



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

Date: May 7, 2010

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 with conditions a Certificate of Appropriateness to replace and/or repair windows, doors, loading docks, and install one satellite antenna at 119 4th Street North (BZH-26219).

Recommendation: The Heritage Preservation Commission adopted staff recommendation and approved with conditions a Certificate of Appropriateness application to replace and/or repair windows, doors, loading docks, and install one satellite antenna at 119 4th Street North (BZH-26219).

Previous Directives: N/A

Prepared or Submitted by: John Smoley, Ph.D., City Planner, 612-673-2830

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

Presenters in Committee: John Smoley, Ph.D., 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: The Downtown Minneapolis Neighborhood Association and the Warehouse District Business Association were notified of the appeal application on May 7, 2010.

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: The owner, Ned Abdul of Swervo Development Corporation, is appealing the HPC decision.

The Heritage Preservation Commission voted 7-2 to adopt staff recommendation and approve with conditions the Certificate of Appropriateness on April 20, 2010. The appellant filed an appeal on April 29, 2010. The appellant's application is included in the attached supporting material.

Supporting Material

- A. Appellant Appeal Application
- B. April 20, 2010 HPC Meeting Minutes
- C. April 20, 2010 HPC Staff Report with Attachments

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Certificate of Appropriateness
BZH-26219

Date: April 13, 2010

Proposal: Request for Certificate of Appropriateness to replace and/or repair windows, doors, loading docks, and one satellite antenna

Applicant: David Kelly

Address of Property: 119 4th Street North

Project Name: 119 4th Street North Certificate of Appropriateness

Contact Person and Phone: David Kelly, 952-922-2220

Planning Staff and Phone: John Smoley, Ph.D., 612-673-2830

Date Application Deemed Complete: April 2, 2010

Publication Date: April 13, 2010

Public Hearing: April 20, 2010

Appeal Period Expiration: April 30, 2010

Ward: 7

Neighborhood Organization: Downtown Minneapolis Neighborhood Association

Concurrent Review: n/a

Attachments: Attachment A: Materials submitted by CPED staff – A1-A9

- Location map – A1
- 350' map – A2
- Warehouse Historic District Design Guidelines – A3-A9

Attachment B: Materials submitted by Applicant – B1-

- Notification letter to Council Member and neighborhood organization (scope of work revised since letter was written) – B1-B3
- Property owner's letter (scope of work revised since letter was written) – B4-B5
- Application – B6-

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119 4th Street North, 2010, photo submitted by Applicant

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119 4th Street North, 1907, Minnesota Historical Society photograph

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CLASSIFICATION:	
Local Historic District	Warehouse Historic District (contributing resource)
Period of Significance	1865 to 1930
Criteria of significance	The Warehouse Historic District is significant for its depiction of social history, architecture, and the work of master craftsmen during the period 1865 to 1930.
Date of local designation	1978
Applicable Design Guidelines	<i>The Secretary of the Interior's Standards for Treatment of Historic Properties</i> <i>Warehouse Historic District Design Guidelines</i>

PROPERTY INFORMATION	
Current name	PRI Building/Textile Building
Historic Name	Winston, Farrington, and Company Building
Current Address	119 4 th Street North
Historic Address	119-129 4 th Street North
Original Construction Date	1900
Original Contractor	Pike and Cook
Original Architect	Long and Long
Historic Use	Wholesale and warehouse
Current Use	Commercial – offices and restaurant
Proposed Use	Commercial – offices, restaurant, and radio station

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BACKGROUND:

The subject property is a 5 story brick and terra cotta commercial building designed in the Renaissance revival style located at the southeast corner of 2nd Avenue North and 4th Street North in the Warehouse Historic District (Attachments A1 and A2).

The Minneapolis Warehouse Historic District is historically significant as an early example of commercial growth as the city's warehouse and wholesaling district. The district expanded during the late nineteenth and early twentieth centuries and helped transform Minneapolis into a major distribution and jobbing center for the northwest. The district is also significant for its concentration of commercial buildings representative of every major architectural style from the late nineteenth to early twentieth century. Finally, the district is significant for exemplifying the work of master craftsmen in its construction.

The exterior portions of the 119 4th Street North contribute to the district's significance. Designed by Long and Long in 1900 for the Winston, Farrington, and Company grocery store, the building is representative of Renaissance Revival architecture, warehousing, and the work of master architects characteristic of the district.

SUMMARY OF APPLICANT'S PROPOSAL:

The Applicant wishes to conduct the following work on the exterior of the building at 119 4th Street North:

1. repair and repaint the existing ground floor wood windows and entrances;
2. replace the existing windows on the 2nd through 5th floors;
3. sand and repaint existing wood window trim on the 2nd through 5th floors;
4. sand and repaint existing wood doors on the alley side fire escape of the 2nd through 5th floors;
5. sand and repaint existing metal windows and doors on the street side fire escape of the 2nd through 5th floors;
6. add matching alley window opening on the 5th floor;
7. replace the existing steel loading dock platform;
8. replace and extend an existing railing on the 2nd Avenue North loading dock; and
9. install a rooftop satellite antenna.

PUBLIC COMMENT:

As of the publication of this staff report, staff has received no comment letters on the project.

CERTIFICATE OF APPROPRIATENESS: Certificate of Appropriateness to replace windows

Findings as required by the Minneapolis Preservation Code:

The Planning Division of the Minneapolis Community Planning and Economic Development Department has analyzed the application based on the findings required by the Minneapolis Preservation Ordinance. Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings based upon, but not limited to, the following:

(1) The alteration is compatible with and continues to support the criteria of significance and period of significance for which the landmark or historic district was designated.

The exterior portions of the building at 119 4th Street North contribute to the district's significance due to the property's embodiment of Renaissance Revival architecture, warehousing, and the work of master architects characteristic of the district. Regardless of what changes are made to the subject property, it will maintain its historical significance, but proposed changes may affect its integrity (i.e. the property's ability to communicate its historical significance).

(2) The alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.

The proposed alterations are compatible with and support the property's exterior designation. The exterior portions of the building at 119 4th Street North contribute to the district's significance. The Applicant is proposing to conduct maintenance on exterior features; replace exterior features with new features that complement the design of the historic building; and install equipment necessary for the operation of a new use (one satellite antenna for a radio station).

(3) The alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.

Based upon the evidence provided below, the proposed work will impair, but not destroy, the integrity of the contributing resource.

Location: The Applicant proposes no changes to the contributing resource's location, thus the project will not impair the contributing resource's integrity of location.

Design: As proposed, the project will alter the design of the building by installing new windows whose dimensions do not replicate those of the existing features. Plan sheet a3.1 provides standard dimensions and designs that do not appear to match many existing windows, especially on the south side of the building. Dimensions of the existing window rails, meeting bars, stiles, jambs, and muntins (where applicable) are also missing. No proposed window dimensions beyond those of the window frames and panning have been provided. This lack of details makes a comparison between the existing and proposed replacement windows

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impossible. The proposed ground floor wood window and entrance repair and repainting; matching fifth floor alley window opening; steel loading dock platform replacement; 2nd Avenue North loading dock railing extension and replacement; and rooftop satellite antenna installation will, as conditioned, have no impact upon the building's design.

Setting: The Applicant proposes no offsite changes, thus the project will not impair the contributing resource's integrity of setting.

Materials: The Applicant proposes to replace wood windows that date back to the building's period of significance with new aluminum windows that do not date back to the period of significance. The project will impair the contributing resource's integrity of materials. The proposed ground floor wood window and entrance repair and repainting; matching fifth floor alley window opening; steel loading dock platform replacement; 2nd Avenue North loading dock railing extension and replacement; and rooftop satellite antenna installation will, as conditioned, have no impact upon the building's integrity of materials.

Workmanship: The Applicant proposes no changes to the terra cotta, the feature that best communicates the workmanship inherent in the building, thus the project will not impair the contributing resource's integrity of workmanship.

Feeling: The Applicant is proposing to:

1. repair and repaint the existing ground floor wood windows and entrances;
2. replace the existing windows on the 2nd through 5th floors;
3. sand and repaint existing wood window trim on the 2nd through 5th floors;
4. sand and repaint existing wood doors on the alley side fire escape of the 2nd through 5th floors;
5. sand and repaint existing metal windows and doors on the street side fire escape of the 2nd through 5th floors;
6. add matching alley window opening on the 5th floor;
7. replace the existing steel loading dock platform;
8. replace and extend an existing railing on the 2nd Avenue North loading dock; and
9. install a rooftop satellite antenna.

What is proposed would have a huge affect on feeling.

Association: Replacement windows would undermine the building's association with Renaissance Revival architecture, warehousing, and the work of master architects characteristic of the district.

(4) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.

The application follows all guidelines laid out in the Warehouse Historic District Design Guidelines (adopted in 1978) with one exception: two of six guidelines related to windows.

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The guidelines require preservation of original windows unless they are badly deteriorated or provide inadequate thermal performance. The proposed replacement of all windows does not meet this standard. A window survey conducted by DW Martin & Associates and submitted by the Applicant indicates that approximately 80% of the sashes in the north and east (street side) elevations have obvious dry rot, with dry rot in 15% of the sills and dry rot at the bottom of 30% of the interior window stops. No indication is given as to what percentage of each sash is rotten, or whether the sash could be repaired. The application does state that most of the rotten sills and interior window stops are repairable. The survey indicates that non-street side windows are in very good condition, with only five out of fifty-six sashes experiencing rot. No statistics are given for the energy efficiency of the existing windows, though the application does note complaints of drafty windows, a lack of weatherstripping, missing hardware, and poor fitting sashes. The Applicant also wishes to conduct window work that does meet this standard:

1. sand and repaint existing wood window trim on the 2nd through 5th floors;
2. sand and repaint existing metal windows and doors on the street side fire escape of the 2nd through 5th floors.

The guidelines do permit aluminum replacement windows, but require window paning replicate existing wood mouldings. Although the application states that the replacement sashes will match the existing offset design, the application is missing dimensions of proposed windows beyond those of the window frames and panning.

The guidelines require replacement windows have a true offset single- or double-hung operation. The Applicant is proposing the latter in accordance with the standards.

The guidelines require replacement windows have a paint finish, as opposed to anodized aluminum. The Applicant is proposing a green replacement window finish to match the existing street-side window finish, in accordance with the standards.

The guidelines require replacement windows utilize clear glass unless historical documentation suggests otherwise. The application states that the replacement window glass will be clear, in accordance with the standards.

The Applicant also wishes to:

1. to repair and repaint the existing ground floor wood windows and entrances; and
2. repaint existing wood doors on the alley side fire escape of the 2nd through 5th floors.

This is in keeping with the guidelines, which require critical details of storefronts be retained.

The Applicant also wishes to:

3. add matching alley window opening on the 5th floor;
4. replace the existing steel loading dock platform;
5. replace and extend an existing railing on the 2nd Avenue North loading dock; and
6. install a rooftop satellite antenna.

This is in keeping with the guidelines, which permit selective removal of original building materials for remodeling as part of an adaptive reuse.

(5) *The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.*

The Applicant is conducting a rehabilitation of the subject property.

The proposed project follows the rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* in all areas but one: windows on the second through fifth floors.

WINDOWS, SECOND THROUGH FIFTH FLOOR

The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* recommend conducting an in-depth survey of the condition of existing windows early in rehabilitation planning so that repair and upgrading methods and possible replacement options can be fully explored. The submitted survey does not meet this standard.

1. The existing number of windows on the building is not clear. Some windows, such as S2-5, S3-4, S4-5, S5-5, N3-3, N4-1, N4-12, N5-1, E2-9, E4-9, W2-2, W2-5, W2-6, W3-1, W3-2, W3-3, W3-4, and W5-5 do not have close-up photographs in the survey, though they do appear on elevations.
2. The specific location of each window, relative to other windows on the building, is not clear. Scaled elevations of each side of the building in question do not depict some windows, such as S4-5a, S4-5b, W2-2a, and W2-2b.
3. The survey is missing many existing window dimensions. This includes the dimensions of the rail, meeting bar, stile, jamb, and muntins (where applicable) for each window type. Sheet a3.1 provides standard dimensions and designs that do not appear to match many existing windows, especially on the south side of the building.

The guidelines do not recommend replacing windows important in defining the historic character of the building (street side windows on the 2nd through 5th floors), as the Applicant is proposing, rather than maintaining the sash, frame, and glazing. The street (north and east) side windows are important in defining the overall character of the historic building. The guidelines also recommend repairing window frames and sash by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind—or with compatible substitute material—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. A window survey conducted by DW Martin & Associates and submitted by the Applicant indicates that approximately 80% of the sashes in the north and east (street side) elevations have obvious dry rot, with dry rot in 15% of the sills and dry rot at the bottom of 30% of the interior window stops. No indication is given as to what percentage of each sash is rotten, or whether the sash could be repaired. The application does state that most of the rotten sills and interior window stops are repairable. The survey indicates that non-street side windows are in very good condition, with only five out of fifty-six sashes experiencing rot.

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The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* do not recommend changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which noticeably change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame. The application is missing specifications of all proposed replacement windows and parts, to include dimensions beyond those of the window frames and panning. Specifications should, but do not, include proposed treatments of arched window openings as well as the operation of each proposed window. The application does indicate that the windows will utilize clear glass. The plans and project description indicate that the proposed windows will be double hung. Submitted specifications for proposed ProVia windows included some, but not all, required dimensions for both a picture window model and a double hung window model. Specifications are also missing window installation depths. Existing windows S4-3, 4, and 6, all of which are mounted nearly flush with the exterior wall (as opposed to the majority of windows on the building), highlight the difference in appearance such details can make. This lack of details makes a comparison between the existing and proposed replacement windows impossible.

The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* do not recommend replacing windows solely because of peeling paint, broken glass, stuck sashes, and high air infiltration. These conditions, in themselves, are no indication that windows are beyond repair. Yet these standards acknowledge that energy efficiency is an appropriate consideration in the rehabilitation of historic buildings. The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (energy efficiency section) recommend making windows weathertight by re-caulking and replacing or installing weatherstripping. These actions also improve thermal efficiency. The application provides no statistics for the energy efficiency of the existing windows, though the application does note complaints of drafty windows, a lack of weatherstripping, missing hardware, and poor fitting sashes.

Despite this, the window proposal complies with this standard in four areas:

1. repair and repaint the existing ground floor wood windows and entrances;
2. sand and repaint existing wood window trim on the 2nd through 5th floors;
3. sand and repaint existing wood doors on the alley side fire escape of the 2nd through 5th floors; and
4. sand and repaint existing metal windows and doors on the street side fire escape of the 2nd through 5th floors.

FIRST FLOOR DOORS AND WINDOWS

First floor doors and windows proposed for repair and replacement also meet the rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* which recommend repairing storefronts by reinforcing the historic materials along with the limited replacement in kind—or with compatible substitute materials—of those extensively deteriorated or missing parts of storefronts where there are surviving prototypes.

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WINDOW OPENING

The Applicant has also proposed to add one window opening on the 5th floor along the alley side of the building. The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* recommend designing and installing additional windows on rear or other non-character-defining elevations if required by the new use. This new window opening, required for the operation of the new radio station tenant, will appear on a non-character-defining elevation high above the ground.

ROOFTOP SATELLITE ANTENNA

The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* recommend designing a rooftop addition when required for the new use, that is set back from the wall plane and as inconspicuous as possible when viewed from the street. The Applicant's request to install a rooftop satellite antenna meets this guideline, as indicated in the photographs and plans submitted with the application.

LOADING DOCK

The proposal includes the replacement of the existing steel loading dock platform. Visual and building permit evidence indicates that this feature does not date back to the building's period of significance, which ended in 1930. The rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* recommend designing and constructing a new feature of this sort when the historic feature is completely missing. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character building. The loading dock will remain in the same location: in an alley behind the building where it is minimally visible from the public right of way. The Applicant is altering the design of the dock minimally to make it building code compliant for egress routes. The steel guardrails and handrails will be painted to match the color of the existing southeast alley wall.

(6) The certificate of appropriateness conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan and applicable preservation policies in small area plans adopted by the city council.

Action 8.1.1 of the Minneapolis Plan for Sustainable Growth indicates that the City shall protect historic resources from modifications that are not sensitive to their historic significance. The project will modify the building in ways that are insensitive to its historical character, as discussed in items 4 and 5 above.

Comprehensive plan policy 8.1 states that the City will, "Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture." The proposed work will not help preserve the subject property and will result in the wholesale removal of serviceable, historic wood windows.

The subject property lies within the Downtown Parking Overlay District. No new surface

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parking lots are being proposed nor are other changes proposed which would affect the building's off-street parking requirement.

(7) Destruction of any property. Before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for a reasonable period of time to allow parties interested in preserving the property a reasonable opportunity to act to protect it.

The project does not include the destruction of the subject property.

Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings that alterations are proposed in a manner that demonstrates that the Applicant has made adequate consideration of the following documents and regulations:

(8) Adequate consideration of the description and statement of significance in the original nomination upon which designation of the landmark or historic district was based.

The proposed alterations are compatible with and support the statement of significance in the original nomination upon which designation of the landmark or historic district was based. The exterior portions of the building at 119 4th Street North contribute to the district's significance. The Applicant is proposing to conduct maintenance on exterior features; replace exterior features with new features that complement the design of the historic building; and install equipment necessary for the operation of a new use (one satellite antenna for a radio station).

(9) Where applicable, Adequate consideration of Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review.

Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review does not require site plan review for this proposal, which includes no additions.

(10) The typology of treatments delineated in the Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines for preserving, rehabilitating, reconstructing, and restoring historic buildings.

As discussed in finding #5, the application is not in compliance with the rehabilitation guidelines of *the Secretary of the Interior's Standards for the Treatment of Historic Properties*.

Before approving a certificate of appropriateness that involves alterations to a property

within an historic district, the commission shall make findings based upon, but not limited to, the following:

(11) The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.

The proposed alterations are compatible with and will ensure continued significance and integrity of all contributing properties in the historic district with one exception: window changes. The Applicant is proposing to replace historic wood windows with aluminum windows that may complement the character of the district. Yet the application is not specific enough in regard to the dimensions of existing and proposed windows to make this comparison.

(12) Granting the certificate of appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.

The spirit and intent of the City of Minneapolis' Heritage Preservation Regulations is to preserve historically significant buildings, structures, sites, objects, districts, and cultural landscapes of the community while permitting appropriate changes to be made to these properties. The property owners have requested they be allowed to replace serviceable, historic wood windows without comparing the cost, energy efficiency, environmental toll, or compatibility of new windows versus rehabilitation of the existing windows. This is not in keeping with the spirit and intent of the ordinance.

(13) The certificate of appropriateness will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.

Approval of this Certificate of Appropriateness will impede the normal and orderly preservation of surrounding resources within the district and City at large. Approving this application will set a precedent that reduces the proof required to demonstrate that historic wood windows are energy inefficient; are contaminated with lead and asbestos that cannot be abated; and are compatible with replacement metal and wood windows.

STAFF RECOMMENDATION

CPED-Planning recommends that the Heritage Preservation Commission **adopt** staff findings and **approve** the Certificate of Appropriateness subject to the following conditions:

1. All ground floor windows shall be repaired. No replacements will be made to ground floor windows.
2. Original windows on the primary character-defining facades (those facing 4th Street North and 2nd Avenue North) shall be repaired and restored to original condition and function by replacing rotted members, repainting, making upper and lower sashes operable, adding weatherstripping, reglazing where necessary, reroping, and adding missing hardware.
3. Existing metal frame windows on the secondary facades (those facing the interior of the block and alleys) shall be repaired as necessary. Non-metal windows on secondary facades shall be rehabilitated in accordance with the rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. In cases where more than 50% of the sash of a historic wood/metal window is completely rotted/rusted, replacement shall be permitted.
4. The rooftop antenna is installed so that it is set back no less than one structural bay from each side of the façade.
5. Removal of existing metal loading dock is allowed. Replacement of new concrete loading dock is subject to all necessary approvals related to encroachment permits for public alleys. Railings on new loading dock shall be horizontal in direction (not vertical) to be in keeping with design of original railings.
6. Installation of a guard railing along the sidewalk at 2nd Avenue North is allowed. The railing should be designed with an industrial character and horizontal direction. The updated railing design must be submitted to CPED staff for final approval.
7. Existing fire escapes will remain in place and be repaired as necessary.
8. Color selections and material samples for all windows, railings and fire escapes shall be submitted to CPED staff for final approval.
9. The property owner will apply for a Certificate of Appropriateness for a master sign plan for the entire building within one calendar year.
10. All workmanship must be conducted in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.
11. Final plans, elevations, details, material selections, and finish samples must be submitted to CPED-Planning Staff for final review and approval prior to any permits being issued.
12. By ordinance, approvals are valid for a period of one year from the date of the decisions unless required permits are obtained and the action approval 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 April 20, 2011.
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.
14. CPED-Planning Preservation Staff shall review and approve the final plans and elevations prior to building permit issuance.

Minneapolis Heritage Preservation Commission

April 20, 2010, Room 317 City Hall

Staff: John Smoley

Planning Supervisor: Jack Byers

Date of Appeal: May 20, 2010

ITEM SUMMARY

Address: 119 4th Street North, Warehouse Historic District, Ward 7

Description: Certificate of Appropriateness to replace windows, install window openings, replace a loading dock, conduct maintenance, install a rooftop satellite antenna, install and extend a handrail, and install a new elevator.

Action: Adopt staff findings and approve the Certificate of Appropriateness subject to the following conditions:

1. All ground floor windows shall be repaired. No replacements will be made to ground floor windows.
2. Original windows on the primary character-defining facades (those facing 4th Street North and 2nd Avenue North) shall be repaired and restored to original condition and function by replacing rotted members, repainting, adding weatherstripping, reglazing where necessary, and adding missing hardware.
3. Existing metal frame windows on the secondary facades (those facing the interior of the block and alleys) shall be repaired as necessary. Non-metal windows on secondary facades shall be rehabilitated in accordance with the rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. In cases where more than 50% of the sash of a historic wood/metal window is completely rotted/rusted, replacement shall be permitted.
4. The rooftop antenna is installed so that it is set back no less than one structural bay from each side of the façade.
5. Removal of existing metal loading dock is allowed. Replacement of new concrete loading dock is subject to all necessary approvals related to encroachment permits for public alleys. Railings on new loading dock shall be horizontal in direction (not vertical) to be in keeping with design of original railings.
6. Installation of a guard railing along the sidewalk at 2nd Avenue North is allowed. The railing should be designed with an industrial character and horizontal direction. The updated railing design must be submitted to CPED staff for final approval.

7. Existing fire escapes will remain in place and be repaired as necessary.
8. Color selections and material samples for all windows, railings and fire escapes shall be submitted to CPED staff for final approval.
9. The property owner will apply for a Certificate of Appropriateness for a master sign plan for the entire building within one calendar year.
10. All workmanship must be conducted in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.
11. Final plans, elevations, details, material selections, and finish samples must be submitted to CPED-Planning Staff for final review and approval prior to any permits being issued.
12. By ordinance, approvals are valid for a period of one year from the date of the decisions unless required permits are obtained and the action approval 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 April 20, 2011.
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.
14. CPED-Planning Preservation Staff shall review and approve the final plans and elevations prior to building permit issuance.

TRANSCRIPTION

Chair Larsen: We will move on to our next item for the evening, and that is item #3, 119 4th Street North, Warehouse Historic District, Ward 7, Certificate of Appropriateness to replace windows, install window openings, replace a loading dock, conduct maintenance, install a rooftop satellite antenna, install and extend a handrail, and install a new elevator. Dr. Smoley ...

Staff Smoley: Good evening Mr. Chair and members of the Commission, my name is John Smoley and I'm here to brief you on a request for a Certificate of Appropriateness to replace and or repair windows, doors, and loading docks, and to install one satellite antenna at 119 4th Street North. The owner also plans to submit to the Heritage Preservation Commission a separate Certificate of Appropriateness application for a master sign plan in the near future.

The subject property is a five-story brick and terra cotta commercial building designed in the Renaissance Revival style located at the southeast corner of 2nd Avenue North and 4th Street

North in the Warehouse Historic District. The Warehouse Historic District is historically significant as an early example of commercial growth as the city's warehouse and wholesaling district. The exterior portions of 119 4th Street North contribute to the district's significance. Designed by Long and Long in 1900 for the Winston, Farrington, and Company grocery store, the building is representative of Renaissance Revival architecture, warehousing, and the work of master architects characteristic of the district. The applicant wishes to conduct the following work on the exterior of the building at 119 4th Street North:

1. repair and repaint the existing ground floor wood windows and entrances;
2. replace the existing windows on the 2nd through 5th floors;
3. sand and repaint existing wood window trim on the 2nd through 5th floors;
4. sand and repaint existing wood doors on the alleyway side fire escape of the 2nd through 5th floors;
5. sand and repaint existing metal windows and doors on the street-side fire escape of the 2nd through 5th floors;
6. add matching alley window opening on the 5th floor;
7. replace the existing steel loading dock platform;
8. replace and extend an existing railing on the 2nd Avenue North loading dock; and
9. install a rooftop satellite antenna.

The applicant is present and has requested this item be pulled from the consent agenda due to two recommended conditions of approval. My presentation will focus upon these two issues.

CPED Planning is recommending that the Heritage Preservation Commission adopt staff findings and approve the Certificate of Appropriateness subject to conditions. The conditions at issue are numbers 2 and 3 found on page 14 of your staff reports.

Condition 2 states that original windows on the primary character defining facades, those facing 4th Street North and 2nd Avenue North, shall be repaired and restored to original condition and function by replacing rotted members, repainting, making upper and lower sashes operable, adding weatherstripping, reglazing where necessary, roping, and adding missing hardware.

Condition number 3 states that existing metal frame windows on the secondary facades, those facing the interior of the block and alleys, shall be repaired as necessary. Non-metal windows on secondary facades shall be rehabilitated in accordance with the rehabilitation guidelines of the Secretary of the Interior Standards for the treatment of historic properties. In cases where more than 50% of the sash of an historic wood or metal window is completely rotten or rusted, replacement shall be permitted.

These conditions of approval are designed to ensure compliance with the local and federal design guidelines adopted by the commission. The application follows all guidelines laid out in the Warehouse Historic District Design Guidelines adopted in 1978 with one exception. Two of six guidelines related to windows, I suppose that's two exceptions. The guidelines require preservation of original windows unless they are badly deteriorated or provide inadequate thermal performance. The proposed replacement of all windows does not meet this standard. A

window survey conducted by D.W. Martin and Associates and submitted by the applicant indicates that approximately 80% of the sashes on the north and east, or streetside elevations, have obvious dry rot. With dry rot in 15% of the sills and dry rot of 30% of the interior window stops. No indication is given as to what percentage of each sash is rotten, or whether the sash could be repaired. The application does state that most of the rot (gap from tape flipping to side B) ... of the existing windows, although the application does note complaints of drafty windows, a lack of weatherstripping, missing hardware, and poor fitting sashes. The guidelines do permit replacement windows, aluminum replacement windows, as the applicant is proposing. But the guidelines require window panning replicate existing wood moldings. Although the application states that the replacement sashes will match the existing off set design, the application is missing dimensions of proposed windows beyond those dimensions of the window frames and panning.

The proposed project also follows the rehabilitation guidelines of the Secretary of Interior Standards for the Treatment of Historic Properties in all areas but one: windows on the second through fifth floors. The rehabilitation guidelines of the Secretary of the Interior's Standards for the Treatment of Historic Properties do not recommend replacing windows important in defining the historic character of the building as the applicant is proposing. Rather than maintaining the sash frame and glazing. The street, or north and east side windows, are important in defining the overall character of this historic building. The guidelines also recommend replacing, I'm sorry repairing, window frames and sash by patching, splicing, consolidating, or otherwise reinforcing. The guidelines also do not recommend changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which noticeably change the sash, depth of reveal, and mutton configuration, the reflectivity and color of the glazing, or the appearance of the frame. The application is missing specifications of all proposed replacement windows and parts, to include dimensions beyond those of the window frames and panning. This lack of detail makes a comparison between the existing and proposed replacement windows impossible. The rehabilitation guidelines of the Secretary's standards do not recommend replacing windows solely because of peeling paint, broken glass, stuck sashes, and high air infiltration. These conditions in themselves are no indication that windows are beyond repair, yet the standards acknowledge that energy efficiency is an appropriate consideration in the rehabilitation of historic buildings. The guidelines recommend, the energy efficiency section of the guidelines recommend, making windows weather tight by recaulking and replacing or installing weatherstripping. These actions also improve thermal efficiency. This application provides no statistics regarding the energy efficiency of the existing windows, though the application does note complaints of drafty windows, a lack of weather stripping, missing hardware, and poor fitting sashes. As conditioned the project meets the required findings of the Heritage Preservation regulations in all other areas, I should emphasize that fact. For this reason, CPED is recommending approval of the application subject to the conditions listed in the staff report. I'm available for questions, and the property owner and applicant are here as well.

Chair Larsen: Commissioner Crippen.

Commissioner Crippen: Can you clarify why we are applying the 1978 guidelines as opposed to the recently adopted guidelines for the Warehouse district?

Staff Smoley: Commissioner Crippen, Chair Larsen, members of the commission, that's a great question. This application was submitted prior to the adoption of the guidelines and applications that are in the pipeline need to adhere to the old guidelines and we'd hope they would adhere to the new guidelines as well, but technically they need to adhere to the previously approved guidelines.

Chair Larsen: Alright. Commissioner Kelley.

Commissioner Kelley: Mr. Smoley, I'm trying to boil this down a little bit more. As I hear it we are really considering the difference of opinion or the difference of position between replacing all of the windows on this façade and something like five of them? I didn't catch anything that we're dancing on this subjectivity of the 50% of the window is rotted or anything like that, it's just that there are some windows that are known to be rotted and some that are not so we're talking about whether we permit all of them to be replaced or some, is that accurate or did I miss something essential?

Staff Smoley: Chair Larsen, Commissioner Kelley, members of the commission, it's difficult to ascertain exactly what percentage of each window that is proposed for replacement, what percentage of each window is rotten. Technically the preservation standards deal with historic features like these windows on a feature by feature basis. And so consideration needs to be made for each window in terms of whether it is rotten or not. And the applicant has demonstrated or provided statistics that indicate that there is extensive deterioration but the application doesn't really get down to that window by window level that would allow staff to confidently recommend to you, the Heritage Preservation Commission, that the application is following the guidelines that you all have adopted.

Staff Byers: Mr. Chair and Commissioner Kelley, I'd like to interject that as we know there are many buildings in the Warehouse district that had window replacements prior to designation and so you will see buildings where five of the windows have this new replacement and 3 of them have that new replacement, and 6 of them have that new replacement, and so we'd like to avoid that and our recommendation is really based on entire facades rather than each individual basis. Because the accumulation of damage on any one façade is not so great, we felt that repair was probably the better treatment.

Chair Larsen: Alright, does that conclude your presentation?

Staff Smoley: That does.

Chair Larsen: Alright, other questions from commissioners before we open up the public hearing? Ok, seeing none, we'll open up the public hearing. Is there anybody that wishes to speak for or against this application please step forward.

David Kelly: Hello, my name is David Kelly, I'm an architect, 3925 West 50th Street in Edina. I've been hired by the owners of the textile building, textile partners, to kind of shepherd through

the renovation of the building. The current owners purchased the building about a year ago. While they were reviewing their desire to purchase the building they talked to the maintenance staff, they talked to the tenants, they walked through the building and several areas of the building were problematic. The loading dock, the railing along the sidewalk, the elevators, the main entries, and we appreciate the staff's support in approving all of those. We were then hired to look at the retrofitting of the windows. We prepared the Certificate of Appropriateness, the original documents were submitted in late summer, early fall. At that time we were proposing to completely replace the windows, frame and all. That was submitted to the local neighborhood group. They reviewed it and approved it, but about that time a full-floored tenant, public radio international, signed their lease agreement. They requested the additional window on the fifth floor, they requested the antennas on the, the one antenna on the roof. So working with Mr. Smoley those were folded into the Certificate of Appropriateness and then we resubmitted again at the urging, I shouldn't say again, at the urging of John Smoley we proceeded with doing the window survey. Through that survey it was determined that the original exterior trim, the brick molds, the exterior sills, were essentially in excellent condition. The problem was with the sashes. It is very difficult to document the condition of each sash, photographs were taken, probes were inserted into the obvious dry rot areas and they tended to go in 1/4" or more. Unfortunately, most of the dry rot has occurred in the lower corners of the lower sash and along the bottom rail of the top sash. What that has done is weaken those corners, especially on the bottom sash, so typically once you break the paint seal, which is how the windows have been maintained for years, the bottom rails tend to be wobbly. And, of course, as John described, once they are broken free they tend to be very loose. And missing hardware, which is of course replaceable, sash cords typically severed, those would not be replaced. The intent is to have fixed sealed windows. So then getting back to the sashes themselves, how does one define when a window is 50% in need of repair. Typically, on the bottom sash, once you loose those lower corners, regardless of the rest of the frame, the sash is in very poor shape and typically it is very difficult to repair that sash. It's almost impossible to splice in pieces of wood on the bottom rail and the vertical style in order to reconstruct that sash. Therefore you in essence need to replace the sash. If you are replacing the lower sash, typically you would have to replace the top sash simply meet with the cheek rails where these two systems need to meet. So based on those issues, and the fact that 80% of the windows are showing significant dry rot, the owner had proposed that we replace all of the sashes, but all of the sashes. He is proposing to use a window product that has been successfully used on the Butler North building. It is a thermally broken aluminum frame and will be double glazed which is an added feature that they are able to achieve by starting to deal with the energy issues of the building. So as I said it's a ProVia aluminum window frame, just the sash. That information was submitted with the original application, but there has been so many resubmittals that perhaps the documentation has been misplaced. Also part of the appraisal of the existing windows, an analysis was done for lead paint. It was a very limited analysis, only seven windows analyzed, but every window had lead in excess of one half of one percent that is permitted by federal standards. In fact two of the windows had 25% of the weight of the paint was lead. They also did an analysis of asbestos in these existing windows. Of the seven tested, five of them had asbestos content in the original caulking, the glazing caulking. So as you start to, as you attempt to remove the glass you have to abate the caulk. If you try to repair the sash you have to abate for lead. The problem the building owner is having is the building is 100% occupied. So how do you deal with trying to abate lead

and maintain an existing sash or try to get rid of asbestos and maintain an occupied building, protect tenants not only on the same level but typically on the floor below because it is a heavy timber building, wood planked floor, you can get filtering going down through. So lastly the issue of selectively replacing the windows. When one is determined to be 50% in need of repair, and I guess there is the question of who makes that determination? How is that done? Does someone from the preservation staff come to the building and review the windows and say ok you can replace that one in that office but the office next door can't be replaced? There's just going to be a working through of that process. Ultimately, if that approach is taken you would have selective replacements, you would have new window frames with new glass, adjacent to the historic window frames with the historic glass and ultimately we would be dealing with on the outside of a building essentially a two-inch face frame of every sash and a 4-inch face frame on the bottom rail, that would ultimately be what you would see of the replacement window. That's all you see of the original window on these primary facades. So it would be, it is the building owner's contention that it would be better for the visual appearance of the building to replace all of the sashes primarily because the majority of them should be replaced in our opinion, versus having a piece-meal approach, especially on the two primary facades. If you have any questions I'd be happy to answer them.

Commissioner Lemmon: If you wouldn't mind, Mr. Kelly, did you look at, you mentioned the need to replace both the top and bottom sashes in order to get it to meet at the meeting rail, and that would be the case, but did you actually price out versus repairing those bottom sashes, making replica bottom sashes that would engage with the meeting rail and also then fit within the original window opening?

David Kelly: I don't have the cost breakdown for those. The owner did look into various options. The concern there is that you are dealing now with new growth lumber. Typically a replacement sash, would it have a metal finish on the outside versus not, and there was consideration given to like a Marvin ultra-double hung, just the sash units, custom sized, but they typically had a metal finish on the outside so we would be installing a wood replacement window sash with a metal finish on the outside versus a thermally broken aluminum window with a metal finish on the outside.

Commissioner Lemmon: The original top sash, the original windows that are there though, they don't have metal on the outside, right?

David Kelly: No, they do not, they are painted. And what I did not mention is that what the owner is proposing to do is even though there would be an aluminum frame, an aluminum sash and the wood frames, everything would be repainted so that the new aluminum sashes would have the same painted finish as the adjacent wood trim.

Commissioner Lemmon: And then the new sashes would sit in the plastic tracks?

David Kelly: It would not be an operable window. These would be fixed, they would be, you know the lower sash would be inset and the outer sash outset so it looks exactly like a double hung but they would not operate. They would be fixed.

Commissioner Lemmon: And are you doing anything with the weight pockets?

David Kelly: They would of course be insulated and then those would be closed.

Chair Larsen: Is there a reason you chose to go with a non-operable?

David Kelly: Primarily for the air conditioning of the building. The other issue is the building actually faces, these two primary facades face northwest and northeast and they have tall buildings behind them and alongside them. So typically these windows do not see the light of day in the wintertime and there is a small amount of sunlight that one receives early in the morning and late in the afternoon in the summertime. So the amount of natural light that you get in there is very minimal and the, I'm forgetting your question ...

Chair Larsen: About the operable ...

David Kelly: Oh, the operable ... so therefore the intent was to have them fixed. The building is having air conditioning systems installed so, it is an office building and tend not to need to be operable.

Chair Larsen: Ok, Commissioner Lackovic, do you have a question?

Commissioner Lackovic: Just one question. One of your reasons for not recommending repair of these windows was your observation that most of the rot was taking place on the lower sash and at the base of the jams where the lower sash probably tendons into the side rails. If they aren't operable windows, though, repairs could be made there that the tightness of that joint is probably of less concern. Is it not possible to just put in a new bottom rail and just repair the bottom four inches of the jams?

David Kelly: There's the blending of the old and the new and you'd end up having a finger joint the end of the 100-year old growth wood to receive what is now new growth lumber. The new growth lumber is not as dry as the old growth and ultimately what we believe that that joint if not work itself open but telegraph itself through and leave more surfaces for condensation. The other aspect is that with the aluminum thermally broken frame with the insulated glass, it's going to cut down on the amount of condensation that's going to form on those windows. Plus it eliminates the problem of condensation sitting down at the bottom of the sill, essentially creating the potential for the dry rot to appear again and again and again. It amounts to maintenance that takes place and the intent would be to maintain it but with wood windows it is always difficult to have the most prudent of maintenance.

Commissioner Lackovic: You could always add an interior storm though, since they are not operable windows.

David Kelly: Correct.

Commissioner Lackovic: Having an interim storm window would mitigate that problem and still allow you to solve the condensation problem. It would also allow you to still keep the windows. I'm just wondering if there weren't other avenues that could have been explored in the spirit of retaining these windows. Again with your survey, as Dr. Smoley pointed out, was to determine how much damage each window sustained. When we do a window analysis we do a matrix and each piece is given a percentage rot, so you can look at it piece by piece and then do an average window as a whole. That's how we come up with the 50% percent rule. If one single (unclear) sash which is typically the one that wears out and suffers the most dry rot that's an easy one to replace especially on (unclear). I'm just questioning if there weren't other avenues to explore that would still allow retention of those wood windows.

David Kelly: The adding of essentially the second light on the inside was considered. Ultimately the lower sash is very close to the inside face of the outside wall. There isn't enough room to actually install that inner light without it protruding inboard slightly. Again, ultimately you are dealing with wood windows and wood frames and having a proper seal. At some point the seal breaks and you're dealing with condensation in between of the single glazed original windows and the single glazed storm window that was added on the inside. The building wasn't designed to have a storm window on the outside so that was never considered. I shouldn't say never considered, it was a passing thought but we immediately knew it would be a drastic change in the image of the building.

Chair Larsen: Alright, any other questions for the applicant before we continue on? Ok, thank you. Is there anybody else that wishes to speak for or against this application please step forward and state your name and address for the record.

Ned Abdul: Good afternoon, I'm Ned Abdul. I'm representing Textile Partners the building owner. First of all I'd like to thank the staff for the support on all the items other than 2 and 3 and all the thought they put into this. I do want to talk about our concerns regarding the replacement versus the renovation of these specific windows. Mr. Kelly did a fairly good job with the technical reasons, however I'd like to elaborate a little bit more on some of the questions that some of the council has asked. The one reason for these windows not being able to open is the office buildings are required to be pressurized from a standpoint of makeup air and fresh air and part of the building, if it's a certain story building and when you have openable windows in an office structure it unbalances the pressurization and so on, so that's why we've elected on these buildings and on the other ones to not make them operable windows. We own the other three buildings on this block, or have an ownership interest in them and all the windows have been replaced with the same or similar what we are proposing here. Mr. Byers alluded to some of these having been replaced prior to the protection of the district, which is not correct. Both the Wyman building and the Wyman Partridge building which are adjacent to this building on both sides were renovated by us in 2005-2006 and we undertook this same process of the Certificate of Appropriateness that was approved for these same type of windows. So I believe there has been some precedence set here. From a standpoint of the biggest concern, the environmental situation between the lead paint and the asbestos. I've heard some of your members allude to being able to splice out and it's just very, very difficult. You'd have to abate every sash. You're not going to be able to cut into a sash that's full of lead paint into it and then actually splice into

it the bottom or the side rails of it without actually abating every single sash. What would have to happen is the sash would have to be removed. They would have to take it into some type of a shop. They would have to abate the lead paint. They would have to remove the actual glass and then a lot of this glazing was done with asbestos glazing or asbestos caulking so you have another environmental concern here and then you would actually start the carpentry process of trying to piece these back together. To abate one of these sashes probably costs more than it costs to replace the whole window just from the abatement standpoint. At the end of the day, it doesn't really accomplish what we are trying to accomplish here from a standpoint of energy efficiency. These are single pane glasses. A lot of this glass is the old real thick, you know that kind of bubble glass that was hand blown, you don't have very good visibility through a lot of it. The structure of the way that the weight pockets and the stops on the windows leak excessively and are causing huge draft issues for these new tenants. We've attempted to take this building from kind of a ma and pa building and kind of put a larger more credible business tenant in the building and that's kind of been our vision where we've got this public radio which is actually occupying the top floor of the building right now. And we've got a couple other larger tenants that are coming into this district that are going to expect a little bit more level of comfort when they occupy the building for their employees. So I feel like the energy efficiency is part of the guidelines of the district and it doesn't seem like it was really being looked at as an issue. We didn't submit actual studies but I guess it's a pretty well known fact that a single pane glass is not energy efficient. It's not something that you could put in a building today. If you were to build a new structure you would not be able to put a single pane glass because it would not fly for the energy codes, etc. So there are numerous reasons why we feel we need to try to attempt to replace complete facades. And then I guess my last concern would be how would the building look if we were to replace window 1 and 2 and then not replace window 3 and 4 per floor or per façade and then you're going to have an odd looking building on the outside where let's just say 40% of the windows replaced and 60% of the windows not replaced. It's going to look odd to me from the street.

Chair Larsen: Thank you very much, any questions for the applicant at this time? Thank you very much. Is there anybody else that wishes to speak either for or against this application, please step forward. Ok, seeing none we'll close the public hearing. Commissioner Lemmon?

Commissioner Lemmon: I thank both of you for your time and your work looking at these windows ... paying attention to these windows and how the windows integrate into your building, and paying attention to the cosmetics of a change to these buildings. Some of these things you mention though I'd like to challenge a little bit and kind of have the commission think about. Some of what you brought up was the discussion of old growth. When we think of an existing original sash, we do take into consideration the fact that this is old growth lumber. Normally, even a building of your age, the deterioration rarely even under extreme circumstances is it 50% of the sash. To Ginny's comments relating to how you can repair those, I respect the concern about the lead and we would in most circumstances, those sashes if they are going to be repaired are taken off site, they are rarely done in place, sometimes because of the abatement considerations and sometimes because of the labor involved with them. I'd also challenge, and this is one thing that actually there is much more research out there than there's ever been related to double glazed versus that historic glaze. Chances are you have some pretty

thick glass. When you really start breaking down the R values versus the U values of even a very nice thermally broken window double glazed today compared to what your historic windows are giving you, I think you'd find looking at the data it's points of a fraction compared to what they originally thought. Some of what you mentioned about the stops are drafty. That's going to happen. As you know, the wood tends to change and needs repair and if those stops were, you know, reattached and resealed those drafts would be gone. Some of what we also think about when we talk about a sash replacement and where I was kind of asking you some questions related to that is when they come in, whether it is a metal clad sash replacement or even a true wood sash replacement, often those are being made in a factory. They are made to a spec size. They are no longer custom made to your window openings and chances are with the age of your building many of those were probably made very close to the site and made to fit those window openings. So you would probably find even if you did put in a new thermally broken with an aluminum clad sash replacement in there you are going to have those same, even probably worse, draft issues because they are no longer going to fit to your window openings. They are going to be made square, they are going to be made to what a factory requirement would be versus what an actual replaced/repaired, made-to-match for your window opening. The other thing I would challenge is looking, if you are looking at mechanical systems within the building, and it's not necessarily by code, do you have to replace your windows. It's really how you look at those mechanical systems and if you create a heat wash against that wall a lot of that can go away for you from code standpoints. And then I know there was also discussion about if we replace a window here or there, it's going to look different. Well, per the Secretary of Interior Standards, for you to replace those windows here and there, it wouldn't be a metal clad window, it would be to match the original materials and integrity. And granted, knowing we don't have old growth anymore, but we do have materials out there that do maintain. When we talk about recommendations relative to a sash replacement with the aluminum panning and even an interior wood, we are talking about a replacement scenario and an old growth piece of lumber even if repaired, we're anticipating out there right now that you are going to get another hundred years out of that window. Whereas replacement, aluminum clad, that cladding breaks apart, those windows aren't the same quality and all of a sudden you are going to end up having to replace them again in another 25-30. This is now where the window replacement, kind of, for historic properties, has gone to. So I would challenge the team to look at that. What you're looking at, what I saw from your survey, you have a lot of really intact windows and it would be a shame for you to take a step back, loose kind of that integrity you have in those windows, for you to look at kind of a wholesale replacement when realistically you could do some repair and you could have a product that's going to last a long time and still give you the, there are other ways to deal with the thermal issues of tenants complaining about it being cold and drafty. We replace these all the time and I can tell you that it doesn't matter on a historic building with those walls it's not the windows. They are cold and drafty because they are up against an old brick wall. Replacing the windows doesn't necessarily answer that from a tenant perspective. So I guess I would challenge the commission and I guess I could make a motion unless there want's to be any further discussion. But I would make a motion that we adopt staff findings and approve the Certificate of Appropriateness subject to the conditions. The only thing I would and could possibly change is I would agree in some circumstances it does make sense to no longer have them be operable. We can replicate them so I would actually from condition number 2 strike making upper and lower sashes operable because in some cases it may make the replacement easier if they don't

actually have to maintain the operability and if the mechanical systems, often we find there's challenges with that because for efficiencies they may want to try to zone those and sometimes an operable window can shut a whole zone down that you wouldn't necessarily want to. So that would be my motion.

Chair Larsen: Ok, is there a second to the motion?

Commissioner Lackovic: I'll second.

Chair Larsen: Ok, Commissioner Lackovic. Discussion on the motion?

Commissioner Lackovic: I just want to add one comment to Commissioner Lemmon's challenges. I just want to point out that repair does not always necessarily mean splice for those windows. There's some amazing products out there for consolidation and epoxy repairs that go a long way to get rid of dry rot and make ... you can do a lot more with an epoxy repair than you can with just a simple splice. It will maintain the integrity of that piece for a long, long period of time. And I also want to just encourage you to, again, consider the interior storms. There's a number of different ways that you can customize the interior storms to actually fit. We played with a number of different fastening systems from magnetic tape, you can get pretty thin profile storms that actually will help that window perform as well if not better than a new thermally broken window. I just want to add to the challenge list.

Chair Larsen: Ok, other discussion on the motion? Commissioner Crippen.

Commissioner Crippen: Sorry, no, I was just fixing my ...

Chair Larsen: Oh, you were just ... sure you don't want to say anything?

Commissioner Crippen: I'm sure.

Chair Larsen: Alright, other commissioners, any further discussion? I'm not seeing any further discussions so ... oh, don't be shy.

Commissioner Kelley: Alright, I did find Mr. Kelly's arguments persuasive from the standpoint of the consistency of the replacement windows and also particularly from the standpoint of protecting the tenants from lead abatement and asbestos abatement and so on. I was not convinced, even before Commissioner Lemmon's remarks about the energy savings. Apart from the R values being close there's this whole question about embodied energy that we have spoken about at length in previous meetings so that wasn't really swaying me. I'm still a little bit on the fence on this. I'm going to throw my support behind your motion because I will just have to admit I was out of my depth on some of the repair techniques that were discussed. I cannot really make a judgment about that. Certainly I was very, very dubious about the splicing, but if there are indeed other techniques, then that kind of puts the thing over the edge and I will support the motion.

Chair Larsen: Ok, any further discussion? Seeing none, we'll call the roll.

Clerk: Could you just reiterate whether there's a change to condition 2 or not and what it was?

Chair Larsen: Yes, there's a change to condition number 2. So it will read "original windows on the primary character defining facades, those facing 4th Street North and 2nd Avenue North, shall be repaired and restored to original condition and function by replacing rotten members, repainting, adding weatherstripping, reglazing where necessary, reroping, and adding missing hardware." I guess the question would be, I do have a question then, what about the reroping and the ...

Commissioner Lemmon: (unclear)

Chair Larsen: So, ok, remove reroping.

Clerk: So you are removing "making upper and lower sashes operable" and you are removing "reroping."

Chair Larsen: That's correct. Are we adding missing hardware to make it look like ... it's a nice touch. Alright, so that's it, is that clear?

Clerk: Ok, just those two?

Chair Larsen: Yup.

Clerk: Ok. Commissioner Elliott?

Commissioner Elliott: Aye.

Clerk: I'm sorry, what?

Commissioner Elliott: Aye.

Clerk: Thank you. Harrison?

Commissioner Harrison: Aye.

Clerk: Anderson?

Commissioner Anderson: Aye.

Clerk: Lemmon?

Commissioner Lemmon: Aye.

Clerk: Larsen?

Chair Larsen: Nay.

Clerk: Kelley?

Commissioner Kelley: Aye.

Clerk: Mack?

Commissioner Mack: Nay.

Clerk: Crippen?

Commissioner Crippen: Aye.

Clerk: Lackovic?

Commissioner Lackovic: Aye.

Chair Larsen: Ok, that motion carries.