Ms. Fogarty called the meeting to order at 1:30 pm. She introduced Ms. Ivy Freitag as the new administrator for the Commission. She also introduced the Commission members and other City staff. She explained the procedures for hearing the cases. There were seven members present.

**DISCUSSION:**

Mr. Moulton stated that a new Preservation coordinator, Ivy Freitag, had been hired.

**APPROVAL OF MINUTES:**

Ms. Meyer moved to APPROVE the June 13, 2018 minutes. Mr. Dobbe seconded the motion.

AYES: Dobbe, Aultz, Meyer, Magee, Pence, Suarez, Fogarty

MOTION CARRIED: 7-0.
CERTIFICATE OF APPROVAL:

CASE NUMBER: 18-14-H3  
PRESENTED BY: Paul Nelson  
NAME: National Building  
LOCATION: 406 S. 12th Street  
REQUEST: Certificate of approval for exterior egress stair.

At the Landmarks Heritage Preservation Commission meeting held on July 11, 2018, Merle Rambo (Principal Owner) appeared before the Commission. Jed Moulton appeared on behalf of the Planning Department.

Mr. Rambo explained that there would be a tenant on the first and second floors that would have a higher occupancy than the previous occupants. For safety reasons, a stair that exits the basement is required. He explained that there is an existing stair within the building but it was not sufficient for the lower level that has a partially recessed basement. He stated that a second exit at diagonally opposing corners (northeast corner) of the building were required to meet current City codes. He stated that there was already an exit at the southeast corner of the building. He further stated that attempts were being made to match the railing detail of the stairway with the existing railing on the lower level of the building. He added the lower railing of the new stair lines up with the existing railing.

Ms. Fogarty noted that the Planning Department gave the following recommendation: “The placement is non-obtrusive and removed from the primary entrance and does not negatively affect the adjacent streetscape and pedestrian movement. It fits well into the existing building bay structure and the design is consistent with the Old Market Design Guidelines. It is a necessary and required safety element required by City building codes. The introduction of a new restaurant will provide a welcomed addition to the activity of the Old market and the recently approved Moxy Hotel to the east across the street.”

Mr. Pence moved to APPROVE as requested. Ms. Meyer seconded the motion.

AYES: Dobbe, Aultz, Meyer, Magee, Pence, Suarez, Fogarty

MOTION CARRIED: 7-0.
At the Landmarks Heritage Preservation Commission meeting held on July 11, 2018, Lucy Franks appeared before the Commission. Jed Moulton appeared on behalf of the Planning Department.

Ms. Franks stated that she replaced some windows on the front of her home without being aware of the fact that she would need the approval of the commission. She believed that the new windows were an improvement since it gave her the ability to open and lock them.

Mr. Fogarty was concerned about the precedent that would be set if the windows were allowed. She mentioned that an applicant had recently appeared before the commission requesting to change the windows in their home but had the request denied. Ms. Franks responded that, as a result of her actions, others were more aware that the street is part of a preservation district. She mentioned that she is on the board of the Bemis Park Neighborhood Association and that she has shared the information with those who attend the meetings. She did not believe that that information was as well-known before her situation occurred. Ms. Fogarty suggested that a letter be created so that everyone in the district, including new homeowners, could be made aware of the landmark status of the neighborhood.

In response to Ms. Aultz, Ms. Franks stated that the windows had been installed in February 2018. Ms. Aultz noted that the property owners in the district had been mailed letters from the Planning Department that informed them of the neighborhood’s landmark designation. Mr. Franks stated that she had probably not seen the letter.

Ms. Franks was advised that Restoration Exchange has a list of on their website of recommended contractors that could be used to work on historical homes.

Mary Minturn, 3416 Hawthorne Avenue, appeared in opposition to the request. She submitted pictures dated April 30, 2018 that showed the new windows being installed on the applicant’s home. She stated that Ms. Franks was involved in many conversations and a neighborhood vote concerning 3515 Hawthorne where the window request was denied. In response to Ms. Aultz, Mr. Minturn stated that she had received the letter from the Planning Department that was sent to property owners in her district.

In response to Ms. Meyer, Mr. Moulton stated that the letters to the property owners, and tenants in some cases, are mailed when requested or when it is deemed necessary. Mr. Moulton explained that a big part of the problem was that the contractor did not obtain a building permit. If the contractor had applied for a building permit, the Planning Department would have had the opportunity to inform the owner of the historical status.

Mr. Moulton stated that the windows installed on the porch were different from the home. He explained that the porch was originally open and any windows that were added were installed before the designation. He advised that in this case, if the request was denied the applicant would be charged a quad-fee (4 times the amount of the original permit) as a fine by Permits and Inspections and a field
permit would be issued. He stated that it would be up to the commission to decide what should be done if the request was denied. He added that a denial would include a 90-day period to work out an alternative solution. If a solution was not reached, the denial would be final and the applicant could appeal to the City Council.

Ms. Minturn stated that the windows that were added to the home were bulky with tinted glass that gave the home a different look.

Mr. Pence stated that he could not support having different types of windows on a historic home. Mr. Dobbe stated that he could support denying the request and using the 90-days to work out a solution, or an approval with conditions that pertained to communication.

The Board discussed possible options for the case. If the case was approved, it could open up problems all throughout the City with people just doing the work, not getting permits, then just pointing to this case where there was nothing done. Additionally, it was discussed whether there could be a denial on the house windows and approval of the porch windows, or perhaps something with just the sash and the non-tinted windows, something to get to the place where the windows on this historic home were acceptable.

Ms. Fogarty advised that the Planning Department gave the following recommendation: Approval with the following conditions: 1) The applicant acknowledges that inappropriate action was taken 2) no further replacement of existing windows will be undertaken without full and complete exploration into the cost and benefits of the restoration, and 3) all future work obtain a certificate of approval prior to the commencement of the work.

Ms. Aultz motioned to DENY the request. Mr. Magee seconded the motion.

AYES: Dobbe, Aultz, Meyer, Magee, Pence, Suarez, Fogarty

MOTION CARRIED: 7-0
At the Landmarks Heritage Preservation Commission meeting held on July 11, 2018, Lawrence Butler, owner of the Grand Theater, appeared before the Commission.

Mr. Butler stated that the Grand Theater was locally landmarked in May, 2018. He provided documentation of the work that is to be done. He is proposing to install an L-shaped sign, retain the current window configuration, open the top row of windows, and remove the white paint using approved methods on the east (16th Street) side of the building, he is not proposing to do much in the way of landscaping on that side. There is a CSO project planned for that side of the building. There will be a sign placed on 16th Street. On the west side, the door may be changed due to deterioration, the windows will not be changed, and the windows covered with tin will be opened up. On the North façade, Mr. Butler stated he is proposing to paint a 16th Street Commercial District sign, similar to the one on Farnam Street. They will be removing paint from the north and east façade and installing some decorative landscaping on the north side. Mr. Butler stated that on the west side, there is stucco which it would not be cost effective to replace. There will be two planters and decorative lighting on the Binney Street side of the building. Mr. Butler also advised that they will be adding solar panels on the roof which will not extrude or be visible at all from the street.

Mr. Butler showed numerous photos and drawings showing the work to be completed as well as photos from approximately 1968 showing the original state of the building.

Mr. Butler showed photos of the project they completed at the Hinky Dinky on 48th Street which they have completed and described the methods used which would be also utilized in the Grand Theatre project.

In addition, Mr. Butler showed photos and described the large amount of work that will be completed inside the building as well. This included gutting the interior except for the brick and plaster, the floor will be replaced with 2 x 10 trusses, and the ceiling will be replaced. The basement foundation brick wall will be kept including the beams which are still in good shape.

In response to a question from the Board, Mr. Butler stated that he will be using an outside contractor for this job as they did on the previous job as well.

Mr. Meyer motioned for APPROVAL for the new roof and restoration of the exterior to the north building, subject to the following conditions as recommended by the Planning Department: 1) A test of the paint removal process be undertaken and reviewed by the Planning Department prior to full application; and, 2) The material applied to the storefront be removed, an inspection report be provided to the Planning Department and a review of the proposed repairs be confirmed for administrative
approval. Mr. Pence seconded the motion.

AYES: Dobbe, Aultz, Meyer, Magee, Pence, Suarez, Fogarty

MOTION CARRIED: 7-0

**ADJOURNMENT:**

It was the consensus of the Board to ADJOURN the meeting at 2:00 p.m.