



Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division

Date: October 23, 2014

To: Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Appeal of three conditions of approval applied by the Heritage Preservation Commission in their September 23, 2014, action to approve a Certificate of Appropriateness to receive after-the-fact approval for unpermitted window replacement as well as to seek approval for the replacement of additional windows. The property is located within the Warehouse Historic District.

Recommendation: The following action was taken by the Heritage Preservation Commission on September 23, 2014 (BZH-28246):

1. 241 1st Avenue North (BZH # 28246, Ward 3) (Lisa Steiner)

This item was continued from the August 19 HPC meeting.

Adam Lerner has applied for a Certificate of Appropriateness on behalf of Martin Investments Limited Partnership. The Certificate of Appropriateness application is to seek after-the-fact approval for unpermitted window replacement as well as to seek approval for the replacement of additional windows at the existing building at 241 1st Avenue North. The property is located within the Warehouse Historic District.

Action: The Heritage Preservation Commission adopted staff findings and **approved** the Certificate of Appropriateness to allow window replacement on the property at 241 First Avenue North, subject to the following conditions:

1. The unpermitted replacement windows on the First Avenue North façade shall be removed.
2. Replacement windows shall be installed on the First Avenue North façade which do not change the sash, depth of reveal, muntin configuration, the reflectivity of the glazing, or the appearance of the frame of the historic windows.
3. New windows shall be measured to replicate the profile of the remaining sets of tripartite windows in the third and fourth floors of the First Avenue North façade. Second floor windows shall replicate the profile of the historic windows based upon photographic evidence.

4. All windows to be replaced on the south, east, and north sides of the building shall be replaced with sixteen or eight light windows with profiles that replicate the historic steel sash windows.
5. Aluminum is a suitable replacement material for the windows and framing elements.
6. New windows shall be compatible in material, type, style, operation, sashes, size of lights and number of panes of the existing windows in that location.
7. The steel sash windows on the south, east, and north elevations of the building are divided light windows. Simulated divided lights with an interstitial spacer are acceptable as long as they match the profile, arrangements and number of lights as the originals.
8. Internal muntins, sandwiched between two layers of glass, alone are not allowed.
9. Replacement windows shall be finished with a painted enamel finish. Anodized or other unfinished treatments are not allowed.
10. Clear transparent glass shall be used for all replacement windows.
11. The depth of reveal shall not be altered; the replacement windows shall be inset one brick width from the building face and the sills shall not be altered in any way.
12. By ordinance, approvals are valid for a period of two years from the date of the decision unless required permits are obtained and the action approved is substantially begun and proceeds in a continuous basis toward completion. Upon written request and for good cause, the planning director may grant up to a one year extension if the request is made in writing no later than September 23, 2016.
13. By ordinance, all approvals granted in this Certificate of Appropriateness shall remain in effect as long as all of the conditions and guarantees of such approvals are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Certificate of Appropriateness and may result in termination of the approval.

Absent: Bengtson, Hartnett, R. Mack, Stade

Aye: Faucher, Haecker, Hunter Weir, Lackovic, L. Mack, Vork

Motion passed

Prepared by: Lisa Steiner, City Planner, (612) 673-3950 Approved by: Jason Wittenberg, Planning Manager, (612) 673-2297 Presenters in Committee: Lisa Steiner, City Planner, (612) 673-3950

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The neighborhood group, Downtown West, and property owners within 350 feet of 241 1st Ave North were notified of the Zoning and Planning Committee meeting.
- City Goals: See staff report

- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60-120-day decision period: On August 19, 2014, the City extended the decision period to no later than November 26, 2014.

Background/Supporting Information

Adam Lerner, on behalf of Martin Investments Limited Partnership, has appealed three conditions of approval applied by the Heritage Preservation Commission in their September 23, 2014 approval of a Certificate of Appropriateness for the property at 241 First Avenue North. The Certificate of Appropriateness was to receive after-the-fact approval for unpermitted window replacement as well as to seek approval for the replacement of additional windows.

The conditions appealed (1, 2, and 3) require the unpermitted window replacements on the First Avenue North façade to be removed. The conditions further require that new windows be installed which replicate the profile of the historic windows on that façade, meet the Warehouse Historic District Design Guidelines, and meet the Secretary of the Interior's Standards for Rehabilitation.

At its meeting on September 23, 2014, the Heritage Preservation Commission voted 6-0 to approve the Certificate of Appropriateness subject to 13 conditions, upholding staff recommendation. The appeal (attached) was filed on October 2, 2014.