

Department of Community Planning and Economic Development
Planning Division

Certificate of Appropriateness
BZH-26192

Date: February 9, 2010

Proposal: Request for Certificate of Appropriateness to replace windows

Applicant: Greg Rottach

Address of Property: 160 Malcolm Ave SE

Project Name: 160 Malcolm Ave SE Window Replacement Certificate of Appropriateness

Contact Person and Phone: Greg Rottach, 612-207-6556

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

Date Application Deemed Complete: n/a

Publication Date: February 9, 2010

Public Hearing: February 16, 2010

Appeal Period Expiration: February 26, 2010

Ward: 2

Neighborhood Organization: Prospect Park East River Road Improvement Association

Concurrent Review: Review pursuant to Section 106 of the National Historic Preservation Act of 1966 being conducted concurrently by the Minnesota State Office of Historic Preservation

Attachments:

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

- Location map – A1
- 350' map – A2

Attachment B: Materials submitted by Applicant – B1-B58

- Notification letter to Council Member and neighborhood organization – B1
- Application form – B2-B4
- Existing and proposed conditions (photographs and plans) – B5-B25
- Architectural drawings and specifications – B26-B58

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Attachment C: Materials submitted by interested parties – C1

- Letter from Minnesota State Office of Historic Preservation – C1



160 Malcolm Ave SE , 2009, photo submitted by Applicant

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CLASSIFICATION:	
Local Historic District	Prospect Park Historic District (interim protection), contributing resource
Period of Significance	1883-1965
Criteria of significance	The Prospect Park Historic District is locally significant for its depiction of social history, community planning, architecture, and landscape architecture during the period 1883-1965.
Date of local designation	n/a (interim protection)
Applicable Design Guidelines	<i>The Secretary of the Interior's Standards for Treatment of Historic Properties</i>

PROPERTY INFORMATION	
Current name	Rottach Residence
Historic Name	Jacob Hafstad Residence
Current Address	160 Malcolm Ave SE
Historic Address	160 Malcolm Ave SE
Original Construction Date	1912
Original Contractor	Thomas Huseby
Original Architect	none
Historic Use	Residence
Current Use	Residence
Proposed Use	Residence

BACKGROUND:

The subject property is a 2.5 story residence designed in a vernacular manner located mid-block between Arthur Place and Melbourne Avenue in the Prospect Park Historic District (Attachments A1 and A2).

Prospect Park's social history significance stems from its exhibition of characteristics common to early twentieth century suburban development. Prospect Park remained sparsely settled until the installation of the first inter-urban street railway along University Avenue in 1890. Curvilinear streets built along wooded hillsides stand out in this relatively level city built primarily in a grid network.

Home to the first neighborhood association in the City, the Prospect Park Improvement Association, the neighborhood is also associated with prominent forces in Minneapolis' early development: the University of Minnesota and numerous residents important to the City's development such as Robert Taylor Jones, Ralph Rapson, and Lowell Lamoreaux.

Hess, Roise, and Company determined that the exterior portions of the building at 160 Malcolm Avenue SE contribute to the district's significance. Constructed in 1912 by Thomas Huseby, the building is representative of vernacular architecture and development characteristic of the neighborhood.

SUMMARY OF APPLICANT'S PROPOSAL:

The Applicant wishes to conduct work on 13-20 existing wood windows. The Applicant proposes to replace some existing windows with new wood frame windows; remove the rope and pulley system, trim the sides, and install vinyl jamb liners on other existing windows; and install metal cladding over other existing windows. It is not clear exactly how many windows are proposed for work and exactly which windows are slated for the type of work.

1. Number of affected windows:
 - a. Neither the narrative project description nor letters to the local council member and neighborhood group state how many windows are proposed for each type of work and which type of work is proposed (Attachments B1, B4, B26).
 - b. A handwritten spreadsheet (Attachment B28) lists 19 windows of 11 different types, ostensibly slated for work (since more windows exist on the building).
 - c. An unnamed plan (Attachment B27) similar to a roof plan included with the spreadsheet lists 13 windows, ostensibly slated for work (since more windows exist on the building).
 - d. A typed inventory of building windows (Attachments B36-B37) lists 28 windows on the property, sixteen of which are slated for work.
2. Windows proposed for replacement:
 - a. A typed inventory of building windows (Attachments B36-B37) lists 13 windows scheduled for replacement.

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- b. Elevations (Attachments B5, B10, B16, and B21) indicate 12 windows have been replaced (when most clearly have not) and 2 windows are slated for replacement (when additional windows have clearly already been replaced).
 - c. A typed spreadsheet titled "Lead Reduction Specifications" (Attachment B57) lists 13 windows labeled with the following heading: "Window Replacement – Jamb Liner or Vinyl Replacement: Replace the following windows with A-craft windows approved for heritage preservation properties."
3. Windows proposed for jamb liner rehabilitation:
- a. A typed inventory of building windows (Attachments B36-B37) lists 3 windows scheduled for jamb liner rehabilitation.
 - b. Elevations (Attachments B5, B10, B16, and B21) indicate 3 living room windows are proposed for rehabilitation.
 - c. A typed spreadsheet titled "Lead Reduction Specifications" (Attachment B57) lists 4 windows slated for jamb liner rehabilitation.
4. Windows proposed for metal cladding:
- a. A typed inventory of building windows (Attachments B36-B37) lists no windows slated for metal cladding.
 - b. Elevations (Attachments B5, B10, B16, and B21) indicate no windows are slated to receive metal cladding.
 - c. A typed spreadsheet titled "Lead Reduction Specifications" (Attachment B57) lists 2 windows slated for exterior metal cladding.
 - d. A typed letter from Sadie Gannett (Attachment B34) indicates that the Applicant proposes to use A-Craft's historic replacement wood windows whose exterior sashes are painted with wood, rather than clad with metal, but handwritten and typed spreadsheets (Attachments B28 and B57) indicate that two existing kitchen windows are scheduled to receive metal cladding.
5. Aluminum storm windows and screens: The application does not indicate whether the aluminum storm windows and screens installed over many windows would be replaced, but the application does state that the new windows will improve the historic appearance of the building which leads CPED to believe that the aluminum storm windows and screens are proposed for removal, not replacement or preservation.

Photographs (Attachments B5-B25) submitted with the application indicate unpermitted work onsite: two new attic windows on the south and west elevation. The kitchen windows as well are noted in portions of the application as new (Attachments B36-B37), despite the fact that no building permits for the replacement of windows are on record for this property.

The application remains incomplete. CPED sent two written requests detailing information required for a complete application. The Applicant responded to these requests in part, but not enough for staff to determine whether the proposed project meets adopted standards.

PUBLIC COMMENT:

Staff has received one comment letter on the project (Attachment C1). The Minnesota State Office of Historic Preservation has indicated that the property is eligible for listing in the National Register of Historic Places and that the replacement of historic windows must comply

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with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* if the Applicant wishes to continue to receive federal funding for the proposed project. The Applicant has been granted a lead abatement grant through Hennepin County that utilizes federal funds distributed through the Department of Housing and Urban Development (HUD).

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 160 Malcolm Avenue SE contribute to the district's significance due to the property's embodiment of vernacular architecture and development characteristic of the neighborhood. 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). Since the property will retain, though impair, its integrity if the proposed alterations are made (see findings 3-5 below), the proposed alterations are compatible with and continue to support the criteria of significance and period of significance for which the historic district was designated.

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

The proposed alterations are not compatible with and do not support the interior and/or exterior designation in which the property is being contemplated for designation. The exterior portions of the building at 160 Malcolm Avenue SE contribute to the district's significance due to the property's embodiment of vernacular architecture and development characteristic of the neighborhood. Visual and building permit evidence indicate that the windows date back to the building's period of significance, 1883-1965, making them historic. Replacement of historic windows is acceptable, according to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, if the windows are too deteriorated to repair and if the specifications of the windows are the same as or compatible with the existing windows.

No evidence has been provided by the Applicant or his consultants that indicates that the existing windows cannot be repaired. In fact, submitted photographs show no evidence of rot. The application's scope of work (Attachment B4) indicates that the reason the Applicant feels the windows do not work are due to, "...cracked panes, peeled glazing, or missing window parts." A typed inventory of building windows (Attachments B36-B37) lists additional deficiencies: loose windows, inoperable windows, inoperable upper sashes, moisture, mold, and rot. These are all very repairable deficiencies. Additionally, existing window specifications are not clear. While a handwritten spreadsheet (Attachment B28) and typed inventory of building windows (Attachments B36-B37) list frame dimensions, no other existing window dimensions have been provided, making a comparison to the proposed replacement wood

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windows impossible. Additionally, these two documents list conflicting dimensions for nearly every window.

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

Both the city of Minneapolis' Heritage Preservation Regulations and the National Register of Historic Places identify integrity as the authenticity of historic properties and recognize seven aspects that define a property's integrity: location, design, setting, materials, workmanship, feeling and association. 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 may alter the design of the building. While a handwritten spreadsheet (Attachment B28) and typed inventory of building windows (Attachments B36-B37) list frame dimensions, no other existing window dimensions have been provided, making a comparison to the proposed replacement wood windows impossible. Additionally, these two documents list conflicting dimensions for nearly every window.

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 wood windows, windows with vinyl jamb liners, and metal cladding, which do not date back to the period of significance. The project will impair the contributing resource's integrity of materials.

Workmanship: The Applicant proposes to replace wood windows that date back to the building's period of significance with new wood windows, windows with vinyl jamb liners, and aluminum cladding, which do not date back to the period of significance. The number and location of windows proposed for replacement is not clear, and some of the features that exhibit the highest degrees of workmanship (leaded glass windows) are threatened with removal by this proposal, thus the project will impair the contributing resource's integrity of workmanship.

Feeling: The Applicant proposes to replace wood windows that date back to the building's period of significance with new wood windows, windows with vinyl jamb liners, and aluminum cladding, which do not date back to the period of significance. The number of windows proposed for replacement is not clear, the existing window dimensions are not clear, and some of the features that exhibit the highest degrees of workmanship (leaded glass windows) are threatened with removal by this proposal, thus the project will impair the contributing resource's integrity of feeling.

Association: The Applicant proposes no changes that would break the residence's association with vernacular architecture and development characteristic of the neighborhood, thus the

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project will not impair the property's integrity of association.

(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 Heritage Preservation Commission has not adopted guidelines for the Prospect Park Historic District.

(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 proposed project does not follow the rehabilitation guidelines of *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

The Applicant is conducting a rehabilitation of the subject property.

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 residence is not clear. The submitted application materials frequently conflict in their depiction of the existing number of windows.
 - a. A plan depicting the north elevation (Attachment B5) does not include an attic window depicted on the attic floor plan (Attachment B31) and a photograph of the north elevation (Attachment B6). Additionally, no close up photograph of this window was provided.
 - b. A plan depicting the south elevation (Attachment B10) does not include two basement windows depicted on the basement floor plan (Attachment B29). A photograph of the south elevation (Attachment B11) does not depict the windows either, and no close up photograph of these windows was provided.
2. No evidence has been provided that indicates that the existing windows cannot be repaired, yet the Applicant proposes to replace 13-20 windows. In fact, submitted photographs show no evidence of rot (Attachments B5-B25). The application's scope of work (Attachment B4) indicates that the reason the Applicant feels the windows do not work are due to, "...cracked panes, peeled glazing, or missing window parts." A typed inventory of building windows (Attachments B36-B37) lists additional deficiencies: loose windows, inoperable windows, inoperable upper sashes, moisture, mold, and rot. These are all very repairable deficiencies.

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 sash, and high air infiltration. These conditions, in themselves, are no

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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* recommend making windows weathertight by re-caulking and replacing or installing weatherstripping. These actions also improve thermal efficiency. The guidelines do not recommend retrofitting or replacing windows rather than maintaining the sash, frame, and glazing, as the Applicant is proposing.

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 includes specifications for two replacement window types (Attachments B32-B33) and indicates that the Applicant proposes to use "historic" wood windows that have a painted exterior surface, rather than metal cladding, yet some windows have been slated for cladding with an unspecified type of metal. Installing this metal cladding will result in a reduced depth of reveal and may noticeably change the sash. Unfortunately, no material or color samples have been provided. Additionally, existing window specifications are not clear. While a handwritten spreadsheet (Attachment B28) and typed inventory of building windows (Attachments B36-B37) list frame dimensions, no other existing window dimensions have been provided, making a comparison to the proposed replacement wood windows impossible. Additionally, these two documents list conflicting dimensions for nearly every window.

(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 no adopted small area plan area.

(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.

Despite several written requests, the Applicant did not submit an analysis of the proposed project in relation to the district's significance statement.

(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 regulate the replacement of windows within existing window openings.

(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 Applicant is proposing to replace historic wood windows with wood frame windows that may complement the character of the district. Yet the application is not specific enough in regard to the dimensions of existing windows. Furthermore, the installation of metal cladding and vinyl jamb liners raises the question why certain windows may be preserved, others clad with metal, more replaced completely, and still others modified to install vinyl jamb liners, if

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energy efficiency and lead paint abatement are concerns, as the application states that they are.

(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. Clearly, 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 significantly reduces the proof required to demonstrate that historic wood windows are energy inefficient, are contaminated with lead that cannot be abated, and are compatible with replacement metal and wood windows.

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STAFF RECOMMENDATION

CPED-Planning recommends that the Heritage Preservation Commission **adopt** staff findings and **deny** the Certificate of Appropriateness to replace windows.