

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

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The following actions were taken by the Heritage Preservation Committee on July 14, 2015. The Heritage Preservation Committee's decisions on items are final subject to a ten calendar day appeal period.

Commissioners present: Mr. Paul Bengtson, Ms. Laura Faucher, Mr. Alex Haecker, Mr. Chris Hartnett, Ms. Ginny Lackovic, Ms. Linda Mack, Mr. Dan Olson, Mr. Ian Stade and Ms. Constance Vork

Commissioners absent: Ms. Susan Hunter Weir

Committee Clerk: Fatimat Porter 612.673.3153

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**ITEM SUMMARY**

**Description:**

**Item #4 - 414 Third Avenue North (BZH #28733 Ward 3) (Lisa Steiner)**

The Department of Community Planning and Economic Development recommends that the Heritage Preservation Commission adopt staff findings for the application by Hal Pierce of HPA Architecture for the property located at 414 3rd Avenue North:

**A. Certificate of Appropriateness.**

Action: The Heritage Preservation Commission adopted staff findings and **approved** the Certificate of Appropriateness to allow the rehabilitation of the existing building, subject to the following conditions:

1. The original steel sash windows on the third and fourth floors of the front façade shall be retained and repaired rather than replaced.
2. The existing windows on the second floor of the front façade may be replaced with new windows which are compatible in material, type, style, operation, sashes, size of lights and number of panes of the original windows.
3. Replacement windows on the rear façade of the building shall be compatible in material, type, style, operation, sashes, size of lights and number of panes of the original windows.
4. Final plans shall be approved by the Department of Community Planning and Economic Development.
5. 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 July 14, 2017.

6. 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:** Hunter Weir

**Aye:** Bengtson, Faucher, Haecker, Lackovic, Vork

**Nay:** Hartnett, Mack, Olson, Stade

**Motion passed**

## **TRANSCRIPTION**

**Lisa Steiner presented the report.**

**Chair Faucher:** Are there any questions of staff? Commissioner Haecker.

Commissioner Haecker: Are they looking at this as a tax credit project is my first question. And what if, we are, the staff is recommending original steel sash windows on the front façade be retained, was there discussion about interior storms or anything like that?

Staff Steiner: First, for the tax credits Commissioner Haecker, I mentioned to them that they were eligible for that, but I don't think they are pursuing that. They were going to look into it last I heard. And then for your other question regarding the interior storms, staff would, by not appropriate, I can't remember if we discussed that in the report or not, but, some sort of modification, I think that's how we said it, some sort of modification to increase their energy efficiency would be appropriate as long as those windows were retained from the exterior.

Chair Faucher: Ok, Commissioner Mack.

Commissioner Mack: I was wondering if you had any opportunity to look at the windows and assess their condition.

Staff Steiner: Commissioner Mack, I did not have a site visit to view the windows myself.

Chair Faucher: Did that answer your question? Any other questions for staff? Alright seeing none, if the applicant is here and would like to speak, please step forward.

Paul Oxborough (24020 Yellowstone Trail): I'm here to speak to the condition of the windows on the third and fourth floor. They're badly neglected, especially on the fourth floor. Many of them don't open. Those that do don't close properly due to the terrible rusting. In many of these areas, the rust, the metal, excuse my terminology, but it is actually exploding and so far bent, I just feel that they're beyond repair. There's issue then with the residential ventilation, which I would like our architect Hal Peirce to speak to. We would like to replace the second floor windows even though they're in fine condition. But they're esthetically offensive. Part of our consideration with this is, of course cost. We'd be looking at about \$60,000 for replacement windows and \$10,000 with storms for rehabilitating them. And there's great concern if we do put a storm window on the inside, that we won't be able to get proper ventilation. Because this will be our residence and work space for me,

we consider that to be important. And so this \$10,000 cost then comes with no warranty, which is also a great concern for us as we Minnesotans know, that rust will come back and we feel this is just going to be a losing game for us. And we feel this will give us a unified front to the façade. And we'd be using a St. Cloud; I believe it's a 2500 window. And they assure us that they'll match them exactly down to the rivets on the mullions. Another issue, and this may not be of concern to the HPC but that goes to sound. This is right on 394 and that makes a difference to us so I thought I would mention that. So, we respectfully ask that you, due to these considerations, that you would grant us permission to replace the window with historically accurate reproductions. Thank you.

Chair Faucher: Alright thank you. Are there any questions of the applicant? Commissioner Lackovic.

Commissioner Lackovic: Do you know how these windows are fastened? Attached? Are they cast in place? Are they bolted? Can you see the attachments? Do you know how they're.....

Mr. Oxborough: They seem to me, and maybe Hal can speak to this, but they seem that they are, there's cement. At least on the sill, that they're held in place. I don't see any fasteners on the sides.

Chair Faucher: Alright, additional questions? Commissioner Stade.

Commissioner Stade: Would the replacement windows be more energy efficient than repairing the third and fourth floor windows?

Mr. Oxborough: Definitely, they will be. And there's great concern that there would be frost build up if you can put a storm on the inside. If that's even a viable option due to ventilation. So there's no doubt that they would be more energy efficient as well.

Chair Faucher: Any other questions? Seeing none, if your architect wants to speak.

Hal Pierce (5930 Kirkwood Lane): I apologize for the lateness of the survey. We met with our window seller and a representative from St. Cloud Windows. Walked through and looked at the windows, took those pictures, I think you got those today. They could be restored, but it'd be a big cost and they didn't think they could weather strip them to prevent them from leaking. And the ventilation, since they are 16 by 16 with a center of each one that's operable, it has a metal stick that you, with the notches, and to get that to come back in and stay within the limits of the storm would be very difficult. And since Paul to use this as his residence on the fourth floor, he'd like to have natural ventilation.

Chair Faucher: Any questions? Commissioner Harnett.

Commissioner Harnett: Mr. Pierce, so you're saying that this report that we got, that recommends due to the extensive corrosion and the vertical mullions, refurbishing is not recommended. That's from St. Cloud, who.....

Mr. Pierce: This is from Midwest Window. They just did Summit Brewery. He said that they could do it but there's some parts on fourth floor, somebody removed the center one and put a window air conditioner in there so we don't even have those parts. We have to see if we could maybe get it

fabricated. It would very difficult and costly renovation. And Paul would like to do the second floor just to match so the whole buildings unified. Bring back to its original condition.

Chair Faucher: Alright, any further questions? Thank you. We will now open the public hearing. If there is anyone who wishes to speak for or against this item, please step forward. Seeing none, I will now close the public hearing. Commissioners, thoughts, discussion, motion? Commissioner Hartnett.

Commissioner Hartnett: I see two reasons why you would replace these windows. One, they are functionally obsolete, not functionally obsolete, but they just, they don't work anymore. I mean they've deteriorate to the point where they just don't work. And they really can't be repaired. That doesn't sound like the case. The other reason would be that it's just cost prohibitive to repair them. And we don't really have any input on that as to the cost. I do think that the argument that they are probably functionally obsolete as far as being able to provide ventilation for their home and for their studio is a reasonable one. I don't really have a conclusion based on that but I just kind of want to throw that out to hear what other commissioners are saying. It feels to me like it, I'm not really sure, if these can be repaired in a reasonable cost.

Chair Faucher: Thank you. Commissioner Lackovic.

Commissioner Lackovic: We'll have a discussion, continuation. I think for me there were four points on this one. Which I think window removal is a little premature. One, the survey is not really a full survey; it's a very preliminary report. We're not getting an itemized list of all the windows here so it's real hard to gauge the extent. Although the photos that are here certainly show a high degree of deterioration. But the survey's incomplete. You've acknowledge repair is possible. And we've seen windows in this condition that have been refurbished and work just fine. Again, there's obviously going to be some replacement pieces but that may be possible. But we're not sure how they're attached; there are a lot of questions here, which tells me that again, the survey is incomplete and that rehabilitation hasn't been considered maybe seriously enough. So, I think that's point two. Point three would be, if you do come to the conclusion, if the conclusion is made that they are not salvageable, I would want to see a mock-up of the proposed windows before I tear out the existing. Everybody says they can replicate them and very few people can. So, again that's a cautionary, you would definitely want to have a mock-up before any demolition takes place. As far as the concerns for infiltration, you know the interior storms; there has been a high degree of success with interior storms. And if installed properly that you can control condensation and eliminate air infiltration and exfiltration. And it's a good sound barrier which would help given your location. I think there are enough compelling reasons here that just tells me that we're not quite ready to approve demolition of these widows.

Chair Faucher: Other thoughts. Commissioner Stade.

Commissioner Stade: I'd like to make a motion. The motion is approve the Certificate of Appropriateness to allow the rehabilitation of the existing building subject to the following conditions listed here. Two through six stay the same. Number one would read the original steel sash windows on the third and fourth floors of the front façade shall be replaced rather than repaired.

Chair Faucher: Is there a second to that motion?

Commissioner Mack: I would second that.

Chair Faucher: Thank you Commissioner Mack. Further discussion?

Commissioner Mack: I would speak to it to. Obviously, we don't have a big, complete, window survey and one could ask for that. It seems that in this case there is, I think in the Secretary of Interior guidelines, there it was, you should replace if you can. And that's the question before us. But it's hard for us to judge without more information. But it seems like there is a very reasonable replacement that's going to be used on the second floor that if we can be assured that it really reproduces this look, seems like a much more sensible way to proceed. And it's a small project. So I'd just, would support that motion.

Chair Faucher: Alright, thank you. Commissioner Hartnett.

Commissioner Hartnett: I think I tend to agree with Commissioner Lackovic. I don't think we have enough information yet to move forward with recommending they be retained and repaired or they be replaced. So, I would tend to not support going either way at this point. But potentially continue this, two meetings ahead, to allow the applicant to provide the information that Commissioner Lackovic has requested.

Chair Faucher: Commissioner Vork.

Commissioner Vork: I mostly reiterate what Commissioner Lackovic said. I think the survey, window survey, is inadequate. And also, I'm concerned that we can't be assured of the quality of a replication until we see it and I don't want to see any windows destroyed until we can see that. And I'm also struck by the fact that we have an architect and Midwest Window that both apparently are saying these windows can be repaired. Well, if they can be repaired, and its, that's the method that we're supposed to be using in a historic district, I'm a little confused by the conversation and the opposition to at least making an attempt to repair. Or going through a more significant, detailed survey and basically getting more information.

Chair Faucher: Any other comments. Commissioner Bengtson.

Commissioner Bengtson: I would also reiterate that a complete survey would allow us to make a determination that we're not really able to make at this time.

Chair Faucher: Alright thank you. Commissioner Haecker.

Commissioner Haecker: I'd support the idea of a window survey. I think that would, that's what we usually require of everyone. So, I don't see why this would be different. I could say that I have been through this building and have looked at those windows. I mean, based on my experience, their definitely repairable. That's why I asked the tax credit question, because my thought would be that it would be something that SHPO and the Park Service would, I mean they would make us go through the window survey for sure but my conclusion would be that they would make us repair them not replace them.

Chair Faucher: I would like to add, I guess, I'm in agreement that we don't have enough information and honestly from what I am seeing in the photos, there is significant deterioration but we've see at this level restored. The Ford Building which HGPA has their offices in, not far from you, has done just that. I sympathize with the ventilation concerns however I would imagine that mechanically, you could probably make up for that. And if we're allowing replacement for the windows on the rear façade you would at least have some operable windows there. If in fact the storm windows can't be made operable, that would be added to restore windows, which may be possible. So, I guess I don't necessarily support the motion either and I would ask the motioner perhaps, I mean we can call the roll, but if this is not going to be approved then that kind of leaves them at square one again and..no? If it's not approved, well they can appeal. A new motion has to be made?

Commissioner Stade: I'll just withdraw.

Chair Faucher: Would someone like to make a new motion? Commissioner Haecker.

Commissioner Haecker: I'd like to make a motion for 414 Third Avenue North, to approve the staff findings as listed.

Chair Faucher: Is there a second?

Commissioner Vork: Second.

Chair Faucher: Commissioner Vork second. Thank you. Any further discussion? Commissioner Hartnett.

Commissioner Hartnett: So what we're saying is we are approving that they shall be retained and repaired rather than replaced? Is that...

Commissioner Haecker: Correct.

Chair Faucher: Condition one, yeah, the original steel sash windows on the third and fourth floors of the front façade shall be retained and repaired.

Commissioner Hartnett: So we're not going to do the continuation to try to gather more information to see if that's a reasonable or a viable option. I think that's what we were, that's what we talked about previously. I just want to throw that out as...

Chair Faucher: Sure we can discuss that. Commissioner Olson.

Commissioner Olson: Are you saying that we would approve this and then they could appeal. Would they appeal to whom?

Chair Faucher: Well if they appeal it would be go to City Council, if they would not want to have that condition. Otherwise we could continue it.

Commissioner Olson: I would prefer continuing, because that would give an opportunity to plead

their case. If we feel at that point that we still feel the same way, that we want the windows to be retained then we could make that decision then. But I'd like to see a...

Chair Faucher: I would like to ask staff if it would be appropriate if we consulted with the applicant at this point to see if they have a preference. No not really?

Staff Dvorak: This is a decision that needs to be made by the commission. If you want to see more information on the windows, you should direct the applicant, you should continue the itme tonight and ask for a full window survey on the building so you can make the informed decision about whether or not they can in fact repair them or if they should be replaced.

Chair Faucher: Ok. Commissioner Vork.

Commissioner Vork: Personally I'm in favor with going ahead with this motion as it is. However, if the motioner would like to make changes, I will support that.

Commissioner Haecker: I still support the motion.

Chair Faucher: Alright. Commissioner Lackovic.

Commissioner Lackovic: Perhaps the friendly amendment. It would be a new motion, never mind.

Chair Faucher: Well, I think at this point, I don't know I personally feel like we've seen probably the worse conditions in the survey. And I think that it's possible, feasible to repair them. I would support going ahead with calling the roll if everyone else is in agreement then. Will the clerk call the roll?

**Absent:** Hunter Weir

**Aye:** Bengtson, Faucher, Haecker, Lackovic, Vork

**Nay:** Hartnett, Mack, Olson, Stade

**Motion passed**