

**Excerpt from the
HERITAGE PRESERVATION COMMITTEE MEETING
Community Planning & Economic Development (CPED)
250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385**

The following actions were taken by the Heritage Preservation Committee on September 23, 2014. The Heritage Preservation Committee's decisions on items are final subject to a ten calendar day appeal period.

Commissioners present: Ms. Laura Faucher, Mr. Alex Haecker, Ms. Susan Hunter Weir, Ms. Ginny Lackovic, Ms. Linda Mack and Ms. Constance Vork

Committee Clerk: Fatima Porter 612.673.3153

ITEM SUMMARY

Description:

Item #1- 241 1st Avenue North (BZH #28246 Ward 3) (Lisa Steiner)

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

TRANSCRIPTION

Staff Steiner presented the report.

Commissioner L. Mack: I should have reviewed these guidelines. Do the guidelines make any distinction between the primary façade and the secondary facades?

Staff Steiner: They don't. For the secondary facades they talk about how you can have new window openings where you wouldn't on the primary. But the design guidelines for window replacement are the same for each façade.

Chair Faucher: As a follow up to Commissioner Mack's question, because our guidelines, I think our guidelines state that we should retain original historic materials. I guess I was a little bit curious about the recommendation for allowing replacement of the historic windows on the non-primary facades for the steel sash windows.

Staff Steiner: The applicant provided pictures of them. Most of them have been altered in some way, there's a vent or a louvre or something in them, so almost none of them are in perfect condition. The applicant provided pictures that showed significant corrosion, typical things that happen with steel sash windows. So we thought that an aluminum window matching the exact profile with the thin muntins and sixteen lights would be an appropriate substitution.

Commissioner Lackovic: Was a complete window survey provided? I know they have some sample pictures of conditions but was a window by window survey provided to you?

Staff Steiner: No but a significant number of pictures and the architectural elevations were provided.

Chair Faucher: If the applicant is here and wishes to speak please step forward and state your name and address for the record.

Adam Lerner (241 1st Avenue N): Thank you for hearing our application. I just want to start with how the staff report and our own proposal differ. First of all, on the front second, third and fourth floor replacement windows, that's clear. I'll get into that. However on side and rear windows, we've had more time to consider your recommendations and we are willing to go ahead with replacing them with replicate eight or 16 pane windows. However, the staff is recommending true divided windows. We would like to use simulated divided windows. But the profile, historic profile would be consistent. So, we feel that our plan replicates the historical appearance as well as taking into account things like energy efficiency, durability, and structural integrity of the building. There's also a large difference in the cost between what our proposed plan is and what the HPC staff plan for us is, of approximately \$170,000. We clearly didn't approach this project as a developer would and we made mistakes. We didn't hire a contractor. Our long time production director at Lerner Publishing Group worked directly with Brin Glass to plan the project. Initially only focused on the second and third floor front facades. There was miscommunication about the permit process with Brin. Which led to the unpermitted work and then I got involved. And I say this not as an excuse but simply as an explanation for the situation. We're not developing this real estate for rent. We've been a building owner and continuous operator since my father purchased the building in June 1966. Over half the life span of the building. We love our building and our neighborhood and have contributed tremendously to the appeal of it as a media hub. We were one of the first, to illustrate that, our commitment to the neighborhood; we were one of the first contributors to the new Central Library. And just to give you again, some background, my lawyers told me that none of this will matter to you. But maybe I could prove them wrong, I have before. Just to kind of give you some background, this is an example of the book we published with the Central Library about the building of it. It demonstrates how we're not just sort of a fly by night developer that comes and rents this out and tries to turn this into a property and flip it. We've been here for a long time and consider ourselves part of the heritage. I can pass this around if you'd like to look at it. Just a little more background about us, we enjoy support from many of our neighbors. We've published thousands of worthwhile educational books in this building. We've employed hundreds of

local residents and paid millions of dollars in property taxes. Unsolicited, a neighbor of ours, another multi-generational business owner and property owner told me that he'd written to the committee to support our plans. So we enjoy support of the neighbor. I think that's on the record, Lisa knows that. \$170,000 is a tremendous amount of money for us to spend on plans that we feel marginally enhance the appearance and may cause some structural risk to the building. The publishing world is experiencing a tremendous amount of change right now, and this additional expense puts our core business at risk. We modified our original plan from what we proposed for the August 19th meeting to get closer to the staffs visual recommendation. As I said, we are now agreeable to replicating the side and rear windows with a simulated, rather than true eight or 16 pane divided windows. Regarding the front windows, it was unclear to us based on the initial meeting with HPC staff in March if they were requiring wooden frame, single pane windows. So when we got the report prior to the August 19th meeting, that helped clarify their position for us and allowed us to rethink our approach and try to find more middle ground with them. By adding horizontal mullions, we feel this gets closer to replicating the historic profile without wasting the work that was done. As a responsible citizen, it's hard for me to stomach throwing away extremely functional windows as well as the amount of resources that go into fabricating new ones. The operable windows that staff recommends decrease durability and energy efficiency. They increase long term maintenance requirements and they decrease the overall performance of the glazing system of the windows. Also, by removing and replacing these windows once again, it potentially subjects our building to potential substrate damage, by literally impacting the buildings historic integrity. I should say structural integrity. Regarding the side and rear windows, I'd like to remind the committee that the abutting alley and rear parking lot of our building have very minimal foot traffic. There's a potential condominium development behind the building that would block the rear visibility further. The north sides profile is almost completely blocked by the building next to it. It doesn't seem to make sense for true divided or simulated divided lights would compromise the historic integrity of the building. In addition, multiple pane replacement windows are more prone to failure due to their multiple gaskets. To summarize, we want to work with the HPC to enhance the value of the building and the overall appearance of the neighborhood. I believe our commitment and the time we've taken to try and find a solution speaks for itself. We'd like to improve the historical accuracy, energy efficiency, and overall appearance of the windows we are discussing on all sides of the building. But we can only afford to do so under our plan. We hope the HPC will support us. I just want to reiterate, it's very costly for us. We're willing to improve the visibility, appearance, of the front, adding mullions and the sides by adding simulated divided windows. But we can't afford to do both projects. It's simply out of our price range. By following our plan we'd be able to do both. Thank you.

Chair Faucher: Any questions of the applicant from the commission? Commissioner Mack.

Commissioner L. Mack: I really appreciate your comments but do you have examples of what the windows would look like with the simulated divided light?

Adam Lerner: I don't at this point.

Chair Faucher opened the public hearing.

Chair Faucher: Anyone wishing to speak for or against this item please step forward?
Seeing none, we'll close the public hearing.

Chair Faucher closed the public hearing.

Chair Faucher: Commissioners what are your thoughts?

Commissioner Vork: Thank you Madam Chair, I'd like to make a motion that we adopt staff findings and approve the Certificate of Appropriateness to allow window replacements on the property at 241 1st Avenue North subject to the conditions that are listed here. And with the clarification on item number four that four only applies to the windows that have not yet to be replaced. Do I understand that correctly?

Chair Faucher: All windows to be replaced, I think, on the south.

Commissioner Vork: To be replaced, yes. Thank you.

Chair Faucher: Anything else? Is there a second?

Commissioner Lackovic: I'll second and ask to add a requirement to provide a full window survey.

Commissioner Vork: I accept that.

Chair Faucher: Discussion? Commissioner Mack.

Commissioner L. Mack: This is a tough one. I would like to be able to see the difference between true and simulated divided lights looks like on the non-primary facades, because there may be room for compromise in that area. The primary façade is really important and it's unfortunate that it went this way. I think it's going to be hard to make those windows look right because of the reflectivity among other things. And it really does have a huge impact on the buildings integrity. I'm less worried or concerned I guess about the non-primary facades considering their along alleys and so forth. And again, I guess not being able to discern the difference maybe one of the architects can help me out with that.

Commissioner Hunter Weir: I agree with Commissioner Mack. I keep looking back and forth between the two pictures, the two most recent pictures and it looks like a completely different building. They sort of, these windows have lost the industrial feel altogether. It looks more like a mini office building to me. I think I'd be willing to look at some other possibilities on other facades, but I'd have to say sort of given the history of unpermitted work I'm getting worried about the ghost sign on the back of the building, I'm extremely worried about that. I just don't know how this happens. And it makes it very difficult when it has happened but I guess that's one of the [??].

Commissioner Haecker: So, The difference between SDL or simulated divided light and true divided light, is the simulated is applied mullions on the surface of the glass and then there's two sheets of glass and nothing in between, so no divider. The true divided light is true divided light. It goes all the way through. The louvre, has permeant simulated divided light but it has to have a spacer so that we don't see that gap if you will. Forgive my sort of, confusion here, what staff is approving and what we have seconded is that, we're asking them to replace the steel sash windows with a eight or 16 divided light, with a true divided light but it's not eight or 16 but its six I guess. The applicant got up and wanted to replace the windows with a simulated divided light, not true divided light but with the correct number of divisions.

Chair Faucher: We'll have staff clarify at this point.

Staff Steiner: Could you repeat your question?

Commissioner Haecker: I think this is item four but the historic steel sash windows on the non-primary sides, staffs ok and we've seconded up here, that it's ok to go with a true divide light that the muntins six or eight division is a lesser division.

Staff Steiner: Staff's position is that it remain 16 or eight depending and that it be a true divided but that it is aluminum. There is another design guideline that says that if it is not possible then applied muntins with an interstitial spacer could be used. That's a consideration guideline.

Chair Faucher: I'd like to point out that when you start getting the true divided lights, I don't know that you're going to be able to have the really narrow profile of those muntins that you have on steel sash windows on the new one. And I think that the sixteen light windows are going to start to look really clunky.

Commissioner Haecker: It's going to be all metal.

Chair Faucher: So I would fully support a simulated with an interstitial spacer

Commissioner Haecker: with a profile that matches the historic. But that wasn't part of the simulated.

Staff Steiner: No, they were proposing hollow metal two over two lights. Like the picture of the one that already got put in.

Chair Faucher: So, does that kind of answer your question Commissioner Mack?

Commissioner Lackovic: One more thing to tag on to the divided light discussion. A lot of times, we've seen people avoid replicating the double hung sash by using applied muntins and that's another one that if you don't actually detail the window properly, let's just say if someone were to propose using an applied muntins on the front of this building where it's just one sheet of glass and you've already lost that depth of the double hung. It's the depth

and the shadow that you really do notice on an applied muntins. The spacers help that a little bit but it has to be done in a way that really does capture that original profile on the exterior. There are a couple of great examples of really poorly done applied muntins.

Commissioner L. Mack: [??] If the motioners would accept as a friendly amendment some wording that would allow for the simulated divided lights. Maybe we don't need it, because it's not even in here. Yes, it is. It's number seven.

Applicant speaking from the public (inaudible).

Chair Faucher: I'm sorry; the public hearing is closed so we have to come up with the proposal at this point.

Applicant speaking from the public (inaudible).

Commissioner L. Mack: Number seven would be revised to say that simulated divided lights with interstitial spacers would be acceptable.

Chair Faucher: And the rest of it would be struck?

Commissioner L. Mack: The rest of seven is just a statement so it could stay.

Chair Faucher: So, simulated divided lights with interstitial spacer....

Staff Steiner: Can I add a clarification, that if you are only talking about the steel sash windows to put that in there, because otherwise it applies to all of them.

Commissioner L. Mack: I guess move the second sentence as the first sentence in there. So, number seven would read, the steel sash windows on the south, east and north elevations of the building are divided light windows replacing them with windows with simulated divided lights with interstitial spacing would be acceptable. Kind of a funny way to put a condition, its what I'm trying to get across anyway.

Chair Faucher: I think that works. Commissioner Lackovic.

Commissioner Lackovic: I'll amend your friendly amendment. To accept it outright I would say is acceptable as long as the profiles match the existing. We could still condition that.

Commissioner L. Mack: I like that even better.

Chair Faucher: So, the steel sash windows on the south, east and north elevations of the building are divided light windows, simulated divided lights with an interstitial spacing that match the profile of the existing steel sash windows. Or steel sash muntins.

Commission Lackovic: Simulated divided light are acceptable as long as they match the existing profile, pattern, number of lights.

Chair Faucher: Simulated divided lights but I think we need to say with an interstitial spacer. Ginny could you repeat that?

Commission Lackovic: Simulated divided lights with an interstitial spacer are acceptable as long as they fit the original profile, arrangement, and lights of original.

Chair Faucher: Linda this is your friendly amendment. 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, and arrangement, and number of lights as the originals. Does that cover it? So that's the friendly amendment, is that acceptable to the motioner and to the seconder?

Commissioner Vork: I'll accept that.

Commissioner Lackovic: Yes.

Chair Faucher: Any further discussion on this item?

Staff Dvorak: For point of clarification, does the first sentence remain in the condition? So the true divided lights, we're deleting that.

Chair Faucher: Yes. I'd like to add one thing, just to address the applicant. I know this is not the outcome that you wanted and this is a difficult situation for you. There are certainly different options, you can phase the project, you can talk to staff about how it could work doing part of the project now and you have what a year for the Certificate of Appropriateness, but maybe discussing that with staff as far as how you can phase it to work to be able to afford it. I think that the critical thing for us is that we have a preservation ordinance to enforce and we made specific guidelines for this district and you're surrounded by other property owners that have had to comply with those guidelines. And if we start making exceptions for, albeit a mistake, and unfortunately a very costly one for you, we set a precedent that becomes problematic for us and for the City and it's just something that we can't do. We have to uphold our ordinance. And, not to mention the character of the district would really be dramatically changed. Thank you for your application today and running with us through this project, but that's what we're charged with. With that, will the clerk please call the roll?

Absent: Bengtson, Hartnett, R. Mack, Stade

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

Motion passed