

December 3, 2024



AGENDA ITEM SUMMARY

City Council

STAFF

Kim Meyer, Interim Director, Community Development and Neighborhood Services
Maren Bzdek, Manager, Historic Preservation Services
Jim Bertolini, Senior Historic Preservation Planner

SUBJECT

Resolution 2024-140 Adopting Findings of Fact in Support of the City Council's Decision Overturning the Historic Preservation Commission Denial of a Certificate of Appropriateness to Replace Upper Story Windows on the Fort Collins Landmark at 201 Linden Street.

EXECUTIVE SUMMARY

The purpose of this item is to make findings of fact and conclusions regarding City Council's decision at the November 19, 2024, 201 Linden Street appeal hearing overturning the Historic Preservation Commission ("Commission") denial of a certificate of appropriateness to allow the replacement of the upper story windows on the historic landmark at 201 Linden Street (the "Property"). The City Council concluded the Commission failed to properly interpret and apply the U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties* and the Old Town Historic District Design Standards and thereby overturned the Commission's August 21, 2024, denial of a certificate of appropriateness.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On August 21, 2024, the Commission denied a certificate of appropriateness to authorize replacement of all the second-and third-story windows at the Property, a Fort Collins historic landmark (also known as the Linden Hotel).

On September 3, 2024, the Property owner/ Appellant, Linden Street Treehouse, LLC, timely filed a notice of appeal seeking to overturn the Commission's denial, raising nine issues on appeal. Specifically, the Appellant alleged:

- The Commission failed to conduct a fair hearing under all 5 grounds:
 1. The Commission exceeded its authority or jurisdiction as contained within City Code by improperly using the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties and Old Town Design Standards to justify its denial of window replacement, required repair of interior features not subject to Chapter 14, Article IV, and that the Commission failed to adequately consider Municipal Code 14-2 (Preservation Purposes), the City's Climate Action Plan, or International Building Codes;
 2. The Commission substantially ignored its previously established rules of procedure by failing to initially accept the Applicant's proffered window exhibit; and

3. The Commission considered evidence relevant to its findings which was substantially false or grossly misleading, specifically by utilizing the erroneous and false information in the 2018 Barlow report and 2024 Deep Roots Craftsmen report in their final decision-making;
4. The Commission improperly failed to receive all relevant evidence offered by the appellant by initially refusing to review and accept the Applicant's proffered window exhibit into the record;
5. The Commission was biased against the Appellant by reason of conflict of interest or other close business, personal, or social relationship that interfered with their independence of judgement; and

The Commission failed to properly interpret and apply provisions of City Code, specifically:

6. Applicable sections of the Building Code,
7. Municipal Code Section 14-2 establishing the purpose of the City's historic preservation program,
8. The U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties* (adopted by the City for historic preservation use in Municipal Code 14-53), and
9. The Old Town Historic District Design Standards.

On November 19, 2024, City Council considered the appeal allegations, the record on appeal, information presented at the hearing, and testimony from the Property owner and their representatives. City Council discussed the specific assertions of the appeal. On unanimous votes, Council found the Commission conducted a fair hearing but the Commission failed to properly interpret and apply the U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties* and the Old Town Historic District Design Standards. City Council overturned the August 21, 2024, Commission decision and voted to issue a certificate of appropriateness to the Property owner to allow replacement of the second- and third-story windows on the Property with the condition that the replacement windows must be an in-kind, wood, not metal-clad window replacement.

CITY FINANCIAL IMPACTS

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration