

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

HISTORIC PRESERVATION COMMISSION

CITY OF FORT COLLINS

Held JULY 20, 2022

Hybrid Meeting – 300 Laporte Avenue and via Zoom

Fort Collins, Colorado

In the Matter of:

1306 West Mountain – Addition – Final Design Review

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

Commissioners Present:

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

Staff Members Present:

Brad Yatabe  
Jim Bertolini  
Melissa Matsunaka  
Maren Bzdek

1 CHAIR KURT KNIERIM: That takes us to discussion agenda item five, 1306 West Mountain,  
2 the final design review. And, I think we have a quick staff presentation for this. Excuse me, are there any  
3 recusals for this?

4 COMMISSIONER ERIC GUENTHER: Yes, Mr. Chairman, I recuse myself from this, but I  
5 would like to make a public comment at the appropriate time.

6 CHAIR KNIERIM: Duly noted, thank you.

7 MR. JIM BERTOLINI: Alright, Mr. Chairman and Commissioners, Jim Bertolini here, I'll be  
8 giving the staff presentation for this item. This is the...a final design review for the City landmark at  
9 1306 West Mountain Avenue. Are folks seeing the slides okay?

10 CHAIR KNIERIM: Yes.

11 MR. BERTOLINI: Perfect. Alright...so I think most of the Commissioners will be familiar with  
12 this property since you've seen this a couple of times. Just to reorient on location, this is at 1306 West  
13 Mountain Avenue. This map just showing the historic house, it's the primary focus of the landmark  
14 designation, along with the historic garage at the northwest corner of the site; both of those are considered  
15 historic according to the landmark nomination. There is a non-historic garage here proposed for  
16 demolition that's already been approved by the Commission, and then a small proposed addition onto the  
17 rear of the property.

18 In this case, since this is a City landmark, the Commission is the decision maker on the project.  
19 Your role this evening is to consider the proposed work and whether it meets the Secretary of Interior  
20 standards for rehabilitation, then pass a motion to either approve, approve with conditions, or deny a  
21 certificate of appropriateness.

22 Just a little bit of a reminder on the property background. This is named the Jackson-Bailey  
23 Property; it was designated on December 2<sup>nd</sup>, 2014, under the City standard three, which is for  
24 architecture, design and construction specifically. The main house that you're seeing in the photographs  
25 here was built in 1922, and the historic garage of the alley was built in 1942.

26 Just a refresh on the review timeline. This initially came to the attention of Historic Preservation  
27 Services January of 2021; that's when demolition permits for the accessory structures came in. Since that  
28 time, we've been working with the property owner and their contractor to modify plans to conform with  
29 the City's adopted preservation standards. So, most immediately, do want to raise...earlier this year,  
30 February 17<sup>th</sup>, 2022, you had a previous final design review. In that design review, you approved the  
31 demolition of the non-historic garage and the construction of the new garage, and the treatment of  
32 basement windows to provide egress at the basement level; however, the addition that was proposed at  
33 that time was denied primarily based on its size. Now, in May, two months ago, the Commission did  
34 conduct a conceptual design review of the current plans; it's generally what you're seeing this  
35 evening...are fairly similar to what you reviewed at the conceptual review in May.

36 Just a summary of the proposed project...it's a comparatively small addition onto the back of this  
37 City landmark. The addition in total is about 340 square feet, only about 260 of those are new because  
38 the rear mud porch is being demolished as part of that...again, that's not considered a character-defining  
39 feature. There is some modification of windows on the west wall of the northwest bedroom as well, and  
40 that's an attempt to make that northwest bedroom egress-compliant under existing building code.

1 Just taking a quick look at the site. On the left here, this is just existing conditions...so this is the  
2 existing footprint of the house, 1968 non-historic garage that will be demolished as part of this, and then  
3 the 1942 historic garage. And then just zooming in a little bit closer, this is the footprint of the proposed  
4 addition in proportion to the preserved historic house here on the right. Just rolling through a couple of  
5 existing condition photos overall...we'll go through elevation by elevation to take a look at the effects the  
6 project will have. Here, this is just a floorplan showing the interior of that proposed addition; this red line  
7 here marks the divide between the back of the historic house, which you can see right here, the end of the  
8 brick historic house there, and then the proposed new addition behind that. This is a close-up...since this  
9 was a point of questioning from the Commission...just a close-up of that junction in between the brick  
10 that will remain, and then the addition...will be relatively flush between the two. And this is along the  
11 east elevation. Just a couple of other existing conditions, showing the front of the property, and then the  
12 rear...again, this mud porch addition proposed for demolition along with this large concrete rear deck.  
13 The west elevation...this is just showing the addition as its attached...and then a gable roof element here.  
14 Also showing likely some shale brick as the foundation. There was some question during the conceptual  
15 review to specify beyond just thin brick what the foundation might be. And then, the intent is to use  
16 wood lap siding on the...to clad the addition and differentiate it from the historic brick house. And then,  
17 just highlighting this, this is really the only major note that staff has on the project, is the proposal to infill  
18 one of the windows towards the northwest corner of the historic house, and then puncture two new  
19 window openings into that elevation. This is showing the east elevation, and if you recall, this is where  
20 the junction between the historic building and the addition will be here, just showing that differentiation  
21 with the lap siding. The roof will be flush, but the siding will be differentiated between the Hardie board  
22 product, or similar, and then existing brick. This just showing the addition from the north, or the  
23 backyard, incorporating the gable roof structure from the historic building, then the hipped roof element  
24 just kind of alluding to the mud porch that's being demolished as part of that, and there will be a new  
25 deck that extends north this gable section as well.

26 So, staff's overall analysis is that the rehabilitation standards are met, especially in regard to the  
27 addition itself. It's a fairly textbook addition; this is the kind of project that we really steer most City  
28 landmark owners toward when they are constructing additions on historic houses. Key standards when  
29 we're assessing additions are standard two, which generally regards the preservation of overall historic  
30 character, standard five, which regards preservation of specific character-defining features, and then  
31 standards nine and ten that call for standards [*sic*] to be compatible, distinguishable, subordinate, and  
32 reversible. We also added to your packet a couple of National Parks Service guidance documents  
33 regarding rear additions on houses and modifications to windows on secondary elevations for your  
34 information.

35 So, again, running through the standards, staff's analysis is that, regarding the addition, both  
36 standards two and five are met concerning overall historic character, the addition is on the rear, it's  
37 generally compatible with the historic design elements present in the brick house. Do have some  
38 concerns with the modification of the northwest bedroom's...but overall consider standard two met.  
39 Standard five we're also considering met...the addition begins at that north brick wall, it's not removing  
40 any specific historic materials, but the only removal of historic material is the opening of a window on the  
41 rear, on the north elevation, that's being widened out into a passageway in between that bedroom and  
42 bathroom addition. So, that's generally in keeping with how these standards apply when you are  
43 attaching additions onto a historic landmark. Again, the northwest window treatment doesn't really meet  
44 the standards based on staff's interpretation...again, a comparatively minor issue in the overall scope of  
45 the project.

1           Regarding standards nine and ten that do...that frequently apply to additions like this...standard  
2 nine calls for projects to be compatible, distinguishable, and subordinate. In terms of compatibility, using  
3 similar roof forms and overall small footprint in comparison to the historic building, staff considers that  
4 compatibility requirement met. The use of the thin brick product and a lap board, or Hardie board product  
5 as the wall cladding on the exterior makes it distinguishable, and in terms of subordination, it's relatively  
6 small compared to the historic building, it's on the rear, and with minimal visibility from Mountain  
7 Avenue. So, all three factors appear to be met there, from staff's analysis. And then, also with  
8 reversibility under standard ten, again, utilizing existing openings is really what the guidelines call for  
9 when constructing additions, and so since that's being done here, staff considers standard ten met as well.

10           I did just want to draw attention to the context for modifying side windows. There is precedent  
11 for doing so with historic buildings, especially where meeting existing building code is of concern.  
12 Typically, that's done where the historic openings are retained and we're adding new openings to that.  
13 It's often done especially in a commercial context where you might have a blank wall on a commercial  
14 building, and based on the occupancy inside that building, new egress or daylighting is needed, and so  
15 new openings are punctured into that blank wall; that's the most common use of modifications to side  
16 windows or new openings. If an existing opening is present, but it's not meeting current code  
17 requirements, usually the preferred alternative there is to change that existing opening to make it building  
18 code compliant rather than removing it and adding new features. So, that's the reason we added that  
19 bulletin twenty-one to your packet just to provide some context on all that.

20           Staff's recommendation is to approve this project. We are recommending a condition there to  
21 modify that treatment of the northwest window and retain the existing opening, delete one or both of the  
22 proposed new openings from the project, and then install an egress-compliant window in the existing  
23 historic opening. And if there's questions about that, I can certainly answer those.

24           Again, just a reminder on the Commission's role; you are a decision-maker on this project, and if  
25 you find that the rehabilitation standards are met, your task is to pass a motion to approve, approve with  
26 conditions, or deny a certificate for the property. That concludes the staff presentation. I believe we  
27 should have an applicant, either Brian Berkhausen or Jeff Schneider here to represent that  
28 application...I'm not sure if they have...

29           CHAIR KNIERIM: Yes, thank you, Jim. And welcome, Jeff.

30           MR. JEFF SCHNEIDER: Good evening. I'm not sure if Brian is online or not, so Brian was  
31 going to try to make it online; he's actually out of the country this week, but he was going to try to attend  
32 virtually, so I'm not sure if he's on or not.

33           CHAIR KNIERIM: Melissa, would you check and see for us?

34           MS. MATSUNAKA: Yes, he just needs to be promoted...or accept the promotion, Mr. Chair. I  
35 believe he is online.

36           CHAIR KNIERIM: Okay. Alright, well...welcome back, and tell us about this stuff.

37           MR. SCHNEIDER: First of all, good evening, and thank you Commission members for hearing  
38 our item again this evening. It's been a year and a half of a long process, and made significant changes  
39 along the way, and I think made to a better project. A couple things I just want to mention is, since our  
40 February 17<sup>th</sup> hearing that we had, we've reduced the size of the addition by seventy percent. So, I think  
41 Jim has done a great job of presenting the materials and what have you...so, we really considered,  
42 listened to, your concerns back in February and have brought back forward something that our clients are

1 needing and wanting, and something that the Commission and the Historic Preservation, in respect to the  
2 existing structure, can handle at this time.

3 So, a couple things I do want to mention is, when we came here in May to talk about the new  
4 proposed plan, footprint, and design, the big concern we heard was the impact of that bond line with the  
5 brick, and not going below that with the proposed windows. So, in the current plan, you can see that  
6 we've changed the window size to not impact that bond line. And so, we respect and understand that  
7 concern, and so we've modified and changed that in order to accommodate the concerns of the  
8 Commission. One thing I do want to say is, I never heard a concern about adding two windows; there  
9 was never a conversation about the concern of adding the two windows, it was purely the size and  
10 interrupting that brick bond line, so, you know, if that concern was raised back in May, I wish we could  
11 have talked a little bit more about it than bringing it up in the staff report a couple weeks ago. As you  
12 know, the existing window does not meet egress; it is 33 inches wide and 19 inches tall, or 4.35 square  
13 feet, so that does not meet our 5.7, so that's the intent is twofold...one is to add windows to the west side,  
14 or the secondary elevation in order to comply with egress for life, health, safety concerns, obviously, and  
15 then obviously the other issue is to accommodate the interior floorplan of layout, for how to place a bed in  
16 there and everything else, and not just keep the one window. So, keeping the one window and changing  
17 that, or converting that, to an egress window, is an opportunity or possibility...no questions asked, there's  
18 no conversation about that, but it doesn't help with the flow of the space. We've had a lot of  
19 conversations about retaining the integrity of that north wall and not losing that brick, and just using the  
20 existing window opening, so that kind of plays with...and creates a challenge of, how do you use that  
21 space and that room to where you still have the egress capability for the windows, and modifying the  
22 windows. The other thing I want to note, too, is the prior plan that we had back in February that you guys  
23 had concerns with the mass and scale and size of the addition, we also proposed changing and adding two  
24 windows into the bathroom; we were going to remove one window in the bathroom and add two smaller  
25 windows for the bathroom, and there was never a concern or a discussion about that, so...those proposed  
26 windows were closer to Mountain Avenue than what we're proposing on the rear portion of the building.  
27 So, never heard the concern of adding windows. And when you look at the requirements of I.T.S. number  
28 14, it talks about, how do you do it? And so, there's nothing in the guidelines and standards that says you  
29 cannot do it, it just has suggestions and recommendations of how to do it. So, that's what we're trying to  
30 do is respect the west elevation by infilling the one window, because it would look awkward and weird to  
31 have three...have two different window sizes, or three windows put together on one elevation back there.  
32 So, we're trying to respect, again, the fabric of the historic home, we're trying to make it more code  
33 compliant with today's needs for egress, and accommodate that.

34 So, we're happy, and we've noted on the plans...we're more than happy to do wood windows to  
35 match. The only window that we'd prefer to do a fiberglass window is the one that's on the north  
36 elevation in the shower, just from a moisture standpoint and issue. The brick that we're looking at using  
37 on the lower level for the exposed foundation...our intent is to match the same size and style and color as  
38 the existing to compliment everything. And the plans do note a four-inch maximum exposure of wood  
39 siding for the new addition to differentiate the new versus the existing. So, my clients would like to stay  
40 here, age in place, and modify the home to meet today's standards versus standards that were 1922; we've  
41 had these conversations, and I think you guys all respect that.

42 And then the last thing I do want to say is, you know, one of the challenges with designing on  
43 historic properties is, there's no...nothing is codifiable...everything is arbitrary and the mood of the  
44 Commission...for how they want to interpret and define and look at the project. So, everything we have  
45 are standards and guidelines, nothing set in stone. So, it's hard for us to design, say here's what we're

1 designing to because its going to meet X, Y, and Z. Everything that we're designing to is trying to meet  
2 the intent of the ten standards and guidelines that are set forward. And so, with this, I'm here to  
3 answer...happy to answer any questions that you have, and I do ask that you please approve the project  
4 with no conditions based on the plans that we have submitted at this time.

5 CHAIR KNIERIM: Thank you, Jeff. And I want to give time for public comment on this, so if  
6 you...let's being with our live studio audience. If you would like to comment on this, please come  
7 forward now, state your name.

8 ERIC GUENTHER: Very good, thank you Mr. Chairman. My name is Eric Guenther. As noted,  
9 I have recused myself from this application due to the fact that I own the property immediately to the west  
10 of 1306 West Mountain Avenue, so my comments this evening are as a private citizen and a member of  
11 the neighborhood versus as a Commissioner on the Historic Preservation Commission.

12 So, that said, there are a few thoughts I would like to share, many of those are very much aligned  
13 with what Mr. Schneider just shared. First, and probably most importantly, I also strongly encourage the  
14 Historic Preservation Commission to approve this application without conditions, and that includes the  
15 approval of the window treatments on the northwest side of the building. I'll talk a bit more about that  
16 shortly. As noted by Jim Bertolini and the staff report, I believe the application meets virtually all the  
17 requirements that are set forth by the Secretary of State [*sic*] for scale, for mass, for materials, for general  
18 appearance. I also believe the applicants have been very diligent in their efforts to understand and  
19 respond to not only the Secretary of the Interior requirements, but also to listen to the input from this  
20 Commission over the last eighteen months, and also to members of the community. So, Secretary of the  
21 Interior, the Historic Preservation Commission, and members of the community have all had a very...a  
22 very important role in terms of bringing this design application to where it is today. I think it's been an  
23 arduous process for many people involved, including current and previous members of the HPC because  
24 of the care and concern that has been expressed relative to this particular property. I feel like the result of  
25 all that effort is...it's an architectural plan that enhances and does not distract from the historic character  
26 and the integrity of the home.

27 I believe the plan meets both the guidelines and, as Mr. Schneider pointed out, the intent of the  
28 Historic Preservation Commission, and the Secretary of Interior guidelines. I also believe that it would be  
29 consistent with what would be approved in other historic communities. And while I have a limited  
30 amount of experience with that, I have seen information relative to similar projects, or much more  
31 substantial projects, in communities like Telluride, and Aspen, and Boulder, and Denver. So, what I think  
32 we're trying to do here is to recognize both the Secretary of Interior guidelines and how we apply those,  
33 how those are applied in the city of Fort Collins, but also take into context the broader scope and scale of  
34 those projects as they might apply in other communities both in Colorado and around the nation.

35 The other thing that I want to point out, and Mr. Schneider touched on this as well, is the fact that  
36 these interior changes, although not necessarily part of the purview of the Historic Preservation  
37 Commission, but the interior changes will allow these applicants to age in place, and that's been a  
38 common theme, at least since I've been involved in this project over the last six months or so, the ability  
39 to age in place in this particular property.

40 Speaking specifically to the modifications on the northwest windows, I don't believe that those  
41 modifications will have any substantive impact on the historic attributes, integrity, context, or  
42 characteristics of the home. The brick bond line issue that was, again, the primary topic of the May  
43 meeting, has fully been resolved. That was based largely, again, on feedback provided directly to the  
44 applicants and to the contractor from this particular group. So, that belt line, that bond line, was the

1 primary issue that was discussed at great length at the May meeting, and as Mr. Schneider points out, I'm  
2 not aware of any concerns that have been expressed previously relative to adding the two windows.  
3 Again, I haven't been involved in this for the full eighteen months, but the issue most recently was that  
4 bond line, and there had been no concerns relative to the addition of those two windows toward the back  
5 of the property. And again, while those northwest windows will be repositioned, I don't think the  
6 changes will be visible to anyone viewing the property, won't be visible to motorists approaching from  
7 either the westbound or the eastbound side, and as far as pedestrians are concerned, westbound  
8 pedestrians would not have a view of the window modifications, eastbound pedestrians also would have  
9 very limited view of these window modifications. In fact, they'd arguably have to walk about halfway  
10 down my driveway in order to see those modifications, and even if they did do a close-up inspection, the  
11 fact that the existing brick is being repurposed to fill the open spaces, and the fact that the new windows  
12 will be very closely aligned to imitate the current windows, would suggest that there will be, essentially,  
13 an invisible treatment here that anybody walking by or driving by would have no idea that these changes  
14 had been made. And, again, the idea is that it does help make the interior space more functional for these  
15 applicants. I will point out, as a side note...these windows are the first thing I see when I get up every  
16 morning. Basically, I open my blinds, I make my coffee, and I see out to exactly where these windows  
17 are, and I frankly have no concern with the replacement of the materials given the treatment and the way  
18 they will be handled as we've seen in the previous plans. I believe this represents a very reasonable  
19 solution that will make the home more functional, not only for the current owners, but for future owners  
20 over the next fifty to one hundred years. And, again, just want to reinforce that these changes, I believe,  
21 would be essentially invisible to anyone viewing the home from the street or the sidewalk. So, that  
22 addresses the plan itself.

23 Just on a personal note, I just want to, you know, make a couple comments relative to the  
24 applicants. The Berkhausen's...there are three generations of Berkhausen's that live here in Fort Collins.  
25 The applicants, Barbara and Brian Berkhausen, they did not buy this property as an investment; they  
26 didn't buy it to renovate it and flip it, I don't believe they bought it to make money, they didn't buy it to  
27 be a revolving door rental property...and we've seen that happen with a number of other historically-  
28 designated homes in Fort Collins...they bought this house in order to participate in the day-to-day lives of  
29 their family, including their four granddaughters. And that's what we can help facilitate by seeing the  
30 Historic Preservation Commission approve this recommendation. The Berkhausen's want to be members  
31 of this community, and I frankly feel like they will be very, very good and contributing members to the  
32 community. I believe the application they have submitted, including the minor modifications to the  
33 northwest windows, will simply make the home a bit more livable and allow the Berkhausen's to live  
34 there comfortably. So, once again, I appreciate your time, and I strongly encourage the Historic  
35 Preservation Commission to approve this application without conditions. Thank you.

36 CHAIR KNIERIM: Thank you. Melissa, are there any members of the public online that would  
37 like to comment on this issue?

38 MS. MATSUNAKA: Yes, Mr. Chair. Let me promote them right now.

39 CHAIR KNIERIM: Thank you.

40 MS. LAURA BAILEY: Good evening.

41 CHAIR KNIERIM: Hello, go ahead please.

42 MS. BAILEY: Hi, thank you. Some of you may know me, I'm Laura Bailey, I'm the daughter of  
43 Robert Bailey who worked with this Commission to have the home designated, and who was a member of



1 the community since 1979. And his intent was very much to give a gift to our community of our history.  
2 And so, I am here today because this was very important to my father. He made considerable sacrifices to  
3 ensure that the home was preserved, including being able to make alterations himself. And so, I do  
4 appreciate that the plan for the addition and the changes to the home have been downsized considerably.  
5 I do still have concerns about those windows. I do think that they break with the character of the home,  
6 and are a distraction. And I do...being very familiar with the home myself, know that they are quite  
7 visible from...to eastbound traffic, and if you just look at the photo in the packet for your materials, of  
8 the...I think it's like the lead photo...that will show you that...that's taken from the street, my father took  
9 that image, and you can see from the street, from the sidewalk there, where the windows would be.  
10 So...and I don't at all mean to diminish, or to, you know, be negative about the plans that the  
11 Berkhausen's want to execute, but it's my understanding that it is this Commission's job to follow the  
12 standards, and not to just say, well, it kind of meets the standards, and that the interior design is  
13 really...that's the responsibility, the flow of it all of that...that's really the responsibility and the freedom  
14 of the homeowner. So, what they want to accomplish, to my mind, really needs to be addressed inside,  
15 not by changing the historic character with the window.

16 And then I'll just...a couple other things I wanted to point out from things that were said  
17 previously. One of them is that I'm pretty certain the windows were addressed multiple times at the May  
18 hearing. I know I brought them up and encouraged the Commission to really look at those carefully. I  
19 know it was brought up in the conversation; I'm sure it's in the minutes. I also, with all do respect, want  
20 to say that I believe the reason the Commission never addressed those bathroom windows that Jeff was  
21 mentioning, is because previous proposals were so excessive, so monstrous, that that's really where the  
22 attention of all the discussion really had to be. I don't even think the Commission ever had the time to get  
23 to the small windows in the bathroom because it was, you know, all about the size that would have  
24 practically doubled the house. So, I just, for the record, want to support the Commission and say that I  
25 think these windows have been brought up sufficiently at the last hearing.

26 And then I also want to point out that Fort Collins is...my understanding is that Fort Collins is  
27 very well known as a model for doing historic preservation right, whereas some of these mountain towns  
28 that Eric Guenther pointed out as, you know, looking toward what they've done...my understanding is  
29 some of those are not very well thought of in terms of how they've executed historic preservation in the  
30 past. I do know it's very important for our town, it's important for the economics of our town. I know  
31 we receive millions in grants because we're known to do preservation right. And so, I think it's important  
32 to continue to do that and not to sort of just fudge on the details because a particular applicant wants one  
33 thing or another.

34 And then, just as a final little housekeeping note, I do want to register one more time, I know I  
35 said this before, and I just need to say it...this has nothing to do with my father's house, but as a member  
36 of the public, I do find it very concerning that a sitting member of the Commission is allowed to stand up  
37 and make public comment as a public citizen. I think there is a conflict of interest, and I think that...I  
38 understand that all of you are also public citizens; I certainly don't want to take that away from  
39 you...wouldn't ever want to take your vote away from you as a public citizen, but to be able to stand up  
40 and make a public comment, when clearly Eric Guenther is on the Commission and has the ability to  
41 influence in a way different than the public, I just think it is concerning and something that I would urge  
42 you to reconsider for future hearings. So, I'll leave it at that, and I really appreciate all of your  
43 consideration of my comments and throughout this process, and your patience, and all of the hard work  
44 all of you do to preserve our town's history. Thank you.

1 CHAIR KNIERIM: Thank you, Laura. Alright, at this point, I want to see if the Commission has  
2 questions for either the staff or Jeff in all of this. Yes?

3 MR. BRAD YATABE: Mr. Chair, I'd suggest giving the applicant and staff a chance to respond  
4 to any of the comments made, and then maybe go into Commission questions.

5 CHAIR KNIERIM: Thank you. Yes, would either the staff or Jeff like to address any of the  
6 public comment?

7 MR. BERTOLINI: No concerns from staff.

8 MR. SCHNEIDER: I was going to say, not at this time. I think you understand our position on  
9 the windows, and respectfully disagree with some of the comments that Ms. Bailey made, because I never  
10 heard at the May hearing from any one of you guys that there was a concern about adding the windows.  
11 There was definitely a concern and conversation about the bond line, but not about the additional  
12 windows or replacement of the one window. So, I do respectfully disagree with that statement based on  
13 the May hearing. So, other than that, thank you.

14 CHAIR KNIERIM: Thank you. Alright, Commissioners, questions for the applicant or Jim  
15 before we get into discussion?

16 COMMISSIONER JIM ROSE: Mr. Chairman, I just have one question for Jeff and that has to do  
17 with the proposal you have for casement windows that actually meet the egress requirements, but they  
18 have what are...from your explanation...a sort of false meeting-rail.

19 MR. SCHNEIDER: Correct.

20 COMMISSIONER ROSE: Is that something that we would see visibly or is it concealed  
21 somehow behind...my concern is, you know, when you put the false, sort of, grid in between the panes of  
22 a double-insulated glass, it doesn't give you the same effect as divided lines, but if there is a meeting-rail,  
23 kind of, that is a physical feature, albeit that it's not functional, that gives a much different appearance as  
24 a sort of faux double-hung window than something that is just kind of pasted on.

25 MR. SCHNEIDER: Correct, and yes, sir. So, what we have done in the past, and we've done this  
26 a couple times on casement windows, is it's about a two and an eighth simulated divided bar that's  
27 applied to the outside. So the grids are applied to the glass and not in between the glass, in order to  
28 simulate that...appearance of a double-hung window, even though it's not. I'll be the first to admit, it  
29 doesn't look great...you just can't get that same design detail. But, it does give you an impression that it  
30 is a double-hung versus a casement window, or single pane.

31 COMMISSIONER ANNE NELSEN: Is the product that you're thinking about just applied to the  
32 outside, or is there actually...sometimes with a simulated divided light, you have an interior portion, a  
33 portion on the inside of the glass, and then a portion on the outside.

34 MR. SCHNEIDER: Correct, it's applied to both sides of the glass.

35 COMMISSIONER NELSEN: And the interior?

36 MR. SCHNEIDER: Correct.

37 COMMISSIONER NELSEN: Like between the panes of glass...

38 MR. SCHNEIDER: Not between the panes, but applied...

1 COMMISSIONER NELSEN: Not between the panes?

2 MR. SCHNEIDER: No, so, you end up with individual lights, or individual panes, between the  
3 applied, simulated divided light. So, it's a challenge to clean; it's more of a nuisance to clean, but it gives  
4 a better representation of the intent of what we're trying to accomplish.

5 COMMISSIONER NELSEN: Are you familiar with window lines that have both the exterior  
6 applied and then there's sort of...it's like a piece of foam, something dark in between...so, it's still two  
7 continuous panes of glass, however, it gives a shadow line.

8 MR. SCHNEIDER: So, there is a spacer bar between the glass that is installed when we do these  
9 applied, simulated divided lights. So, there will be the applied on the interior and exterior, and then there  
10 will be a spacer bar that is applied between the glass so you don't see up and in between the unfinished  
11 product on the inside.

12 COMMISSIONER NELSEN: That's...I think without getting too much into discussion, that's the  
13 closest you can get.

14 CHAIR KNIERIM: Thank you. Other questions before we get into discussion?

15 COMMISSIONER MARGO CARLOCK: I have a question Mr. Chair, for the staff. Are there  
16 other examples of buildings that are approved, historic landmark buildings that are approved with the  
17 similar window configuration that Jeff and the homeowner are proposing? Are there...is that something  
18 that has been approved in the past?

19 MR. BERTOLINI: Just as a point of clarification...

20 COMMISSIONER CARLOCK: The infill of the existing window and adding two windows? I  
21 mean has that been done...something similar been done before where one window has been infilled and  
22 another window has been substituted?

23 MR. BERTOLINI: Not in projects I've reviewed; I can only speak to my experience the last three  
24 years. It hasn't been a request that's come up. I'm not sure if Maren Bzdek has any examples that  
25 predate my tenure with the office.

26 MS. MAREN BZDEK: I would say in my experience in the last seven years, I haven't seen any  
27 projects that would meet that particular description that have been approved. Prior to that, I really  
28 couldn't say without doing some research.

29 COMMISSIONER CARLOCK: Okay, thank you.

30 COMMISSIONER NELSEN: So, Jeff...it's up, down, up, down...thank you for your time and  
31 for your presentation. Do you remember us asking you about the sill height of the window in the  
32 bedroom?

33 MR. SCHNEIDER: It's approximately 30 inches, so it complies with all of current codes as far as  
34 minimum height.

35 COMMISSIONER NELSEN: And do you recall us asking about the overall dimensions of the  
36 window in the bathroom...or, excuse me, in the bedroom?

37 MR. SCHNEIDER: For the existing window?

38 COMMISSIONER NELSEN: Existing window.

1 MR. SCHNEIDER: So, the existing window is 33 inches wide and 40 inches tall.

2 COMMISSIONER NELSEN: So, we did ask you about that at the May hearing, and I think at  
3 that point in time, you weren't confident about the sill height.

4 MR. SCHNEIDER: Correct, and the sill height...the opening, I should say, because that's what  
5 we measure for code is the actual opening, is approximately 30...it's about a quarter inch under 30 inches  
6 tall off of the floor.

7 COMMISSIONER NELSEN: And, what is the requirement for egress?

8 MR. SCHNEIDER: Minimum sill height is 44 inches.

9 COMMISSIONER NELSEN: And the minimum clear width?

10 MR. SCHNEIDER: 24 inches.

11 COMMISSIONER NELSEN: And minimum clear height?

12 MR. SCHNEIDER: I believe 36 inches to meet that 5.7 square feet of clear open.

13 COMMISSIONER NELSEN: Exactly, and that's always a balance, right, it can't just be the  
14 minimum in width and height, it also has to meet the 5.7 square feet. Does the existing window in the  
15 bedroom, the opening itself, not the fact that it's double-hung, but were it a casement window, for  
16 example, would it meet egress?

17 MR. SCHNEIDER: My quick answer is probably, if that were to be...

18 COMMISSIONER NELSEN: Sorry to make you do math on the spot...the new windows that  
19 you're proposing are larger or smaller than the existing window? They're slightly narrower, correct?

20 MR. SCHNEIDER: They are 30 inches wide, so they are three inches narrower, and they are 54  
21 inches tall, so...go right down to that bottom line.

22 COMMISSIONER NELSEN: Okay.

23 MR. SCHNEIDER: So, a casement...assuming for that 33 by 40...assuming a clear opening, it  
24 would accommodate an egress window, correct, if it was a casement style.

25 COMMISSIONER NELSEN: And would that satisfy health, safety, and welfare?

26 MR. SCHNEIDER: Well, technically speaking, it's an existing window, so we don't have to  
27 modify or replace it. So, if you deny adding the two windows, we don't have to do anything with that per  
28 the existing building code because it's grandfathered in.

29 COMMISSIONER NELSEN: But there is the opportunity to provide a window that meets egress  
30 within that existing opening?

31 MR. SCHNEIDER: There would be if desired by the applicant, but technically speaking, under  
32 the building code, it would not have to be replaced and it could be a legal, non-conforming.

33 COMMISSIONER NELSEN: Okay.

34 CHAIR KNIERIM: Alright, other questions before we get into discussion?

1 COMMISSIONER CARLOCK: Mr. Chairman, I have another question, and Jeff, I hate to do this  
2 to you...okay, so getting down to brass tacks on these windows in the bedroom. If I recall correctly from  
3 the...and I'm not going to pull it up, but if I recall correctly, the door to the bathroom that's going to be  
4 exiting off of that would be toward the right, is that correct?

5 MR. SCHNEIDER: On the north elevation, correct.

6 COMMISSIONER CARLOCK: Like if you're walking in the door into the bedroom and the  
7 bathroom is behind...it's to...kind of on the right?

8 MR. SCHNEIDER: Yeah, so the windows that we're proposing modifying are on the west  
9 elevation, and the entrance to the bathroom is the north elevation, which would be to the right.

10 COMMISSIONER CARLOCK: Right, so, my understanding is the placement of the bed...I  
11 mean, it's easy to say, we'll just rearrange the furniture and it will be fine, but speaking as an older  
12 individual myself, that would mean that if you put the bed up against the wall, as opposed to against the  
13 wall with the windows, then you would be going like this to get to the bathroom.

14 MR. SCHNEIDER: In order to accommodate...if we don't do the two windows on the west side,  
15 and you propose to put the bed on the east wall, you would essentially have to walk around the whole bed  
16 in order to get into the bathroom/closet area.

17 COMMISSIONER CARLOCK: Which is an issue.

18 MR. SCHNEIDER: Which is less efficient, obviously, for space travel and everything else, and  
19 just from, you know, having the functionality of that room and space.

20 COMMISSIONER CARLOCK: And the aging in place desire is somewhat contradicted by that.

21 MR. SCHNEIDER: Correct. Having to maneuver around the bed in order to get to the  
22 bathroom...

23 COMMISSIONER CARLOCK: Particularly if you have mobility issues, or...

24 MR. SCHNEIDER: If there becomes a time that there's a walker or anything like that that is  
25 needed, you're just adding extra distance which is going to add, you know, a stumbling block.

26 COMMISSIONER CARLOCK: Right, and in emergency situations, and if you need to get to that  
27 bathroom in a quick fashion, that would be a hindrance.

28 MR. SCHNEIDER: Correct.

29 COMMISSIONER CARLOCK: Okay, thank you.

30 CHAIR KNIERIM: Alright, as other questions come up, let's continue that discussion, but let's  
31 get to our discussion on this, and I want to focus to the Secretary of Interior standards, and also...I  
32 appreciate, Jim, that you have put in the I.T.S. bulletins, that was very helpful as well. I'll kick off the  
33 discussion. I thought that application two on the I.T.S 14 was very helpful in this regard, and I'm kind of  
34 on the side of allowing for the windows given that guidance from the I.T.S. document.

35 COMMISSIONER M. DUNN: What page is this on?

36 CHAIR KNIERIM: That is on page 218.

1 COMMISSIONER M. DUNN: Packet page 218? I've got pictures.

2 CHAIR KNIERIM: Let me see; I just had that in my notes. Oh, it's right here, 219...or...yeah.  
3 Oh, that's number 37...I don't have the...I just have it in my notes; I don't have the packet page.

4 COMMISSIONER M. DUNN: So, it's the one that talks about adding a hyphen addition onto the  
5 back of a house?

6 CHAIR KNIERIM: Yeah, and...the one that talks specifically about windows is number 14, and I  
7 didn't write down the page number where that...where I read that.

8 MR. YATABE: I see that on page 221 of the packet.

9 CHAIR KNIERIM: Thank you.

10 COMMISSIONER M. DUNN: So, you're saying that the argument where there were no windows  
11 on an entire floor of a building and they punched a few in is the one that...?

12 CHAIR KNIERIM: Yeah, yeah. Because I've been looking for guidance with this, and that gave  
13 some guidance anyway.

14 COMMISSIONER CARLOCK: After reading it, I would agree with you. It would appear to be  
15 compatible new openings.

16 COMMISSIONER M. DUNN: I would completely disagree with that, with both of you, I'm  
17 sorry.

18 CHAIR KNIERIM: And that's fine, you don't need to apologize. That's what we do here.

19 COMMISSIONER M. DUNN: This is an example of a building that had zero windows; it had  
20 absolutely nothing on that third story, or the first story. And they said that, in order to reuse the building,  
21 they needed to add some windows. And you'll note that where the windows were on the second story,  
22 they left them intact as they were. So, the historic windows remained, and then where there was nothing  
23 and they needed some light because they had no light, because there were no windows, that's where they  
24 added some...punched holes and put in windows.

25 CHAIR KNIERIM: So your concern, Meg, is that there were no windows infilled for this, in this  
26 example?

27 COMMISSIONER M. DUNN: Right, no windows were infilled, and we do have a current  
28 window providing light, so, to replace that with two brand new windows is not at all what this number  
29 two is describing. They're not...the third floor didn't have windows that were in the wrong place because  
30 there was a piece of furniture in the way, so they filled those windows in and moved them...punched new  
31 holes for new windows so that the furniture fit. That's not the example that's given here. The example is  
32 zero windows, zero sunlight, and in order to continue using the building, probably under a new  
33 use...yeah, transition in commercial architecture after the Civil War to...it looks like they were going to  
34 make it residential...they needed some light in the rooms. It seems like a very different scenario to me.

35 CHAIR KNIERIM: That's fair.

36 COMMISSIONER CARLOCK: If I could throw in...I see what you're saying, Meg, but I still  
37 think that those new windows...the last paragraph on that...or the last sentence: the number and location  
38 of these new openings did not impact the character-defining features nor direct too much focus to the

1 secondary elevation. Well, we don't have a secondary elevation here, but I don't think that the addition  
2 of those windows, taking one out, putting the other two in, which will make the livability of the space  
3 critical...I don't think...I believe that it does not impact the character-defining features.

4 COMMISSIONER NELSEN: So, I take issue with the making it livable, because that's all  
5 dependent on the floorplan that we're looking at. It's not...first of all, it's not really our purview, but this  
6 design is not the only option for the interior. So, we've come to terms with the massing and the general  
7 approach, but there are so many other things that they could do on the interior that would allow someone  
8 to age in place without impacting the windows. So, the plan that we're looking at now, I don't think it's  
9 appropriate for us to say, well, it doesn't work unless we take out these windows that would otherwise be  
10 unnecessary because the person who's designing it couldn't think of another place to put the bed, or  
11 couldn't think of another way to configure the space to meet their clients' needs.

12 COMMISSIONER CARLOCK: Well, just as a rebuttal...

13 COMMISSIONER NELSEN: Sure.

14 COMMISSIONER CARLOCK: I have an Old Town house, and I know those dimensions, and it  
15 is very difficult to try to figure out where furniture is going to go, and in a lot of times with those kinds of  
16 dimensions, you only have one option. So, if I recall when I looked at it, because I was looking at it with  
17 that lens, you...it looked to me, because of where the doorways were, the only place to put the bed was on  
18 the one wall or the other wall, so you're either going to have a clear shot to the bathroom, or you're going  
19 to have to go around. There's not really a lot of other options.

20 COMMISSIONER M. DUNN: Margo, in that scenario, I would say, if you really have trouble  
21 inserting your furniture into an Old Town house, then perhaps an Old Town house isn't the appropriate  
22 house for you, especially one that's designated. I would like to, if it's okay, I mean, along the same  
23 discussion, but I had kind of hoped to say this earlier, is, first of all, I want to apologize for my look of  
24 surprise earlier when Jeff was speaking. But I am absolutely flummoxed that my A, number one, greatest  
25 concern that I brought up in our May meeting which is included in the minutes on page four of the  
26 minutes, is these windows. And Jeff and Eric don't seem to remember that that was a huge concern. And  
27 I have searched the standards, and Jeff says that these are subjective. If anything is subjective, it's saying,  
28 let's fill in a historic window and put in two new ones because we want to put a bed headboard in, that is  
29 subjective. There is nothing in the standards that says, if your furniture doesn't fit, then perhaps you need  
30 to rearrange the windows. Instead, it says that the defining characteristics of the exterior of this property  
31 are key in how we're going to make alterations, make additions, do anything to the exterior of this house.  
32 And this window, it's original. We don't put in faux windows, we don't put in conjectural windows, we  
33 have...Jeff himself said, this does not legally have to be replaced; there is nothing driving the change of  
34 this except for the headboard of a bed. And as Anne pointed out, I made a pretty big point at our May  
35 meeting that a redesign of the proposed addition could solve this problem such that the windows would  
36 not need to be changed at all. So, I'm just...I'm sorry about the emotion, but this was a huge issue to me  
37 in May, I brought it up in May, it's in the minutes from the May minutes, and I'm just absolutely  
38 flummoxed that it wasn't taken into consideration.

39 CHAIR KNIERIM: Other discussion? Other Commissioners?

40 COMMISSIONER ROSE: Mr. Chairman, it just seems to me that if we look at this process, and  
41 I'm not disregarding what Meg said about the importance that she places with this one aspect. We've  
42 come an incredible distance from where we began. This project was not even close to what it is now.  
43 And, to me, we have made one window a character-defining feature, and I don't think it is. I think what's

1 happened in modifying, albeit admittedly, you could fumble and fuss with the interior arrangement for as  
2 long as you want, I think there's got to be a practical conclusion to anything like this, and I think what  
3 Jeff has finally proposed is A, to respect what I think was the predominant concern we all had, and that  
4 was the scale of the addition. This has been dramatically downsized.

5 And I think now, we are literally into a Byzantine argument as to whether two windows that look  
6 like they're double-hung windows, but they aren't, that still conform to the same kind of fenestration, are  
7 a character-defining feature. I don't think they are, and I'm not in a position to say, go back and redesign,  
8 rearrange the floorplan...sure you can do that, and I don't know to what end we ultimately say, okay, we  
9 give up. I just think an honest attempt has been made to conform to the wishes and concerns this  
10 Commission expressed months ago, and I commend them for their attention and their sensitivity to what  
11 we were really...my concern always has been, if I'm going down Mountain Avenue, and I look at this  
12 house, and I saw it the way it was proposed originally, it doesn't even resemble a bungalow that was  
13 placed there in 1924. It sure does now. And I think that's enough. I think we can't continue to split hairs  
14 here and make them continue to come back and say, okay, well, try something else. I'm not in a position  
15 to tell you how to arrange an interior when we have absolutely no purview over that interior. So, my  
16 sense is, let's get this thing started, let the owners and the contractor move forward and get this project  
17 done.

18 COMMISSIONER M. DUNN: Jim, I would just say that having an egregiously large addition  
19 proposed before should not be a reason why we accept these windows now. And, the contractor himself  
20 has admitted that there's no reason to change the windows; they're not being for any legal reason...by  
21 any code reason required to change them. So, by asking them to not change the windows, we're basically  
22 saying, go with what the code asks, which is nothing. Mr. Chair, I'm ready to make a motion.

23 CHAIR KNIERIM: Certainly.

24 COMMISSIONER M. DUNN: I move that the Historic Preservation Commission approve all  
25 plans and specifications for the Jackson/Bailey property located at 1306 West Mountain Avenue, except  
26 the proposed changes to the northwest bedroom window, finding that all but the window proposal meet  
27 the Secretary of the Interior standards for rehabilitation, and that the Commission deny approval of the  
28 proposed treatment of the windows on the northwest bedroom's west wall, which would inappropriately  
29 result in the removal of a historic window and the creation of two new window openings, which does not  
30 meet Secretary of Interior standards two or five, nor follow the guidance in standards bulletin number 14.

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

32 COMMISSIONER NELSEN: I'll second that.

33 CHAIR KNIERIM: And Anne seconds. Discussion?

34 COMMISSIONER NELSEN: So, I agree, we've come a long way, but I also see Meg's point that  
35 this started out as something, almost a red herring of a project. So, we're looking at something now...it's  
36 a City landmark, it is an extraordinarily small home, each one of these windows occupies a larger  
37 percentage of the façade, I think it's visible from the street, I think the windows and their proportions are  
38 character-defining features, and I think it's historic material that isn't necessary to remove. So, overall,  
39 yes, I think the masing, fine, the approach to the project as a whole is okay, but I don't see the need, and I  
40 don't think a need has really been established to deviate from the Secretary of the Interior standards for  
41 those...for that existing window. I don't feel a strong case has been made.

42 CHAIR KNIERIM: Thank you. Walter, you want to weigh in?



1 COMMISSIONER W. DUNN: So, while I agree with, you know, some of the things that Jim had  
2 brought up, I do have to say that I'm more caught up in agreeing with Meg and Anne on this position. I  
3 don't think we should base our decision on how far a project has come, or an honest attempt has been  
4 made. I feel like if we base it off of that, then you could have like an egregiously large project, parse it  
5 down, and then everyone would get a pass instead of really trying to judge it for what it is. I do feel the  
6 window is a rather important part so...and they could keep it...so, yeah, I agree definitely with what Meg  
7 has been saying.

8 CHAIR KNIERIM: Thank you. Yeah, it comes down to where is the balance, right? The balance  
9 between modern livability and historic character-defining features, and that sort of thing. And I think  
10 that's the question that I'm wrestling with. I wasn't aware that the current window doesn't have to be  
11 changed in all this, that's new information to me.

12 COMMISSIONER CARLOCK: But without changing the window, you have no egress.

13 COMMISSIONER M. DUNN: They could put egress into the current window, and that might  
14 require expanding it a little, but it would still be largely the same hole in the wall that you're working on.

15 COMMISSIONER NELSEN: So, after talking with Jeff about this, the existing opening does  
16 meet egress if the window were replaced with something that allowed the full use of the width and the  
17 height. So from my understanding, the actual opening would not have to be altered; a different type of  
18 window would have to be put in, but that would allow, in the future, and I apologize, I don't have the  
19 standard in front of me, but it would be easier to replace with a double-hung window if the interior did  
20 change in the future, or if the previous owner...it would be easier to take it back to...

21 CHAIR KNIERIM: Yeah, in terms of reversibility.

22 COMMISSIONER NELSEN: Yes, thank you.

23 CHAIR KNIERIM: Yeah, thank you.

24 COMMISSIONER M. DUNN: Yeah, I think if we look at allowing this change in the windows,  
25 and then when it comes to reversibility, we're kind of looking at a similar scenario to what we just saw  
26 with that barn, where in the '70's, they punched so many holes in it, you couldn't even tell what was  
27 original and what wasn't after a while. The more we can keep an intact house intact, the better. And  
28 that's basically what the standards drive at is, you know, make it functional, if there's a code requirement  
29 then find a way to do it sensitively, but for the most part, we want to preserve these materials, we want to  
30 preserve the layout, the sense of the character of what this building was. And punching two new holes  
31 doesn't do that.

32 MR. YATABE: Mr. Chair, if I can...and this is...don't take this as an attempt to put any pressure  
33 on you in terms of your decision, but I just procedurally want to outline kind of where you're at. So, this  
34 is...typically the situation when you have an even number of members, and I'm not saying that anyone is  
35 completely decided on this, but in the event of a tie vote, that motion would fail. And, typically speaking,  
36 the result of that is that motion cannot come forward again, so you start to lose options if these motions  
37 fail and then they're taken off of the table. So, if down the road, as you debate and consider further, if  
38 you have a change of mind, it's much harder to bring that back. I think you can reconsider a motion, but  
39 you're going to have to go through this process where you really have to renew that motion, and I can talk  
40 you through that if that's what that comes to. I guess what I'm saying is, each of these motions as they  
41 come forward, I think you want to give them a very thorough consideration because if you start to knock  
42 down motions, if they start to sort of be taken off the table, it makes it harder to kind of go back to any of

1 those prior things. I understand that some of these things, as they come forward as motions, that's when  
2 you really start to...it sparks in your head, kind of, some real consideration of what that means. So, I just  
3 want to put that out there...with an even number of Commissioners, a split vote essentially means that  
4 motion fails.

5 I think the other thing to think about as well, there's been some conversation tonight what I think  
6 is essentially the role of the Commission. The role of the Commission is this, and that is to apply the  
7 standards that you've been given. And I also want to recognize that those standards are not necessarily  
8 clear cut in all cases, there's some ambiguity in places. But I think some of the issues as to...that have  
9 been brought up about, well, this is a much-improved version over the last version. I think the answer to  
10 that is, look at the standards, that's the role you've been asked to play. Or, can you fit your furniture in a  
11 certain place, or what is the living arrangement on the inside, well, I think that also the answer to that is,  
12 what are the standards. But, I also want you to recognize, and I do recognize, that there is some gray in  
13 those standards, there is some room for interpretation, and I think you have had some of that, and I know  
14 you all know that, but I just want to put that out there for consideration.

15 CHAIR KNIERIM: Thank you, thank you. Alright, with that in mind, other discussion?  
16 Otherwise, we can vote. Alright, so the motion on the table is to...this is...just, I'm not rereading the  
17 motion, but to accept everything except the windows, is that a fair estimation?

18 COMMISSIONER M. DUNN: Yes.

19 CHAIR KNIERIM: Okay. Alright, Melissa, would you do a roll call please?

20 MS. MATSUNAKA: Yes, Mr. Chair. Margo Carlock?

21 COMMISSIONER CARLOCK: No.

22 MS. MATSUNAKA: Walter Dunn?

23 COMMISSIONER W. DUNN: Yes.

24 MS. MATSUNAKA: Anne Nelsen?

25 COMMISSIONER NELSEN: Yes.

26 MS. MATSUNAKA: Jim Rose?

27 COMMISSIONER ROSE: No.

28 MS. MATSUNAKA: Meg Dunn?

29 COMMISSIONER M. DUNN: Yes.

30 MS. MATSUNAKA: Kurt Knierim?

31 CHAIR KNIERIM: Yes.

32 MS. MATSUNAKA: Mr. Chair, that is four yes' and two no's.

1

CHAIR KNIERIM: Thank you. So, the motion as stated passes.