

- Council will review the Historic Preservation Commission decision of August 21, 2024, Denying a Certificate of Appropriateness to replace upper story windows at 201 Linden Street.
- Review is based on the record before the Commission (rather than new evidence) and the arguments and responses presented at this appeal hearing.
- Only issues raised in the Notice of Appeal may be considered.
- The presiding officer (Mayor or Mayor Pro Tem) will resolve procedural issues and set the time for each “side” to present and rebut arguments.
- The Council will vote by motion to decide the issues on appeal.
- A Resolution will be presented at the next Council meeting to finalize outcome.

- Only parties-in-interest are allowed to participate in the appeal hearing and only at the specified time.
- The presiding officer will ask all those participating to identify themselves early in the hearing.
- The Appellant will control the time for speaking in support of the appeal.
- Parties-in-interest include:
  - The appellant(s);
  - The applicant;
  - Any party with a proprietary or possessory interest in the land that is the subject of the application;
  - Any person to whom the City mailed notice of the Commission's hearing;
  - Any person or organization that provided written comments prior to or at the Commission hearing; or
  - Any person or organization that appeared before the Commission at the Commission hearing.

1. Process Overview (City Attorney) and Staff Explanation of Appeal
2. Disclosure of Any Conflicts and Site Visit Observations
3. Identification of Participating Parties and Spokespersons
4. Allocation of Time for Party Presentations and Rebuttals
5. Consideration of Procedural Issues, Including New Evidence Objections
6. Appellant Presentation
7. Opposer Presentation
8. Appellant Rebuttal
9. Opposer Rebuttal
10. Council Questions of Staff or Parties
11. Council Discussion
12. Council Motions on Fair Hearing and Interpretation Issues

# Appeal of Historic Preservation Commission Decision: 201 Linden – Denial of Window Replacement

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## **Kim Meyer**

Interim Director, Community  
Development & Neighborhood Services

## **Maren Bzdek**

Manager, Historic Preservation Services

## **Jim Bertolini**

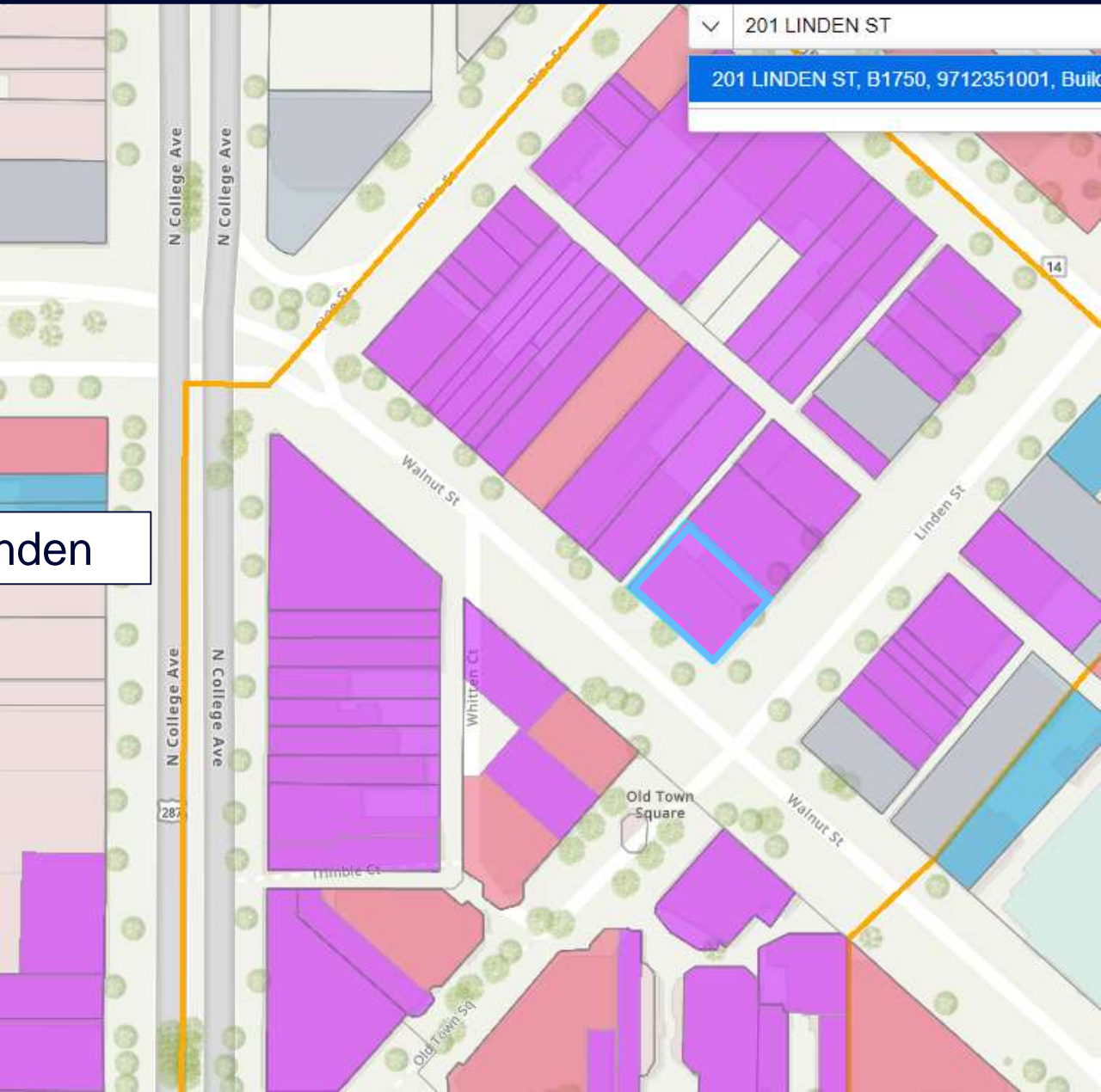
Senior Historic Preservation Planner



# Vicinity Map



201 Linden



# Background - 201 Linden Street

- 1882 (Abner Loomis and C.B. Andrews)
- Architect: William Quayle
- Character-defining features:
  - 3 stories
  - Brick and native sandstone
  - Corner entry
  - Double oriel windows with ornate decorative wood details
  - Half-arch and flat stone lintels and stone sills
  - Double-hung wood windows (2<sup>nd</sup> and 3<sup>rd</sup>)
- Historic Designation
  - 1974: Designated FC Landmark (#3)
  - 1978: National Register – Old Town Historic District
  - 1979: FC Landmark – Old Town District





- Design review request submitted to HPC:
  - Request to remove all remaining historic windows and replace with new metal-clad units on upper floors.
  - Updated window study determined that either extensive repairs or replacement are warranted
    - Deep Roots Craftsmen – City DAP funded study completed Aug 2024



- HPC Decision
  - Denied request 4-2 (2 absent, 1 vacancy)
  - Note: HPC also failed to pass a motion approving full in-kind replacement, 2-4 (2 absent, 1 vacancy)
    - Staff notes that there's some confusion in the record about the outcome of the motion

- 1994-1995 - Major rehabilitation (\$450,000 assistance from SHF, DDA, and City of FC)
- 2018 - Interior rehabilitation w/ conversion to housing on upper floors
- 2018-2019 – LPC considers window replacement vs. repair
  - HPC requested window study to evaluate condition
  - Concern on damage to windows
  - Replacement denied
- 2023: Deterioration/damage – window pane fell onto street; PFA ordered windows to be secured
- Nov 2023: Informal meeting to determine next steps; Appellant would seek window study from approved contractor
- June 2024: Appellant submits application for replacement without a window study
- July 17, 2024: HPC continues item to wait for City-funded window study
- August 21, 2024: HPC denies request



1. Determine if allegations of an unfair hearing are warranted, and if so:
  - Remand to decision-maker to re-hear
2. If Council finds the hearing was fair, consider if allegations made by the appellant regarding interpretation of the standards have merit.
3. Based on determination:
  - Uphold HPC denial;
  - Overturn HPC denial and issue requested CoA; or
  - Modify HPC decision  
  - Staff recommends Modification of the HPC's decision: Approve in-kind replacement of the 2<sup>nd</sup> and 3<sup>rd</sup> story windows.

## Municipal Code – Project Review on City Landmarks

- Chapter 14, Article IV
- Adopts federal *U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties*
- Council adopted the *Old Town Design Standards* in 2014 (replacing the 1981 Standards) to interpret the federal guidelines more specifically for the Old Town Landmark District

General framework around windows (when they are character-defining features) is to repair first, and replace only if necessary

- Retains authentic historic material
- Avoids solid waste of construction material
- Avoids environmental cost of material extraction, manufacture, and transportation for new windows



- HPC Decision:
  - Denial, Vote 4-2 (2 absent, 1 vacancy)
  - *Note: The HPC also failed to pass a motion to approve an in-kind wood replacement*
    - *voting 2-4 (2 absent, 1 vacancy)*
  - Public Comments
    - At hearing: 2
    - In writing: 0
    - Both comments supported repair of the existing windows

- Appellant alleges failure to properly interpret and apply relevant provisions of the Municipal Code, Land Use Code, and Charter because:
  - Broad set of allegations, generally alleging that HPC failed to consider other code requirements in their decision, such as International Building Code, as well as other Council-adopted plans such as *Our Climate Future*, in their final decision.
- Appellant alleges failure to conduct a fair hearing on all five (5) grounds.

## **Overturn HPC Decision, approve replacement with the condition: In-kind replacement**

- This was the secondary staff recommendation at August HPC meeting
- HPC failed to adopt a motion approving this 2-4 (2 absent, 1 vacancy)
- Staff suggests Council consider this option

## **Uphold HPC Denial**

- Alternative by Appellant would still require HPC approval, since Appellant/Applicant has only requested metal-clad replacement at this time
- Staff would work with Appellant to develop a solution that staff can recommend to HPC for approval

## **Overturn HPC Decision, approve replacement with the condition: metal-clad replacement**

- This does not appear to meet the 2014 Old Town Design Standards adopted by Council

## **Remand to HPC**

- Under either failure to interpret the standards, or unfair hearing, remand to HPC for re-hearing

1. Determine if allegations made by the appellant have merit
  
2. Based on determination:
  - Uphold HPC denial;
  - Overturn HPC denial and issue requested CoA; or
  - Modify HPC decision