a wood window, not clad, but a wood window, and then they'd be checked  
43 regularly, and if other things...you know, if they need to be replaced prior to something going wrong, and  
44 they are posing a safety issue, then they can be replaced. But, to replace them all at once because three of

1 forty-one windows failed, that's not a good statistic for me; that doesn't hold the weight that I want it to  
2 for a full-scale replacement.

3 CHAIR ROSE: David?

4 COMMISSIONER WOODLEE: I have to agree. The actual task with which we're charged with  
5 doing is, I would argue, in the name of the Commission: Preservation. If it came to the conclusion of all  
6 experts involved, from all people that we're consulting on this, that it would be impossible to repair these  
7 windows. Specifically to your point, in my head, this obviously is so much information to digest, but in  
8 my head, I was thinking it was the majority of the windows that pose a safety risk, that pose an  
9 operational standpoint...and not to say that I don't empathize with the applicant and their efforts, and  
10 their intent to kind of get ahead of what could potentially be coming for an already aging generation of  
11 windows. That being said, I just don't necessarily see the reason as kind of a blanket solution to replace  
12 all of these windows with a wholesale option when, unless its completely impossible to do, repairing is  
13 still on the table.

14 I don't necessarily disagree though, however, with the applicants' point of view insofar  
15 as...because I actually don't know the answer to this insofar as where we have a conversation of  
16 windows, yes, they are in fact a character-defining feature, but what's the literal threshold of a window?  
17 Right? To say that you have to go into the building...you have the right, rather, to suggest that the City  
18 has any weights on saying, no storm windows are a solution on the inside. I kind of empathize with them,  
19 because I'm not a hundred percent clear on where the threshold is of what is the window to say that, no,  
20 you really should put them on the inside. So, that's kind of muddy, and I'm just bring that up just to kind  
21 of throw that out there, that I genuinely empathize with that point, but again, if they're repairable, I just  
22 don't see that a blanket replacement is the option.

23 CHAIR ROSE: Jeff?

24 COMMISSIONER GAINES: So, for me, I think the...start with the knowns I guess, for myself.  
25 I agree, I think storm windows would not be appropriate. I think aluminum clad replacement windows  
26 would not be appropriate. In terms of the...a piece of this is how piecemeal the solution is, whether its  
27 repairs of...or replacement of sashes or replacement with manufactured windows. I really think there is a  
28 concern with this building being living units and to do this process piecemeal and just replace the known  
29 problems as they occur, I think is a real concern for the owner, and the last thing that we want is a  
30 situation like what happened with the piece of glass falling last year. So, I guess I'm a little less  
31 concerned about being really restrictive about doing the process piecemeal. And for me, it's just the  
32 question of whether it would be appropriate to replace with a new manufactured unit. I mean, at a certain  
33 level of repair, if you're talking about replacing both of the sashes, and then if you do talk about like  
34 putting double, you know, insulated glass in the sashes, it starts to just seem absurd to say, to do that and  
35 not just go ahead and replace with a manufactured window.

36 So, I almost feel like you've got to just set the energy piece aside, because I think that replacing  
37 the existing sashes with insulated glass seems kind of absurd. I think storm windows aren't appropriate.  
38 So, for me, I guess the energy piece gets set aside, and you know, it's about whether new manufactured  
39 windows would be appropriate as an in-kind replacement. That's all my ramblings...just kind of train of  
40 thought.

41 CHAIR ROSE: Jenna, it's your turn.

1           COMMISSIONER JENNA EDWARDS: So, this has been a lot of information to take in, I think,  
2 and so I'm trying to reconcile all of the expert opinions, even the unadvertised expert opinion we had  
3 sitting in the audience randomly for another request. So, I guess I don't think...I agree, I don't think the  
4 storm windows, the exterior storm, is an option we should pursue. I also tend to have a lot of concerns  
5 about the manufactured aluminum clad replacement, like, en masse, like we just replace everything with  
6 that. I'm also sympathetic to the piecemeal repairs are not advantageous for a person that owns basically  
7 a residential building where they have people living there. So, you know, waiting until it fails every time,  
8 and then doing repairs, to me, does not seem a cost effective or beneficial for a property owner. I'm  
9 tending to lean more towards replacement in-kind so they have to do their best to replace with the  
10 appropriate materials as the windows currently are, so we're still keeping kind of that native structure, and  
11 those native materials. So, allowing them to do a full replacement if they wish, but doing it with the  
12 appropriate materials, not letting them do an aluminum clad.

13           So, that's kind of where I'm landing at the moment, though that's not to say...that's not the final  
14 decision I don't think. It's very tricky. I guess for me, it's hard because the applicant came with one  
15 option, like it was like, we want this, and then I'm not even sure how we pursue if we tell them, that's not  
16 the option, because they didn't come in wanting to do repairs or...so like, I'm not even sure what the  
17 process is after we...if we say, no, we don't approve this option...I mean, we can give them other options,  
18 but I'm not sure the applicant's even...they didn't come with multiple proposals, right, so I'm not sure  
19 what the next steps are after that even, or if they even want to pursue other options, but that's just kind of  
20 where I'm landing right now.

21           CHAIR ROSE: Okay, Margo?

22           COMMISSIONER CARLOCK: I guess I must have missed it; I was looking through here, but I  
23 thought that the proposal, or the alternative to the proposal, was not necessarily piecemeal, but to go in  
24 and replace, you know, restore the upper sashes and replace the lower sashes on all of them...is that not  
25 correct? Is it going to be done just like the first five, and then a year later a couple more if they are going  
26 bad, or...I'm unclear on that.

27           CHAIR ROSE: Well, I think in part, the distinction is that not every window is in the same  
28 condition.

29           COMMISSIONER CARLOCK: Right.

30           CHAIR ROSE: And so, I think what makes it piecemeal is you have to evaluate every single  
31 window, and a strategy has to be developed to be appropriate to every single window. That's why I think  
32 it is piecemeal. It really does involve a kind of logistical evaluation of all of the second and third story  
33 windows, and so it's...it involves being able to look at each one rather than developing a solution that's a  
34 kind of template that's used everywhere.

35           COMMISSIONER CARLOCK: I guess I thought that I understood from last month, I thought  
36 that particularly the lower sashes...that the damage that was done in 2018...that it was the same thing  
37 done to all the windows, so all the windows would be in the same situation, wouldn't they?

38           CHAIR ROSE: Well, but I think not all of them...and the upper sash are what failed, so you  
39 know, the idea to repair those means that you have to look at each one and see what condition they're in,  
40 if they're to be retained. So, I think that's part of the distinction. But, you know, I don't know if staff  
41 have more to say, or anything, so...

1 COMMISSIONER CARLOCK: Can I just ask...what was...in the staff recommendation, were  
2 you looking at replacing a few, and then a few, and then a few, or were you looking at replacing all of  
3 them?

4 JIM BERTOLINI: Both the staff recommendations and the applicant proposal are all, across the  
5 board, one time repair.

6 CHAIR ROSE: So, it's one operation, but it's with each individual window it being a slightly  
7 different approach potentially.

8 COMMISSIONER CARLOCK: Right, I understood that, I just didn't think I was hearing  
9 piecemeal, and to me...a couple here, and then maybe a year or two later, oh, these are starting to go, so  
10 let's do those...

11 CHAIR ROSE: Our definition of piecemeal may be pretty broad...

12 COMMISSIONER EDWARDS: I think it was because some could be replaced...some are so bad  
13 they need to be replaced, and some need to be repaired. I think that was what the piecemeal was.

14 COMMISSIONER CARLOCK: Okay, that's just my own...

15 CHAIR ROSE: Okay, any other parting comments? I guess, Jeff, I'd like to just sort of piggy-  
16 back on what you said. I think I have some of the same concerns with the similarity of...if you're going  
17 to replace with something that's still virtually new, and you don't do that in a way with a preassembled  
18 manufactured product that's going to be far more receptive to a kind of quick installation and suit the  
19 owners' needs, I think, a great deal more quickly. I really...I question whether there's a sufficient  
20 distinction to merit one solution which is to really try to do a very careful restoration by reconstructing  
21 with new material, versus using a manufactured product, which I think we've been shown is very similar.

22 I agree with everyone's comments about a clad window. I think what we...in conformance to  
23 what I think the SOI is saying to us, is it should be painted, but that's the sample we saw tonight. And so,  
24 I guess my inclination is to replace with the manufactured unit and not worry about storm sash and how  
25 we're going to mitigate the problem with energy. I think that's the most serious concern I have with what  
26 you mentioned, Jeff, is setting aside energy conservation. If each one of those residents pay their own  
27 energy bill, and they have a U-value of one over thirty percent of their wall area, I think it's going to have  
28 an impact, and I don't think that's conforming to some of the other things that we are as a Commission  
29 directed to uphold. So, that's kind of where I am.

30 COMMISSIONER GAINES: Yeah, I'm thinking about, you know, why would it be acceptable to  
31 do a wholesale replacement with manufactured windows here and not on the next building. And I  
32 think...I think the keys to me are the...I think that Jon Sargent echoed the concerns that we've heard  
33 from Mark about the depth of the sash, the one and three-eighths profile being kind of inadequate for a  
34 window this size. So, it's the existing construction being a concern, and it's the size of these windows;  
35 they are huge units. And, I think that if we had another building where you didn't have these kind of  
36 inherent concerns with replacing what's there, I might feel differently. But, I guess that's really a factor  
37 that tips the scale.

38 I think whoever is confronted with having to do this work and stand by it...you don't want them  
39 to be in the position of being worried about, you know, working with something that's not really  
40 necessarily the best practice. And it feels like to change that for both the upper and lower sashes, you're  
41 starting to make major changes to the windows to replace the sills. And, there's just a point where even

1 though I feel like it's a really important building for us, and that would be the right way to do things,  
2 it...just for me, personally, it starts to feel a little absurd to just mandate it, that that's the way it has to be.

3 CHAIR ROSE: Any final thoughts? Anyone want to be brave and make a motion?

4 COMMISSIONER CARLOCK: Oh no, but I do have some final thoughts. I understand what you  
5 both are saying, but I also take to heart the concept of the slippery slope that...and especially since this is  
6 such an iconic building. I mean, this building of all should be, you know, preserved. And, I am not as  
7 concerned about the energy and the loss of heat and cooling of the windows. I've got over a hundred-  
8 year-old windows in my house that have never been replaced. You know, they're just as tight as they can  
9 possibly be, and I understand that...I mean, my windows are big, they're not just little windows, but  
10 they're not as big as this thing. So, I can understand that there is differences in that respect. But, I just  
11 don't see that it's going to be that big of a factor. I don't think that, at least in my mind, and from my  
12 decision, I am not going to consider...I'm not considering the energy part of it, because I just don't think  
13 it's that different. I just don't think the difference is that great to warrant completely changing the historic  
14 fabric of the windows, of the building. That's just my opinion.

15 CHAIR ROSE: Yeah, I guess looking at the future life of the building, I'm not as married to  
16 saving all the fabric as I am looking at, over the next fifty years how much energy will be consumed as  
17 we're still going to be reliant upon sources of energy that aren't doing us any favors in the front range. I  
18 mean, how many days have you dealt with an air quality warning? I just think climate is a big issue, and I  
19 think it's a big enough issue, we have to fold it into this consideration.

20 COMMISSIONER CARLOCK: I agree that climate is a big issue, in general, you know, like for  
21 society. I just don't think that these windows are going to make or break. I also don't think that...you  
22 know, we've been told that it's only...windows only account for ten percent. Now, these may account for  
23 more because they're very big and they're fairly close together, as we talked about, but I still don't see  
24 that as a factor that would alter my opinion. As much as I am in favor of climate control and everything, I  
25 just don't see where this is the hill I'll die on.

26 COMMISSIONER WOODLEE: Is it possible then, because I'm hearing like every different side  
27 of this. Just as a suggested compromise then, because I don't wish to...I don't think any of us do, want to  
28 be an obstruction body that is holding their arguable reasonable building improvement project hostage. Is  
29 there, in anyone's mind, again, whether this is just discussion, or if this is out of order for how we  
30 normally proceed. Is there any possibility that if we are in somewhat of agreeance where, okay, these  
31 specific windows maybe don't jive with how everyone is feeling this should go, and you have to do a  
32 kind of, quote unquote, piecemeal approach to replacing these in the future, coming back with a more  
33 appropriate style, construction, material, and obviously color, window. Is that something that would  
34 make sense to everyone? Is that how you could see this going?

35 COMMISSIONER EDWARDS: I would prefer for the applicant not to have to come back in  
36 front of us. So, if we said, you know, the window that we looked at tonight, maybe not the right material,  
37 let's go with an in-kind, and they then work with staff, that they not come...they not have to go through  
38 this process again, is what I would hope for.

39 CHAIR ROSE: I guess I would have to have a lot more clear definition of in-kind because, to me,  
40 if its replicating the windows that are in there, it's going to be an energy hog. And if we don't agree on  
41 storm windows, we're just putting something similar to basically be in the same 19<sup>th</sup> century solution that  
42 we now are confronted with different problems. And that's why I guess I'm saying, okay, well let's solve  
43 that problem, let's put in double glazing. Well, then you have something inherently different, it's not in-

1 kind. And so, that's the reason I say...and it's a default position, it's not ideal. None of this is perfect.  
2 It's just that, I think being able to rely on something that's already marketed, is tested, and can be  
3 installed as a single element, gives me a lot more confidence than trying to simply do something just for  
4 the sake of...and I think the mere fact that this is second and third story windows can give every bit the  
5 impression that it fits with the 1872 building, or whatever the construction date was. I just think it's  
6 pragmatism on my part, I guess. It's just saying, do what's going to work best.

7 COMMISSIONER WOODLEE: Another question then. So, there's been several comments  
8 about specifically, oh, this building is iconic, it's this, it's that. Are there other instances where this has  
9 come before the Commission that we've had to have this kind of consideration of energy consumption  
10 loss versus preservation of historical materials that anyone can think of to just kind of draw example  
11 from?

12 COMMISSIONER CARLOCK: I can remember cases where it was brought up as an aspect, but  
13 to my recalling...and Jim, I think you've been on longer than me, I've never heard it be the deciding  
14 factor. It's something that's...

15 CHAIR ROSE: I don't recall that we've ever had a criterion that was specifically focused to, well  
16 what's the energy consequence? I think we've had discussions where that's been part, but it's never been  
17 a determinant I guess is what I'm thinking.

18 COMMISSIONER WOODLEE: I have one more comment then. So, this is how I see it. We're  
19 making a decision to keep something that is a character-defining feature to the building, of which my  
20 original thought is that I would love to see them get repaired. And in my mind, when I fix something,  
21 whether it's on my house, whether it's on my in-laws' house, my parents' house, whatever, at work, I try  
22 to always leave it better, more functional, cleaner, whatever, than the way it was either designed or that I  
23 found it because it's broken and now I have a chance to do something with it if I am so bold enough to try  
24 it.

25 I guess the way that I see this now, then, considering specifically the energy consumption and  
26 loss factor, is whether or not this is officially how historically our decisions are looked upon and as.  
27 What is our decision going to look like in fifty years if, again, the discussion is of climate where it's like,  
28 why did we say no to an energy efficient window which potentially, as far as I'm to understand is vastly  
29 superior insulation-wise and infiltration-wise than what's already there? How is that going to be  
30 perceived? Is this the right decision to...at what juncture do we say, okay, it's close enough and we're  
31 entering into a new era of climate conversation that this needs to be considered, and that kind of can sway  
32 the decision to permit this.

33 VICE CHAIR GIBSON: Like Margo said, I'm all for climate. Climate is doing horrific things on  
34 historic materials. We're not the Energy Commission, we're the Historic Preservation Commission. And  
35 yes, we need to take climate into account; it's part of our fabric that we've had on our work plan for the  
36 last couple years. For me, historic materials and preservation of the historic properties and character-  
37 defining traits and such of a building...I mean we all want a historic window to be amazingly climate  
38 efficient, right? That would solve everything. But, that's not where we're at. I put weight into both, but  
39 sitting on the Historic Preservation Commission, I have to put more weight into the preservation of a  
40 historic property and what is best for the fabric of the property.

41 COMMISSIONER CARLOCK: I think I would also maybe quibble a bit with the term vastly  
42 better, vastly different, energy savings, because I just don't think it's going to...and I'd love to hear staff,  
43 or Mr. Sargent, or you guys, but I just don't see where it's going to be that vastly different. Like I said, I

1 have over hundred-year-old windows myself that are just single pane, you know, nothing big, but we have  
2 never had an issue with any drafts or anything coming in. They've never been repaired until just recently  
3 we made it a little more operable because years of paint got into it. But, I just...we don't...we have very  
4 low heating and cooling, we open up our windows at night, we close them in the morning, and we don't  
5 use air conditioning even on these ninety degree days. There's just not...so, I'm having a hard time  
6 seeing that as the big boogey man that, you know, maybe it is, and I just happen to be a very, very lucky  
7 homeowner. But, you know, I just don't see where...yes, that would be...there would be an improvement  
8 in energy, just like modern windows are more energy efficient, but I don't see that the improvement in it  
9 would be a factor that would make me just say, oh yes, we've got to go with the manufactured window.

10 CHAIR ROSE: Yeah, I wouldn't say it's even the most important factor. I think the litany of  
11 challenges that Mark has cited, and that Jon has cited, suggest to me that this is not going to be an easy  
12 job to do if it's done with any of these solutions. It seems to me to be most prudent to do it in a way that  
13 can be done with some kind of industry tested means, and deal with, as Jeff said, with the sill issue. I  
14 mean, some of those stone sills are deteriorating, so you've got to deal with how you're handling some of  
15 that. The stool on the inside is nonexistent in most places, at least from the photos we have.

16 So, you've got a lot of other things to deal with, and it just seems to me, do it in the way that  
17 gives you the best result with the least possibility for failure. And you know, if I were doing this job, I  
18 guess that's what I would want to try to achieve, as you said, David, to try to get the best result, and it's  
19 imperfect because, as you said, Bonnie, you lose original fabric. And, you know, it's not reversible in the  
20 sense that you can put that fabric back in. So, there's some things about it, but there's also a reason that  
21 the Secretary of Interior standard says, sometimes window replacement is the solution. So, that's where I  
22 come down.

23 COMMISSIONER EDWARDS: I'm not going to make a motion, but I want...this is an aside  
24 comment. There was discussion in some of the rebuttal reports and things about that like...that the  
25 owners were being cast as villains, and I want to be perfectly clear that I commend them for taking on this  
26 amazing property and for trying to do what's best for the property, because everybody knows that  
27 property. And so, I don't want anybody to think that they are being, you know, villainized. And I  
28 appreciate they're keeping that building; I love that building. I just think it could be done another way.

29 CHAIR ROSE: Are you tired yet? Jeff?

30 COMMISSIONER GAINES: Well, I think everyone knows how I'm personally coming down on  
31 this. I can go ahead and make a motion, but I think just for the sake of discussion. Energy efficiency, I  
32 feel like we can set aside. I mean, assuming that the windows are, if they were to be repaired, assuming  
33 that they are all properly repaired and sealed up, I think that's going to be a huge improvement on the  
34 leaky windows. And you've got the benefit of, you know, not having the embodied carbon from the new  
35 manufacturing process from the new windows and all that. I think there's a stronger argument for the  
36 new windows in the long run being more energy efficient. But, I feel like its not a huge swing between  
37 them, and I think it would be legitimate to just set that aside and just kind of narrow in on, do we feel that  
38 the window unit we saw, a new wood replacement window, would be appropriate for the building, or do  
39 we feel that the hand-crafted nature of the current windows is a character-defining feature, and they need  
40 to be repaired, sashes replaced as necessary? I think that's what it comes down to. So, I can make a  
41 motion, but I'm curious if anyone has anything to say on that.

42 CHAIR ROSE: We may have all said our piece, I don't know. Any other final comments before  
43 Jeff's...well, and we'll discuss your motion once you've made it, so...

1 COMMISSIONER GAINES: Okay, well I'll go ahead and make the motion. I move that the  
2 Historic Preservation Commission approve the plans and specifications for the window amelioration on  
3 the second and third floors of the Linden Hotel at 201 Linden Street as described in the applicants'  
4 proposal for the wood window unit, finding that the proposed work meets the U.S. Secretary of the  
5 Interior standards for rehabilitation based on the information in the staff report and attachments, and the  
6 presentations and information received during the July and this continued hearing.

7 CHAIR ROSE: Thank you, Jeff. Is there a second? I'll second it. Now we have discussion.

8 VICE CHAIR GIBSON: So, the applicant's proposal is to do full scale replacement with the  
9 window that we saw tonight, and that's your motion? Okay.

10 COMMISSIONER EDWARDS: But, I have a question, that window wasn't a wood replacement,  
11 right?

12 CHAIR ROSE: Yes, it was.

13 COMMISSIONER EDWARDS: Oh, it was, okay. Oh yeah, aluminum clad.

14 CHAIR ROSE: It was painted wood...Mark, that's correct, right?

15 COMMISSIONER GAINES: That was the painted wood unit.

16 COMMISSIONER CARLOCK: Painted aluminum clad?

17 CHAIR ROSE: No, no, that was painted wood.

18 COMMISSIONER CARLOCK: I thought we were talking about an aluminum clad wood...

19 CHAIR ROSE: No. They offered two choices. One was a painted wood, one was clad  
20 aluminum. What Jeff's motion...I think you stated it, was a wood window just like what we saw tonight.  
21 That one was not aluminum clad.

22 COMMISSIONER EDWARDS: So, we're doing away with the aluminum clad...

23 CHAIR ROSE: Yes, that's not being considered. It's just...just...they had two choices, and  
24 we've chosen the wood one. Now, is there discussion about Jeff's motion? I guess not. Melissa, I think  
25 we're ready to vote.

26 MELISSA MATSUNAKA: Thank you, Mr. Chair. Carlock?

27 COMMISSIONER CARLOCK: No.

28 MELISSA MATSUNAKA: Edwards?

29 COMMISSIONER EDWARDS: No.

30 MELISSA MATSUNAKA: Gaines?

31 COMMISSIONER GAINES: Yes.

32 MELISSA MATSUNAKA: Gibson?

33 VICE CHAIR GIBSON: No.

34 MELISSA MATSUNAKA: Woodlee?



1 COMMISSIONER WOODLEE: No.

2 MELISSA MATSUNAKA: Rose?

3 CHAIR ROSE: Yes. Motion failed, where are you going now, folks?

4 COMMISSIONER GAINES: Well, I'll say that, on the alternative side to the applicant's  
5 proposed replacement of all windows with the manufactured unit, we've got a series of options presented  
6 to us to do different levels of repair and sash replacement of the windows. I don't feel comfortable  
7 selecting a specific option.

8 CHAIR ROSE: I don't either.

9 COMMISSIONER GAINES: I think, I'd have the question...you know...we've seen the staff  
10 recommendation is between a couple of those options. I assume that if the applicant were to come to staff  
11 with those options, that wouldn't be something we would hear, correct? Because it would be an  
12 appropriate in-kind...

13 MAREN BZDEK: I mean it would really kind of depend on the details, right? So, it's difficult to  
14 just say yes or no to that question. It would be within the realm of possibility that that could be a staff  
15 approval. But, one of the considerations that we always have is the prominence of a building, and the  
16 scale of the proposed work, so that would have been another consideration if that's what the applicant  
17 would have proposed, and we would have needed to discuss that, and perhaps even ask you, you know,  
18 whether or not you felt it to come before you. It's...I would consider it to be kind of gray, and something  
19 we'd want to be very careful about when you're talking about every window on both floors.

20 COMMISSIONER GAINES: Okay. I'm just trying to think through as far as next steps, because  
21 we...I feel really hesitant to direct them towards a specific option. I would assume for the applicant, it  
22 would be preferable to come forward with a proposal themselves, and it sounds like that would be the  
23 next step...for the applicant to re-propose a solution to staff as a starting point, and then it would come to  
24 the Commission accordingly.

25 MAREN BZDEK: I think the only way that staff could finalize the decision-making process is if  
26 we had a very clear direction from you and we were essentially executing, you know, a plan under your  
27 direction. But, if we're still considering options, and those options are measurably different from each  
28 other, we would want to bring them before you.

29 COMMISSIONER GAINES: So, it sounds like if we were to, say, lay out a certain number of the  
30 options that are on the table, that didn't come from the applicant, as acceptable to us, then the applicant  
31 could move right ahead with one of those options?

32 MAREN BZDEK: If the applicant was willing to agree to one of those, and essentially we had  
33 consensus, and then staff would just be verifying a plan that was approved by both you and the applicant.

34 COMMISSIONER GAINES: Okay, so it sounds like there would be some benefit to us going  
35 ahead and having a motion to approve a set of those options?

36 CHAIR ROSE: I don't want to speak for the applicant, but my concern with that is, I'm not sure  
37 they've really given a lot of thought as to how they would respond. And I think the other way to do this  
38 is simply deny their request. They have the right then to carry it to City Council. I don't know what City  
39 Council will do, but City Council has authority over our decision. And if it's then denied, then the whole  
40 process really has to be reinitiated. But, they do have one level of appeal beyond our decision, whereas

1 with us dictating solutions that they haven't had a chance to really even give consideration to, I don't  
2 think is particularly equitable to the applicant. Because, you know, what they have is the report of  
3 another consultant saying you can do this, well they have...and I think Mark's given us some pretty good  
4 examples of troubles they would encounter. So, I think maybe a more rational, simple solution is simply  
5 just deny their request, but then let them carry it forward in form of an appeal.

6 MAREN BZDEK: I do want to make sure you understood that it is acceptable to staff if you want  
7 to place hold some solutions and present those to the applicant for consideration.

8 CHAIR ROSE: Well, we should maybe ask the applicant, because I think the applicant is being  
9 put in a position of accepting something they haven't considered, so.

10 CLAIRE HAVELDA: And, Mr. Commissioner, I very much appreciate that. If I might have two  
11 seconds to call my client. I can't speak to it without my client's authorization. And he's online right  
12 now, so if I could just step out and ask his...

13 CHAIR ROSE: Okay.

14 CLAIRE HAVELDA: Thank you.

15 CHAIR ROSE: Well, and in the meantime, if there's further discussion, we can...

16 COMMISSIONER CARLOCK: And this might be a question for Maren or for staff, but, so, if I  
17 understand correctly, if we recommend it and say, well, our preference is option C, they don't have to do  
18 that, it's just an indication of what we would...our preference? Or are we mandating option C or option  
19 B, or...?

20 HEATHER JARVIS: Essentially what that would be is the applicant could go with that, or they  
21 could also appeal that, because you'd be denying their request for what they came to the Commission to  
22 move forward with.

23 CLAIRE HAVELDA: May I speak? I think I see that slightly differently, Ms. Jarvis. I think that  
24 the Commissioner, Chair, was exactly correct that we haven't had the ability to work through the  
25 proposed solutions in the rebuttal report; we haven't had it that long. I think there are a lot of concerns  
26 with being able to implement it. So, I think even if you put recommendations forth, we would have to  
27 have another full hearing on that so we could speak to those recommendations as there has been no record  
28 made about our position for those recommendations.

29 And so, after speaking with my client, I do agree with the Chair that the cleanest thing to do here  
30 is that you have denied our request and let us appeal to City Council from there.

31 CHAIR ROSE: Everybody mindful of that? Bonnie, you had something to say?

32 VICE CHAIR GIBSON: I was just going to make the next motion.

33 CHAIR ROSE: Okay.

34 VICE CHAIR GIBSON: I move that the Historic Preservation Commission deny the request for  
35 approval of the plans and specifications for the window replacement on the second and third floors of the  
36 Linden Hotel at 201 Linden Street as presented, finding that the proposed work does not meet the U.S.  
37 Secretary of the Interior standards for rehabilitation nor the Old Town Design Standards based on the  
38 information in the staff report and attachments, and the presentation and information received during this  
39 hearing.

1 CHAIR ROSE: Okay, there's a motion, and is there a second?  
2 COMMISSIONER EDWARDS: I'll second.  
3 CHAIR ROSE: Discussion? Okay, Melissa, could we do a roll call?  
4 MELISSA MATSUNAKA: Thank you, Mr. Chair. Carlock?  
5 COMMISSIONER CARLOCK: Yes.  
6 MELISSA MATSUNAKA: Edwards?  
7 COMMISSIONER EDWARDS: Yes.  
8 MELISSA MATSUNAKA: Gaines?  
9 COMMISSIONER GAINES: No.  
10 MELISSA MATSUNAKA: Gibson?  
11 VICE CHAIR GIBSON: Yes.  
12 MELISSA MATSUNAKA: Woodlee?  
13 COMMISSIONER WOODLEE: Yes.  
14 MELISSA MATSUNAKA: Rose?  
15 CHAIR ROSE: No. The vote is four to two, right Melissa?  
16 MELISSA MATSUNAKA: Yes, Mr. Chair.  
17 CHAIR ROSE: Okay, so the motion has passed. So, we have denied the applicants' request for a  
18 certificate of appropriateness, and that concludes this issue, this discussion item.