



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

**Date:** May 22, 2008

**To:** Council Member Gary Schiff, Chair, Zoning and Planning Committee  
Members of the Committee

**Referral to:** Zoning and Planning Committee

**Subject:** Appeal of the Heritage Preservation Commission action approving a Certificate of Appropriateness at 624 9<sup>th</sup> Street South in the Ninth Street Historic District for brick cleansing and the replacement of windows and vinyl siding subject to the following conditions:

1. The vinyl siding on the existing enclosed staircase shall not be approved.
2. Plans for the treatment of the closed-off opening below the second story window on the rear façade shall be submitted to and approved by staff.
3. All work shall be performed in accordance with the Secretary of the Interior Standards for Rehabilitation.
4. CPED-Planning Preservation Staff reviews and approves the final plans and elevations prior to building permit issuance.

**Recommendation:** The Heritage Preservation Commission adopted staff recommendation and approved a Certificate of Appropriateness at 624 9<sup>th</sup> Street South in the Ninth Street Historic District for brick cleansing and the replacement of windows and vinyl siding subject to the following conditions:

1. The vinyl siding on the existing enclosed staircase shall not be approved.
2. Plans for the treatment of the closed-off opening below the second story window on the rear façade shall be submitted to and approved by staff.
3. All work shall be performed in accordance with the Secretary of the Interior Standards for Rehabilitation.
4. CPED-Planning Preservation Staff reviews and approves the final plans and elevations prior to building permit issuance.

**Previous Directives:** N/A

**Prepared or Submitted by:** Brian Schaffer, Senior City Planner, 612-673-2670

**Approved by:** Jack Byers, Planning Supervisor, 612-673-2634

**Presenters in Committee:** Brian Schaffer, Senior City Planner

**Financial Impact (Check those that apply)**

No financial impact (If checked, go directly to Background/Supporting Information).

Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.

Action provides increased revenue for appropriation increase.

- \_\_\_ Action requires use of contingency or reserves.
- \_\_\_ Business Plan: \_\_\_ Action is within the plan. \_\_\_ Action requires a change to plan.
- \_\_\_ Other financial impact (Explain):
- \_\_\_ Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact (use any categories that apply)**

**Ward:** 7

**Neighborhood Notification:** Elliot Park Neighborhood, Inc. was notified of the appeal application on May 12, 2008.

**City Goals:** See staff report.

**Comprehensive Plan:** See staff report.

**Zoning Code:** See staff report.

**Living Wage/Job Linkage:** Not applicable.

**End of 60/120-day Decision Period:** Not applicable

**Other:** Not applicable.

**Background/Supporting Information Attached:** Allen Steele, on behalf of Aeon, has filed an appeal of the decision of the Heritage Preservation Commission **approving** a Certificate of Appropriateness at 624 9<sup>th</sup> Street South in the Ninth Street Historic District for brick cleansing and the replacement of windows and vinyl siding subject to the following conditions:

1. The vinyl siding on the existing enclosed staircase shall not be approved.
2. Plans for the treatment of the closed-off opening below the second story window on the rear façade shall be submitted to and approved by staff.
3. All work shall be performed in accordance with the Secretary of the Interior Standards for Rehabilitation.
4. CPED-Planning Preservation Staff reviews and approves the final plans and elevations prior to building permit issuance.

The Heritage Preservation Commission voted 8-0 to adopt staff recommendation and approve the Certificate of Appropriateness with the four previously stated conditions to allow for brick cleansing and the replacement of windows on April 22, 2008. The appellant filed an appeal on May 2, 2008. The appellant's statement is included in the attached supporting material.

Supporting Material

- A. Appellant statement of appeal
- B. April 22, 2008 HPC Meeting Minutes
- C. April 22, 2008 HPC Staff Report with attachments

**CITY OF MINNEAPOLIS  
CPED PLANNING DIVISION  
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

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FILE NAME: 624 9<sup>th</sup> Street South

APPLICANTS: Allen Steel of Superior Construction Services, on behalf of Aeon

DATE OF APPLICATION: March 21, 2008

DATE APPLICATION DEEMED COMPLETE: March 24, 2008

DATE OF STAFF REPORT PUBLICATION: April 15, 2008

DATE OF HEARING: April 22, 2008

APPEAL PERIOD EXPIRES: May 2, 2008

HPC SITE/DISTRICT: Ninth Street Historic District

CATEGORY: Contributing

CLASSIFICATION: Certificate of Appropriateness

STAFF INVESTIGATION AND REPORT: Brian Schaffer, (612) 673-2670

DATE: April 9, 2008

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**SITE DESCRIPTION & BACKGROUND:**

624 Ninth Street South, is one of seven townhouses that make up the Haglin and Morse Townhouses (614-626 South Ninth Street), which are located at the intersection of South Ninth Street and Park Avenue. On the attached map of the district the address is 622 Ninth Street South. The design of the seven three-story townhouse units, constructed in 1886 and designed by Frederick A. Clarke, is a variant of the Victorian Romanesque style of architecture. 622-624 Ninth Street South was converted to a 16 unit apartment building prior to the designation of the district in the 1980s.

The subject site experienced a fire in one of the units earlier this year. The fire affected the rear of the property and resulted in interior damage and exterior damage to four windows, smoke damage to the brick and siding damage on the east side of an enclosed stairway.

**PROPOSED CHANGES & ANALYSIS:**

The applicant is applying for a Certificate of Appropriateness to allow for:

- Replacement in-kind of four aluminum windows on the rear of the structure
- Replacement in-kind of vinyl siding on the exterior of an enclosed stairway
- Cleansing of smoke damaged exterior brick

**Replacement in-kind of four aluminum windows**

The applicant is proposing to replace four single hung aluminum windows that were damaged in the fire. The location of the four windows is on the rear, non-primary, façade

of the structure. The four replacement windows are manufactured by Gerkin and are the Rhino C-50 commercial single hung model with a painted bronze finish. The applicant has provided the manufactures specifications and window details (See attachment 5). The applicant states that the proposed windows are the exact style and color of the windows currently on the rear façade of the structure.

Building permit records do not indicate when the current windows were installed on the rear façade. The district was created in 1986 and there are no Heritage Preservations records indicating the window replacement.

The Ninth Street Historic District guidelines allow for aluminum window replacement when the window does not have unique architectural or historical significance. The guidelines further state that the replacement windows must be single or double hung and be a paint finish. The applicant is proposing operable single hung windows with a painted bronze finish. The rear façade of the structure is constructed of common brick and lacks the ornate features of the front, primary façade. Replacement of the four damaged rear windows with the proposed aluminum windows will likely not alter the historical significance of the structure.

The pictorial evidence submitted by the applicant (attachment 4) show that below the second story window on the rear façade there appears to be a closed-off opening. Staff could not find any permit information regarding this opening enclosure in. The applicant has not provided any information regarding this.

#### **Replacement in-kind of vinyl siding on the exterior of an enclosed stairway**

The applicant is proposing to replace the fire damaged vinyl siding on the east side of a rear stairway enclosure. The proposed replacement siding is an in-kind replacement that matches the brand and color the existing siding. The proposed and existing siding has a 3 inch clapboard reveal.

Building permits indicate that the enclosed stairway was created in 1967 as part of other permitted work. A picture taken in April 1989 of the rear of the subject site indicates that the stair enclosure was sided with a lap siding that appears to the same vinyl siding currently on the enclosure (see attachment 8).

The Secretary of the Interior Standards for Rehabilitation call for new additions to be designed so that there is a clear delineation between what is historic and new. The design of the 1967 addition of the stairway enclosure accomplishes this and the vinyl siding further delineates the difference. The proposed and existing vinyl siding does not comply with the Ninth Street Historic District guidelines which call for new construction to have light common brick on the rear and side facades. The vinyl enclosed stairway was likely present in the fall of 1985 when the designation study occurred for this property and the Ninth Street Historic District and is considered noncontributing to the subject site.

The Secretary of the Interior Standards for Rehabilitation advise against introducing a new entrance or porch that is incompatible in size, scale, material, and color. The size,

scale, and material of this enclosed staircase are incompatible with the original structure. The *Standards* also recommend repairing entrances and porches by reinforcing the historic materials. Repair will also generally include the limited replacement in kind--or with compatible substitute material--of those extensively deteriorated or missing parts of repeated features where there are surviving prototypes such as balustrades, cornices, entablatures, columns, sidelights, and stairs. Staff recommends that the enclosed stairway be returned to its original design as an open stairway or a more compatible design.

### **Cleansing of smoke damaged exterior brick**

The fire caused smoke damage to the exterior brick on the east and north elevations of the rear of the structure. The applicant is proposing to clean the brick with a product called Wall Glide, a soft bristle brush and rinsing with Glide Rinse 4. The applicant states that they have “done a small test area of the cleaning and are satisfied that this will clean the brick without any damage to the color or surface of the brick.”

### **GUIDELINE CITATIONS:**

#### **NINTH STREET HISTORIC DISTRICT GUIDELINES Minneapolis Heritage Preservation Commission**

## **II. Guidelines For Rehabilitation of Buildings.**

### 1. Masonry Repair.

- A. No exterior sandblasting is permitted.
- B. Chemical cleaning is not permitted on glazed brick, glazed terra cotta, limestone, marble or other masonry material susceptible to damage from chemical exposure.
- C. Repointing of masonry joints shall be done with a mortar composition and color to match original mortar, joints shall be tooled to match original profile.

### 2. Entries.

- A. Wherever existing entries remain, critical details shall be retained, e.g., wood molding, stone trim, terra cotta ornament, art glass.
- B. Modifications to entries shall be permitted as required for the adaptive reuse of the buildings. Modifications shall be constructed with materials to match original entries.

- C. Handicap accessibility shall be done within the building where ramping with guard rails is required. If accessibility must be located on street facade, appropriate modifications to the facade will be permitted for on-grade access.
  - D. Additional entries on street facades are not permitted. Existing entries shall be used. If existing entries have been removed, they shall be restored in their original locations.
  - E. If entries are to be abandoned, they shall retain their character as an entry.
3. Window replacement.
- A. Windows which have unique architectural or historically significant details which cannot be duplicated must be retained.
  - B. Window replacement other than item A shall be permitted if original windows are badly deteriorated or provide inadequate thermal performance. (Use of interior storm windows shall be encouraged.)
  - C. Replacement windows may be wood or aluminum. Window paning shall be provided to replicate existing wood moldings.
  - D. Replacement windows must have a true offset, single- or double-hung operation. (They need not be operable.)
  - E. Replacement windows will have a paint finish. (Anodized windows will not be permitted.)
  - F. Replacement windows shall have clear glass unless historical documentation suggests otherwise.
4. Roofing.
- A. Modern roofing materials will be permitted on flat roofs.
  - B. Original copings on street facings shall be retained or replaced. Metal coping with a paint finish will be permitted as replacement for brick copings on common walls.
  - C. Roof-top additions which project above parapet walls such as deck, skylights, penthouses, and mechanical equipment shall be set back from the primary building so they are not visible from opposite sides of the

street. (If roof-top additions are proposed, site line drawings shall be submitted.)

5. Dropped interior ceilings.

- A. Interior dropped ceilings shall be held away 5'0" from exterior window when they drop below the existing window head.

6. Removal of historical fabric. (Applies to all sides of the building.)

- A. Selective removal of original building materials is allowed when deterioration has occurred or for remodeling as part of an adaptive reuse. HPC approval is required to remove any historic building materials.
- B. Punch openings in masonry are not permitted for A.C. units on street facades.

7. Health and safety code requirements.

- A. Exterior alterations required by health and safety codes also require HPC review. When necessary, the HPC can argue for exceptions to the building code when life safety issues are not involved.

**III. Guidelines For Infill Construction.**

1. Design intent.

- A. The intent of these guidelines is for infill construction which characterize a masonry loading bearing building and not a contemporary curtain wall structure.

2. Building massing (General footprinting and shape).

- A. Building outline.
  - a. New construction shall be built out to the property line on street frontage.
  - b. Corner lots: The building shall be built out to both property lines on street frontage.
  - c. Buildings which do not require a footprint as large as the site may utilize courtyards or atrium on the interior of the lot.

d. Modulation of the facade in the character of the existing building.

B. Building shape.

a. The building shall be rectangular in shape and volume. Step backs at the upper floors on street facades will not be allowed. "Projecting bays" are permissible.

C. Building height.

First story shall be minimal 4'0" above street grade.

a. Minimum height: 2-1/2 stories.

b. Maximum height: 4-1/2 stories.

c. A story shall be defined as:

(1) First story: At a maximum of 10'.

(2) 2-4 story: 9-10'.

3. Street facades.

A. Building material.

a. Primary facing material shall be dark brown or red unglazed brick.

b. Corner buildings shall have dark brown or red unglazed brick on both facades.

c. The brick shall be modular in size (3 courses per 8").

B. Windows.

a. Windows shall be a series of punched rectilinear openings separated by masonry piers. Window may be single or pairs separated by masonry piers.

b. Continuous horizontal or vertical bands of windows will not be permitted.

c. Window height shall be two-three times its width as applied to a single window unit.

- d. Window frames shall have a paint finish.
- e. Window glass shall be clear.
- f. Windows shall be true single- or double-hung. (Operable windows are not required.)
- g. Windows will be set back from the brick face a minimum of one brick width.

C. Building entrances.

- a. Buildings will have at least one entrance that front on to a street facade with design features that read similar to existing structures.

D. Accent banding.

- a. The brick facade shall be articulated by horizontal accent bands of brick detail, stone, terra cotta pre-cast, pressed metal, or other suitable materials.

4. Side or rear walls.

A. Building materials: Light common brick shall be the primary facing material. (Simple unembellished designs will be encouraged.)

a. Window openings.

- (1) Window openings shall be of a punched nature.
- (2) Window design shall be the same as street facade in 3-B.
- (3) Windows within interior court and not visible from the street have no restrictions.

- b. Interior court yards not viewed from the street will not have design restrictions.

5. New technology.

A. Exterior glass enclosed elevators or other high-tech design elements will not be permitted.

6. Roofs.

- A. The roof shall be flat with parapet walls on street facades.
- B. Roof-top mechanical equipment shall be set back such that they are not visible from the opposite side of the street. (Site line drawings shall be submitted for roof-top approval.)
- C. Penthouses and stair towers shall be set back such that they are not visible from the opposite side of the street. (Site line drawings shall be submitted for roof-top approval.)

**THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION  
(1990)**

**Masonry:** *Brick, stone, terra cotta, concrete, adobe, stucco, and mortar*

**Recommended:**

-Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and joint and unit size, tooling and bonding patterns, coatings, and color.

-Protecting and maintaining masonry by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.

-Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.

-Carrying out masonry surface cleaning tests after it has been determined that such cleaning is necessary. Tests should be observed over a sufficient period of time so that both the immediate effects and the long range effects are known to enable selection of the gentlest method possible.

-Cleaning masonry surfaces with the gentlest method possible, such as low pressure water and detergents, using natural bristle brushes.

-Inspecting painted masonry surfaces to determine whether repainting is necessary.

-Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) prior to repainting.

-Applying compatible paint coating systems following proper surface preparation.

-Repainting with colors that are historically appropriate to the building and district.

-Evaluating the overall condition of the masonry to determine whether more than protection and maintenance are required, that is, if repairs to the masonry features will be necessary.

-Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls, or damaged plasterwork.

-Removing deteriorated mortar by carefully hand-raking the joints to avoid damaging the masonry.

-Duplicating old mortar in strength, composition, color, and texture.

-Duplicating old mortar joints in width and in joint profile.

-Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.

-Using mud plaster as a surface coating over unfired, unstabilized adobe because the mud plaster will bond to the adobe.

-Repairing masonry features by patching, piecing-in, or consolidating the masonry using recognized preservation methods. Repair may also include the limited replacement in kind - or with compatible substitute material - of those extensively deteriorated or missing parts of masonry features when there are surviving prototypes such as terra-cotta brackets or stone balusters.

-Applying new or non-historic surface treatments such as water-repellent coatings to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.

-Replacing in kind an entire masonry feature that is too deteriorated to repair - if the overall form and detailing are still evident - using the physical evidence to guide the new work. Examples can include large sections of a wall, a cornice, balustrade, column, or stairway. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

### **Design for Missing Historic Features**

-Designing and installing a new masonry feature such as steps or a door pediment when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

### **Not Recommended:**

- Removing or radically changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
- Replacing or rebuilding a major portion of exterior masonry walls that could be repaired so that, as a result, the building is no longer historic and is essentially new construction.
- Applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated to create a new appearance.
- Removing paint from historically painted masonry.
- Radically changing the type of paint or coating or its color.
- Failing to evaluate and treat the various causes of mortar joint deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action, or extreme weather exposure.
- Cleaning masonry surfaces when they are not heavily soiled to create a new appearance, thus needlessly introducing chemicals or moisture into historic materials.
- Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.
- Sandblasting brick or stone surfaces using dry or wet grit or other abrasives. These methods of cleaning permanently erode the surface of the material and accelerate deterioration.
- Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.
- Cleaning with chemical products that will damage masonry, such as using acid on limestone or marble, or leaving chemicals on masonry surfaces.
- Applying high pressure water cleaning methods that will damage historic masonry and the mortar joints.
- Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.
- Using methods of removing paint which are destructive to masonry, such as sandblasting, application of caustic solutions, or high pressure waterblasting.
- Failing to follow manufacturers' product and application instructions when repainting masonry.
- Using new paint colors that are inappropriate to the historic building and district.

- Failing to undertake adequate measures to assure the preservation of masonry features.
- Removing non-deteriorated mortar from sound joints, then repointing the entire building to achieve a uniform appearance.
- Using electric saws and hammers rather than hand tools to remove deteriorated mortar from joints prior to repointing.
- Repointing with mortar of high portland cement content (unless it is the content of the historic mortar). This can often create a bond that is stronger than the historic material and can cause damage as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
- Repointing with a synthetic caulking compound.
- Using a “scrub” coating technique to repoint instead of traditional repointing methods.
- Changing the width or joint profile when repointing.
- Removing sound stucco; or repairing with new stucco that is stronger than the historic material or does not convey the same visual appearance.
- Applying cement stucco to unfired, unstabilized adobe. Because the cement stucco will not bond properly, moisture can become entrapped between materials, resulting in accelerated deterioration of the adobe.
- Replacing an entire masonry feature such as a cornice or balustrade when repair of the masonry and limited replacement of deteriorated or missing parts are appropriate.
- Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the masonry feature or that is physically or chemically incompatible.
- Applying waterproof, water-repellent, or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary, expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.
- Removing a masonry feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

## **Windows**

### **Recommended:**

- Identifying, retaining, and preserving windows - and their functional and decorative features - that are important in defining the overall historic character of the building.

Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, paneled or decorated jambs and moldings, and interior and exterior shutters and blinds.

- Protecting and maintaining the wood and architectural metal which comprise the window frame, sash, muntins, and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.
- Making windows weather tight by recaulking and replacing or installing weather-stripping. These actions also improve thermal efficiency.
- Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, i.e. if repairs to windows and window features will be required.
- Repairing window frames and sash by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind of those parts that are either extensively deteriorated or are missing when there are surviving prototypes such as architraves, hoodmolds, sash, sills, and interior or exterior shutters and blinds.
- Replacing in kind an entire window that is too deteriorated to repair - if the overall form and detailing are still evident - using the physical evidence to guide the new work. If using the same kind of materials is not technically or economically feasible, then a compatible substitute material may be considered.

#### **Design for Missing Historic Features**

- Designing and installing new windows when the historic windows (frame, sash and glazing) are completely missing. The replacement windows may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the window openings and the historic character of the building.

#### **Alterations/Additions for the New Use**

- Designing and installing additional windows on rear or other non-character-defining elevations if required by the new use. New window openings may also be cut into exposed party walls. Such design should be compatible with the overall design of the building, but not duplicate the fenestration pattern and detailing of a character-defining elevation.
- Providing a setback in the design of dropped ceilings when they are required for the new use to allow for the full height of the window openings.

#### **Not Recommended:**

- Removing or radically changing windows which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
- Changing the number, location, size or glazing pattern of windows, through cutting new openings, blocking-in windows, and installing replacement sash which does not fit the historic window opening.
- Changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which radically change the sash, depth of

reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame.

- Obscuring historic window trim with metal or other material.
- Stripping windows of historic material such as wood, iron, cast iron, and bronze.
- Failing to provide adequate protection of materials on a cyclical basis so that deterioration of the windows results.
- Retrofitting or replacing windows rather than maintaining the sash, frame, and glazing.
- Failing to undertake adequate measures to assure the preservation of historic windows.
- Replacing an entire window when repair of materials and limited replacement of deteriorated or missing parts are appropriate.
- Failing to reuse serviceable window hardware such as brass lifts and sash locks.
- Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the window or that is physically or chemically incompatible.
- Removing a character-defining window that is unrepairable and blocking it in; or replacing it with a new window that does not convey the same visual appearance.

#### **Design for Missing Historic Features**

- Creating a false historical appearance because the replaced window is based on insufficient historical, pictorial, and physical documentation.
- Introducing a new design that is incompatible with the historic character of the building.

#### **Alterations/Additions for the New Use**

- Installing new windows, including frames, sash, and muntin configuration that are incompatible with the building's historic appearance or obscure, damage, or destroy character-defining features.
- Inserting new floors or furred-down ceilings which cut across the glazed areas of the windows so that the exterior form and appearance of the windows are changed.

#### **FINDINGS:**

1. The subject property is a contributing property to the Ninth Street Historic District.
2. The proposed windows are located on the rear of the structure and are single hung aluminum windows painted bronze, which are an in-kind replacement of the non-original windows. The proposed replacement windows comply with Ninth Street Historic District Guidelines.
3. The proposed vinyl siding on the east façade of the enclosed rear stairway does not comply with the Ninth Street Historic District Guidelines which call for common brick on the rear facing facades of infill projects. The size, scale, and materials of the enclosed stairway do not comply with the guidelines for entries and porches outlined Secretary of the Interior Standards for Rehabilitation.

4. The proposed cleaning method of the brick complies with the Secretary of the Interior's Standards for Rehabilitation which recommends "cleaning masonry surfaces with the gentlest method possible, such as low pressure water and detergents, using natural bristle brushes."

#### **STAFF RECOMMENDATION:**

Staff recommends that the HPC adopt staff findings and **approve** a Certificate of Appropriateness for the proposed work subject to the following conditions:

1. The vinyl siding on the existing enclosed staircase shall not be approved.
2. Plans for the treatment of the closed-off opening below the second story window on the rear façade shall be submitted to and approved by staff.
3. All work shall be performed in accordance with the Secretary of the Interior Standards for Rehabilitation.
4. CPED-Planning Preservation Staff reviews and approves the final plans and elevations prior to building permit issuance.

#### **Attachments**

1. Application and Applicant Statement
2. Map of Area
3. Plans for the subject site
4. Photographs of the property and rear façade
5. Product information on replacement windows
6. Product information on replacement siding
7. Information on brick cleaning process
8. Picture of rear of property from 1989

**Minneapolis Heritage Preservation Commission**

**April 22, 2008, Room 317**

**Staff: Brian Schaffer**

**Planning Supervisor: Jack Byers**

**Date of Appeal: May 22, 2008**

**Chair Larsen:** We will move on to our second item for the evening, that's 624 9<sup>th</sup> Street South, 9<sup>th</sup> Street South Historic District, Ward 7, Brian Schaffer presenting for a Certificate of Appropriateness for brick cleansing and replacement of windows and siding.

**Staff Schaffer:** Chair Larsen and Commissioners, as you mentioned before you is a Certificate of Appropriateness at 624 9<sup>th</sup> Street South. 624 is actually on your map address as 622 9<sup>th</sup> Street. It's part of a row of townhome that range from 624 to 626 South 9<sup>th</sup> St. They're known as the Haglin Morse Townhomes, they're designated as part of the Historic District in 1986. Again, just to clarify where we are, we're located here on 9<sup>th</sup> Street right off the corner of Park and Penn, I'm sorry, Park and 9<sup>th</sup> Street. The structure in question is the second interior structure which is this structure located here and in your staff packet as well. Another view of that site just from the rear in this aerial photo. 622-624 9<sup>th</sup> Street South was converted to a 16-unit apartment prior to the designation in 1986, so this was originally a series of Victorian Romanesque townhomes which still have the still exterior visual impact but have been broken up into a series of single room occupancy and one-room bedroom units. The subject site experienced a fire in one of the units earlier this year. This fire affected the rear of the property and resulted in interior damage and exterior damage to four windows, smoke damage to the brick, and siding damage on the east side of the enclosed stairway. The applicant is proposing to replace in kind the aluminum windows on the rear of the structure that were damaged, replace in kind the vinyl siding on the exterior of the enclosed stairway, and cleanse the smoke damage to the exterior brick. Today the clerk passed out a few additional photos that didn't make it into the staff report but may be of help to you today. I just wanted to run through those photos with you quickly. Is this too bright on your screens? This property here, this is the subject site with the vinyl enclosed staircase. This is the rear of the property and starts at 614 and runs over to 624. A view of another part of that townhome portion, this is the site right here. This is what the enclosed stairway may have looked like prior to the remodeling, the additions that have occurred. And this is the site as we see it today. You can notice that the brick has been enclosed, the addition was built in 1967 and actually they bricked in half the windows and enclosed the entryway. And again, just from the site where the damage occurred, these are the four windows. One window located here, this window, you can see the brick and the condition it is currently in and the enclosed and boarded windows. The vinyl siding which is proposed to be replaced is only on this side of the structure on the enclosed stairway and you can see the damage that has occurred to that, the vinyl is kind of melted. The applicant is proposing to replace in kind the four aluminum windows. They are all four single-hung aluminum windows that were damaged in the fire. They are all in the rear non-primary facade of the structure. The four windows are manufactured by Gerkin and are the Rhino

C-50 commercial single hung models. The applicants are proposing a bronze painted finish which is an in kind replacement to what's existing. The applicant has a model of that window and I'm assuming also a material sample. The window that you see, I do not believe, is natural material. It will have a painted bronze versus the shiny aluminum back there. The specs, if you are interested in the details of the window, are located in your staff report. Staff reviews, when looking at projects like this, staff looks back at existing building permits to see when projects have occurred, especially parts of the structure that may not be compatible with what we view the historic contributing structure. When we looked at this we could not find any building permits for when these windows were replaced so we could not go back and try to say what was originally approved. The 9<sup>th</sup> Street Historic District was created in 1986 and there are no preservation records besides the building permits that we could look back at for any of the records on this structure. The 9<sup>th</sup> Street Historic District guidelines allow for the replacement of windows when the windows do not have any architectural or historical significance. The Guidelines further state that replacement windows must be single or double hung and be a paint finish, the applicant is proposing a single hung window with bronze paint finish. There is one point that staff wants to make clear of and I think there may have been some errors in the staff report that you received. There might be two copies of the same staff report, it was my fault. I made some last minute changes and didn't substitute pages properly so I'll just read this through. This was a finding that was included in one of the two staff reports you have in your packets. I'll just read it out loud, it's the pictorial evidence submitted by the applicant. Attachment 4 showed that below the second story window on the rear façade there appears to be a closed off opening. Staff could not find any permanent information regarding this opening and closure and does not provide any information regarding this. I just wanted to bring to your attention, it's this location here on the second story window. You can see it has been enclosed. It looks like there was plywood and some finish that had been done to it at some point in time that was damaged by the fire hasn't been fully addressed today but we have some conditions of approval that would address that.

The second part of the application today is replacement in kind of the vinyl siding on the enclosed stairway. The applicant is proposing to replace the damaged vinyl siding on the east rear of the stairway enclosure with the exact replacement of what's existing. It matches the brand and color of the existing siding, it has a 3-inch clapboard reveal, comes in sheets of 3-paneling. The applicant can speak more about the material that they have chosen for that, but again the building permits only indicate that an enclosed stairway was created in 1967 as part of other permitted work. Staff believes that this enclosed stairway is this rear addition that we see today. This picture taken in 1989 which is included in your staff report shows the vinyl sided addition. It does appear from that photograph that vinyl siding was existing in 1989 and the designation of the structure would have been in 1986, so it's likely that it was wrapped in vinyl or however that addition came forth was part of the original structure or part of the structure when it was considered a contributing structure to the historic district. The Secretary of Interior Standards for Rehabilitation do advise against introducing a new entrance or porch that is incompatible in size, scale, material, or color. The size, scale, material of this enclosed staircase are compatible with the original structure. The Standards also recommend against repairing entrances and porches by reinforcing historic materials. Repair also generally include the limited replacement in kind or with compatible substitute materials of those extensively deteriorated or missing parts or

repeated features. This addition that is existing does not meet any of the Secretary of Interior Standards for what would be allowed today. Further, the Secretary of Interior Standards state that new additions be designed in a way that clearly delineates between the historic and the new. Obviously this addition doesn't make anything of the past so its clearly different between what is historic and what is new, or new when this addition was created.

Finally moving on to the last item, cleansing of the smoke damaged exterior brick, the fire caused the exterior brick to be damaged and soiled by soot from the smoke. The applicant is proposing using a product called Wall Glide and a soft bristle brush followed with a Glide Rinse which is a product made by the applicant's contractor that will be doing that work. The applicant has stated they've done a small test area on cleaning the brick and are satisfied with the results without damaging the surface of the brick, so they're satisfied with the material and that is in keeping with the Secretary of Interior Standards as well.

So we're down to the findings.

1. The subject property is a contributing property to the Ninth Street Historic District.
2. The proposed windows are located on the rear of the structure and are single hung aluminum windows painted bronze, which are an in-kind replacement of the non-original windows. The proposed replacement windows comply with Ninth Street Historic District Guidelines.
3. The proposed vinyl siding on the east façade of the enclosed rear stairway does not comply with the Ninth Street Historic District Guidelines which call for common brick on the rear facing facades of infill projects. The size, scale, and materials of the enclosed stairway do not comply with the guidelines for entries or porches outlined Secretary of the Interior Standards for Rehabilitation.
4. The proposed cleaning method of the brick complies with the Secretary of the Interior's Standards for Rehabilitation.

So with that Staff recommends approval of this Certificate of Appropriateness with the following four findings, and I'll read through these:

1. The vinyl siding on the existing enclosed staircase shall not be approved.
2. Plans for the treatment of the closed-off opening below the second story window on the rear façade shall be submitted to and approved by staff.
3. All work shall be performed in accordance with the Secretary of the Interior Standards for Rehabilitation.
4. CPED-Planning Preservation Staff reviews and approves the final plans and elevations prior to building permit issuance.

With that, I'll open it up to questions.

**Chair Larsen:** Question from staff, Mr. Crippen.

**Commissioner Crippen:** So are you suggesting that they remove the vinyl siding on the whole addition or what are you envisioning that they would do on this side of the addition?

**Staff Schaffer:** Chair Larsen, Commissioner Crippen, there's a couple ways this could be handled. One is that the vinyl siding be completely removed and a more compatible material be used; however, the addition still doesn't meet the requirements. Ultimately, staff would probably recommend that they remove the addition completely. I can open that up to further questions ...

**Staff Byers:** Commissioners and Chair Larsen, if I could clarify for you. The onus is on the property owner to make the design proposal and submit the application. If staff doesn't agree with the design as proposed, we don't put together an alternative proposal to the design, that's really for the applicant. What we're simply doing the analysis on is whether or not the proposed design meets the guidelines of the district and the Secretary of the Interior. In the case of the vinyl, we believe there are options or alternatives that have not been submitted.

**Chair Larsen:** Commissioner Anderson.

**Commissioner Anderson:** Well having that answer, have you discussed this issue, is the owner, the applicant, here today, or have you discussed the vinyl siding or reached any conclusion?

**Staff Schaffer:** Chair Larsen, Commissioners, we have not had a full discussion about it, we've discussed the staff report I believe. The representative from Aeon and a few other representatives are here on behalf of this project to discuss that and they could probably discuss implementation of adopting staff recommendation as well.

**Chair Larsen:** Are there any other questions for staff before we open up the public hearing? Seeing none, we'll open up the public hearing. All those who wish to speak on this application, please step forward.

**Allen Steele:** Hi, Allen Steele Construction, good afternoon.

**Janine Lanhsjoen:** Janine Lanhsjoen, Aeon.

**Sue Hackett:** Hi, I'm Sue Hackett from Property Solutions and Services. We're the management agent for Aeon.

**Chair Larsen:** Ok, who would like to speak first?

**Allen Steele:** This project is, I'm speaking specifically to the vinyl siding, this structure, the interior has been outfitted with a wet system sprinkler system. It is a concrete structure, it's very solid. The insurance company actually is only proposing to replace that one façade, that one elevation, so that to remove this entire structure probably would not be very prohibitive to Aeon and what they do.

**Chair Larsen:** You could maybe answer a question ... you said it was a concrete structure so there is concrete block behind the vinyl?

**Allen Steele:** Yes sir.

**Chair Larsen:** And it has a sprinkler system? Alright.

**Sue Hackett:** Just to give you an idea of what the purpose of the property is, it is currently a home for 16 individuals, formerly homeless individuals. It is a property that does receive Section 8 and all operations are basically run off of rents collected. We built the property in the late '80s and our goal has always been, Aeon's goal, is to sustain the property for the next 100 years and to make sure that it is an asset to the community. Part of the goal of the property is not only to allow residents some stability and homes, but also to help them to grow and connect them with resources to help maintain that stability and move on into independence. So we do appreciate your consideration and hope for the approval of this work. Thank you.

**Allen Steele:** One thing that I think I'd like to add is that we have, we are researching some other options for that exterior siding if this does not go through.

**Chair Larsen:** Great. Are there any questions of the applicants from the Commission? No, not at this time so maybe when we get into the discussion ... thank you. Alright, is there anyone else who wishes to speak? If not, we'll close the public hearing. Commissioners, what's your pleasure? How do we feel about the vinyl siding ... Commissioner Crippen?

**Commissioner Crippen:** I'm no fan of vinyl siding of course, I guess what's puzzling me is this seems like such a major part of the project I'm wondering if it's a material enough condition that it's not really an approval of the Certificate of Appropriateness, that's what I'm grappling with, but I don't claim to have the answer to that necessarily. It just seems like it's a major part of the project and perhaps we would not issue the certificate if we had such a major problem ...

**Chair Larsen:** Not approving that particular aspect of it?

**Commissioner Crippen:** Perhaps, yes. And maybe the question then goes back to whether we want to see subsequent things, because I guess as I'm thinking this through if we approve the Certificate of Appropriateness with these conditions then whatever solution is made for this addition will be between the owner and the staff and we'd be saying we were ok with that, right?

**Chair Larsen:** No, if we say that the vinyl siding portion of the proposal is not approved then they would have to come back with an application for that aspect of the project, which would then come before us.

**Commissioner Larsen:** Yeah, I was just thinking with the vinyl siding being part of the proposal, number 4 would be invoked. Maybe not.

**Chair Larsen:** I would say ...

**Commissioner Crippen:** And that may be ok, I'm not sure, I'm just raising the questions.

**Chair Larsen:** No, that would not be the case. If it's not approved, then it's not approved. So they would be overseeing the other conditions. Ok, does anyone have any concerns about the aspects of the project? My one concern is the infill below the window. It appears that at some point it was probably a window or a wall unit air conditioner or something that had been installed and then removed. So there's certainly some brick infill opportunities that they could discuss with staff, as they've done with some of the other windows. Alright, is there any other discussion?

**Commissioner Mack:** I have a question, so if we were to approve the brick cleansing and the replacement of the windows and not approve the replacement of the vinyl siding, can they do anything with it at all, or does that get appealed to the City Council or is it handled then by the inspections department?

**Chair Larsen:** Mr. Schaffer?

**Staff Schaffer:** Chair Larsen, Commissioner Mack, the applicant does have options. They can appeal any decision of the Preservation Commission to the Zoning & Planning Committee of the City Council. Two, they can explore other options for material, which it sounds like staff would be willing to do, and have a discussion about. But they do have options, I believe those are the two.

**Commissioner Mack:** Thank you.

**Staff Byers:** Commissioners, if you look at the photo that was passed out to you tonight, you can see another staircase on the back of one of these buildings which appears to be just to the west of this building. The designation indicates that that kind of stairway was common in this district. It's not clear from the records that there was that kind of stairway on this building, it is clear though that this particular addition, though it may have been right about the time of designation, that it is very unlikely that it is from a period of significance for the district. Therefore, in our staff discussions we believe that there are probably other alternatives that may be just about the siding or it may be about the reconstruction of the missing historic fabric. We haven't done that research and we don't have any indication whether the applicant has or not.

**Chair Larsen:** Alright, does that satisfy your question?

**Commissioner Mack:** Yes, I guess this is, yes ... I'm sorry ...

**Sue Hackett:** I'd just like to say that with removing this area, it is going to negatively affect the property. We only have 16 residents that were previously homeless and its going to be a very difficult time for Aeon to meet the mission of providing housing like this, which is great housing, we have a lot of residents who were homeless for years and years before they were able to live at Heritage Apartments and have been living there for years in a great independent living. We don't

have a 24/7 front desk. We connected them with outside resources to keep them housed, and anything that would take away from the building, something as large as removing this whole section of the building, is going to negatively affect 16 great residents that we have. If we could set that aside and then also talk about, I know you were talking about having that put on hold and then coming up with a different siding or different options, I know that Al had talked about recently, it's a wet thing too, that the other staircase, doesn't have water on it either. We have a sprinkler system that's in there and I don't know how removing that and restructuring it is going to be a huge expense. If we set that aside, I would like to ask for permission to at least put the windows in and clean the back of the building because the smoke smell is also negatively still affecting the residents that we have there and then taking that one unit off line. The rent is only around \$500. It's negatively affecting the cash flow of the property as well because we don't have that income, and that's how tight our budget is to serve these 16 individuals. That \$500 a month is already negatively affecting the property.

**Chair Larsen:** I do have a question for you. In this stair tower, it is just a stair tower? Is that correct, this addition?

**Sue Hackett:** Al, maybe you could answer that question. I know that there are pipes in there for the sprinkler system.

**Allen Steele:** Yes, there is just a stair tower.

**Chair Larsen:** So the sprinkler system is run through that for the entire building or just for the stair tower itself?

**Allen Steele:** That I'm not positive on, but one of the main pipes does run up through that stairwell, so I would assume that it affects the whole entire building.

**Chair Larsen:** The building is sprinklered, all 16 units or most of them?

**Sue Hackett:** The common areas are sprinklered but not the individual units.

**Chair Larsen:** Ok and is the building designed such that there is similar to the adjacent buildings there is a setback where an old stair tower might have been, the old stairwell?

**Sue Hackett:** It may have been off to the left here, but this is flush right here.

**Chair Larsen:** It's flush all the way across, but there are entrances, doors into individual units or are they into a corridor?

**Sue Hackett:** Into a common area, yes.

**Chair Larsen:** but it is flush all the way across, it doesn't step back into the building?

**Sue Hackett:** No it does not.

**Chair Larsen:** Ok great, thank you.

**Commissioner Mack:** I guess just to follow up if I might, I certainly hope that we would approve the cleansing of the brick and the replacing of the windows because that would obviously enhance the appearance and usability of the units. We unfortunately, I think, have to look at the building part of it in a pretty narrow way and its hard to say we want to continue it looking, that particular piece, looking that way, but I would certainly hope that you could work out something with the other authorities that would take into account the financial issues and maybe some creative way of maybe making it look a little better.

**Chair Larsen:** Alright, any other discussion ... Commissioner Lemmon.

**Commissioner Lemmon:** I'd like to make a motion to approve staff findings with the following conditions ...

**Commissioner Kelley:** I'll second that.

**Chair Larsen:** Well, which conditions are you ...

**Commissioner Kelley:** Oh, I thought you were talking about the conditions that were written.

**Commissioner Lemmon:** No actually, I was going to just state all of the conditions that staff had recommended:

1. The vinyl siding on the existing enclosed staircase shall not be approved.
2. Plans for the treatment of the closed-off opening below the second story window on the rear façade shall be submitted to and approved by staff.
3. All work shall be performed in accordance with the Secretary of the Interior Standards for Rehabilitation.
4. CPED-Planning Preservation Staff reviews and approves the final plans and elevations prior to building permit issuance.

**Chair Larsen:** Ok, and Commissioner Kelley are you still interested in ...

**Commissioner Kelley:** Yes

**Chair Larsen:** Ok, great. We have a second then, is there any more discussion on this item? Ok, seeing none then, we'll call the roll.

**Clerk:** Commissioner Mack?

**Commissioner Mack:** Aye

**Clerk:** Lee?

**Commissioner Lee:** Aye.

**Clerk:** Crippen?

**Commissioner Crippen:** Aye

**Clerk:** Anderson?

**Commissioner Anderson:** Aye

**Clerk:** Messenger?

**Commissioner Messenger:** Aye

**Clerk:** Larsen?

**Chair Larsen:** Aye.

**Clerk:** Lemmon?

**Commissioner Lemmon:** Aye.

**Clerk:** Kelley?

**Commissioner Kelley:** Aye.

**Chair Larsen:** Alright, we wish you luck and maybe we'll see you back again, maybe not, but we can certainly appreciate all that you are doing for the community and we're not intending any hardship on you but at the same time it's important that we try to keep our historic districts as intact and as alive and well as we can, so thank you.