

CERTIFICATE OF REMEDIATION

Application Date: May 25, 2016

Applicant: Alexander Ridgeway, Jeremy McFarland, Brickmoon Design, for Todd and Denise Liebl, owners

Property: 501 Highland Street, Lot 16, Block 9, Woodland Heights Subdivision. The property includes a historic 1,654 square foot two story residence and two story garage-apartment situated on a 5,000 square foot (50' x 100') corner lot.

Significance: Contributing Craftsman style residence, constructed circa 1910 and a Non-contributing garage-apartment, located in the Woodland Heights Historic District

Proposal: Alteration – *Revision.* The applicant has removed all of the original historic windows on the house (14 total) without a COA and has installed new wood windows. This action was outside the scope of work approved in four earlier COAs for this remodel, and was done without staff knowledge or prior HAHC approval.

All windows were destroyed at the time of removal, and staff is therefore unable to assess their prior condition and to confirm that they were damaged beyond repair. However, in four earlier COA applications for this same remodeling and addition project, the applicant never mentioned any window damage or possible need to replace the windows.

For the fourth time on this project, the permitted scope of work has been exceeded. Please see Project Timeline on pages 4 and Enforcement Remedies on page 3 for details.

See enclosed application materials and detailed project description for further details.

Public Comment: No public comment received at this time.

Civic Association: No comment received.

Recommendation: Denial - does not satisfy criteria 1, 5, or 9.

In addition to any other remedies that HAHC sees fit to require, staff recommends a Certificate of Remediation for the window removal. Since the historic windows have been destroyed by the applicant and these actions therefore cannot be reversed, a Certificate of Remediation will allow the project to progress without the Commission approving the unauthorized removal of the historic windows or deeming the unauthorized work appropriate.

HAHC Action: COA Denied. Certificate of Remediation granted for the replacement of the original windows with new custom made 1-over-1, double-hung, single-pane wood windows, using the existing weights and pulleys as currently installed.

This Certificate of Remediation (COR) is an Enforcement Remedy that will allow the project to progress without the HAHC approving the unauthorized work or deeming the unauthorized work appropriate. The COR is only for the work specified by the HAHC and no other work is approved under this Certificate. Any additional work may require a revised COA. The issuance of a COR may affect and void portions of any potential tax incentive. All materials in exterior walls, including windows, siding, framing lumber, and interior shiplap must be retained except where removal or replacement has been explicitly approved by HAHC. Maintenance and minor in-kind repairs of exterior materials may be undertaken without HAHC approval, but if extensive damage of any exterior wall element is encountered during construction, contact staff before removing or replacing the materials. Further unauthorized work may trigger additional Enforcement Remedies.

CERTIFICATE OF REMEDIATION

Basis for Issuance: HAHC Issued Certificate of Remediation

Effective: June 16, 2016



PLANNING & DEVELOPMENT DEPARTMENT

COR valid for two years from effective date. COR is in addition to any other permits or approvals required by municipal, state and federal law. Permit plans must be stamped by Planning & Development Department for COR compliance prior to submitting for building or sign permits. Any revisions to the approved project scope may require a new COA.

APPROVAL CRITERIA

ALTERATIONS, REHABILITATIONS, RESTORATIONS AND ADDITIONS

Sec. 33-241: HAHC shall issue a certificate of appropriateness for the alteration, rehabilitation, restoration or addition of an exterior feature of (i) any landmark, (ii) protected landmark, (iii) any building, structure or object that is part of an archaeological site, or (iv) contributing building in a historic district upon finding that the application satisfies the following criteria, as applicable:

- | S | D | NA | |
|-------------------------------------|-------------------------------------|-------------------------------------|--|
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) The proposed activity must retain and preserve the historical character of the property;
<i>Replacing the original windows with new windows does not retain and preserve the historical character of the property.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (2) The proposed activity must contribute to the continued availability of the property for a contemporary use; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (3) The proposed activity must recognize the building, structure, object or site as a product of its own time and avoid alterations that seek to create an earlier or later appearance; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (4) The proposed activity must preserve the distinguishing qualities or character of the building, structure, object or site and its environment; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) The proposed activity must maintain or replicate distinctive stylistic exterior features or examples of skilled craftsmanship that characterize the building, structure, object or site;
<i>Removal of the original wood windows does not maintain the distinctive stylistic exterior features that characterize the building. Original windows should be maintained unless they are damaged beyond reasonable repair. The applicant has provided no documentation of any damaged conditions for any of the windows. Because the windows were removed without permission, staff was unable to evaluate their condition prior to removal. In the four previous applications for this project, the applicant never mentioned existing window damage, nor requested permission to replace the windows.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (6) New materials to be used for any exterior feature excluding what is visible from public alleys must be visually compatible with, but not necessarily the same as, the materials being replaced in form, design, texture, dimension and scale; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (7) The proposed replacement of missing exterior features, if any, should be based on an accurate duplication of features, substantiated by available historical, physical or pictorial evidence, where that evidence is available, rather than on conjectural designs or the availability of different architectural elements from other structures; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | (8) Proposed additions or alterations must be done in a manner that, if removed in the future, would leave unimpaired the essential form and integrity of the building, structure, object or site; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | (9) The proposed design for any exterior alterations or addition must not destroy significant historical, architectural, archaeological or cultural material, including but not limited to siding, windows, doors and porch elements;
<i>Removal of original wood windows destroys significant historical architectural material. Historic windows should be retained unless they are damaged beyond reasonable repair. Because the applicant did the work without consulting staff, staff was unable to evaluate the condition of the windows prior to removal. As these windows have been intact throughout the duration of the project (since January 2015), without mention of damage, staff believes it unlikely that they were damaged beyond repair.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (10) The proposed alteration or addition must be compatible with the massing, size, scale material and character of the property and the context area; and |

- (11) The distance from the property line to the front and side walls, porches, and exterior features of any proposed addition or alteration must be compatible with the distance to the property line of similar elements of existing contributing structures in the context area.

- Staff finds that the removal of the original windows, with no evidence provided that the windows were damaged beyond repair, destroys historic fabric, does not meet criteria, and is in violation of the ordinance.
- Since the historic material has been destroyed and cannot be put back, staff recommends that a Certificate of Remediation be issued, which will allow the project to be completed. In this instance, staff believes that the replacement windows are appropriate as they are single-pane, 1-over-1, double hung wood windows constructed in a traditional manner, and is therefore not recommending that the new windows be replaced with salvaged windows or another window type.

Sec. 33-203. Enforcement and penalties; remedies cumulative; other action not limited.

(e) If activity that requires a certificate of appropriateness is performed outside the scope of a certificate of appropriateness, which for purposes of this section shall include work done without a certificate of appropriateness, the building official shall not issue a permit, and no other person shall issue any other city permit, except as required to perform work required under a certificate of remediation under this subsection, for the site where the activity occurred until either:

- (1) The commission issues a certificate of appropriateness for the work that was performed outside the scope of a certificate of appropriateness; or
- (2) The commission finds that the work that was performed outside the scope of a certificate of appropriateness does not satisfy the criteria of this article and issues a certificate of remediation for the work that was performed outside the scope of a certificate of appropriateness; and the commission may, as a condition of granting the certificate of remediation, also require that the applicant repair, reconstruct, or restore all or part of the work that was done without a certificate of appropriateness prior to the issuance of any permits besides those required for the reconstruction or restoration, using as many historically appropriate or salvage materials as are reasonably available.

(Ord. No. 95-228, § 2, 3-1-95; Ord. No. 07-463, § 2, 4-11-07; Ord. No. 2010-814, § 7, 10-13-2010; Ord. No. 3015-967, §§ 5—7, 10-7-2015)

PROJECT TIMELINE
501 HIGHLAND STREET

- January 2015 The applicant obtained a building permit to remove interior finishes, but exceed this scope by removing the historic shiplap without a COA or building permit.

- February 2015 1st COA application: to construct a two-story addition to the rear and side of the existing two-story home, replace the existing stucco cladding (which was damaged), and lift the residence by 11” to install a new foundation. Staff recommended denial of the project based on Criteria 1, 4, 8, 9, and 11; however the HAHC granted the project approval.

Because of concerns that raising the foundation would put the front porch and chimney at risk, the applicant assured the HAHC that the porch would be retained, and mentioned earlier projects in which they had successfully elevated homes without destroying the porch and chimney.

- October 2015 2nd COA application: Despite the applicant’s statements to HAHC at the Feb 2015 meeting, the front porch was entirely removed, without the knowledge of staff or with HAHC approval. After work was stopped by staff, the applicant applied for retroactive approval to remove the original porch and rebuild it.

HAHC granted approval for the existing porch to be removed and replaced with a replica front porch to match existing conditions, based on the inspector’s comments that there had been enough structural damage on the original porch to warrant rebuilding it. The applicant was instructed to include salvaged portions of the historic arches from the original porch.

- January 2016 Staff met on site with the contractor to review progress and to answer questions about the project; staff noted to the contractor that the historic rafter tails were to remain unless a COA was granted in advance for their removal.

- February 2016 3rd COA application: HAHC granted approval for relatively minor revisions to side porch roof, porch steps, the balcony, and fenestration on the addition.

- April 2016 Staff discovered that, despite the on-site conversation with the contractor in Jan 2016, the original rafter tails had been removed without the knowledge of staff or prior HAHC approval.

- May 2016 4th COA application: On May 16, the Planning Director approved an administrative retroactive COA for the replacement of the original rafter tails since they were deemed to be damaged beyond repair based on the building inspector’s earlier site visit.

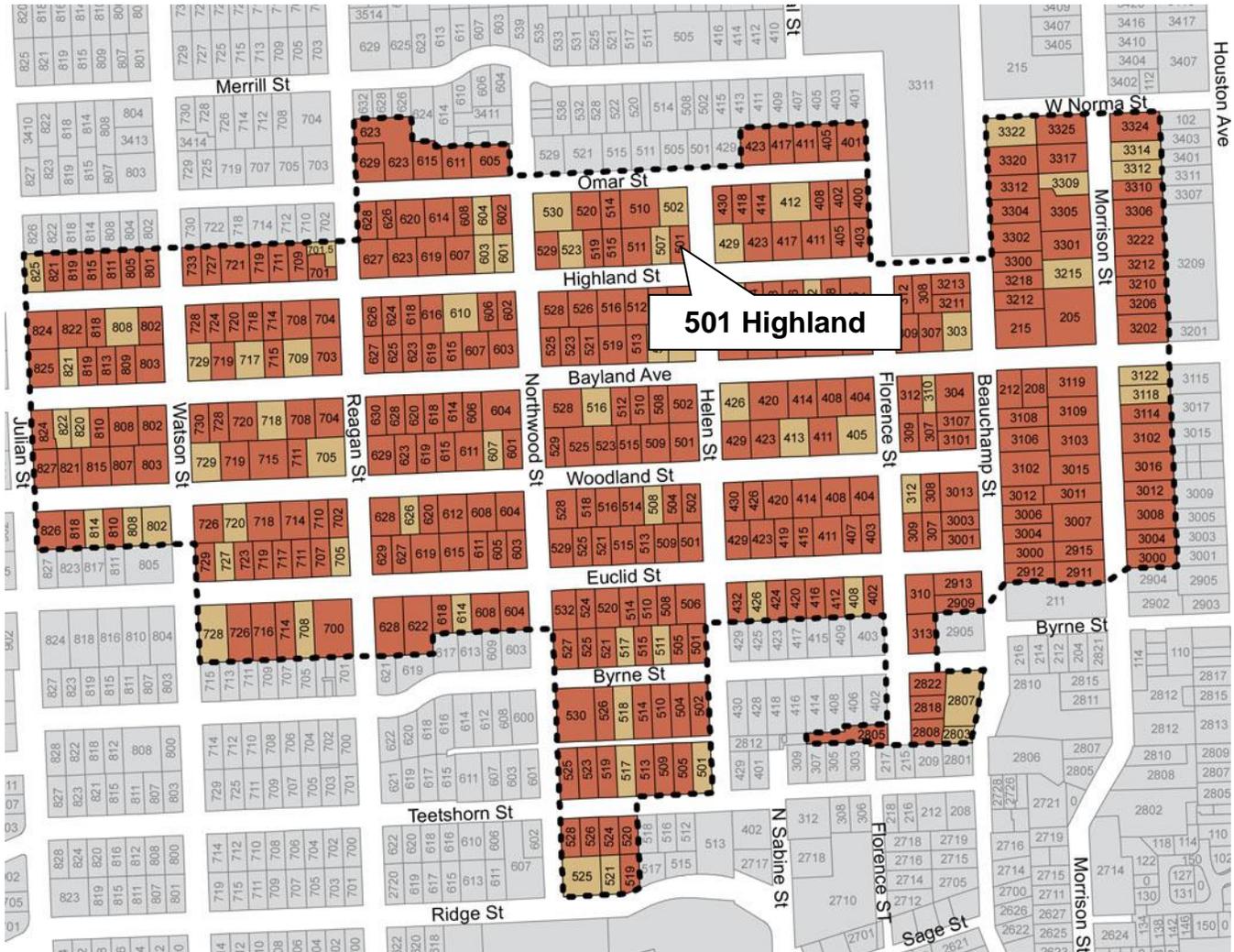
On May 20, staff discovered that all 14 historic windows had been replaced without approval from staff or HAHC. The house appears to have virtually no remaining historic material, as the exterior siding, interior shiplap, flooring, foundation, windows, rafter tails, and front porch have all been replaced with new materials.

- June 2016 5th COA application: The applicant is now requesting approval of the unauthorized replacement of all historic windows on the house. The applicant has not provided any documentation that the windows were damaged and in need of repair or replacement. No mention of window damage was made in any of the four earlier COA applications.



PROPERTY LOCATION

WOODLAND HEIGHTS HISTORIC DISTRICT



Building Classification

- Contributing
- Non-Contributing
- Park

PRIOR TO CONSTRUCTION



UNDER RENOVATION



CURRENT PHOTO



SOUTH ELEVATION – FRONT FACING HIGHLAND STREET

Existing



APPROVED OCTOBER 2015

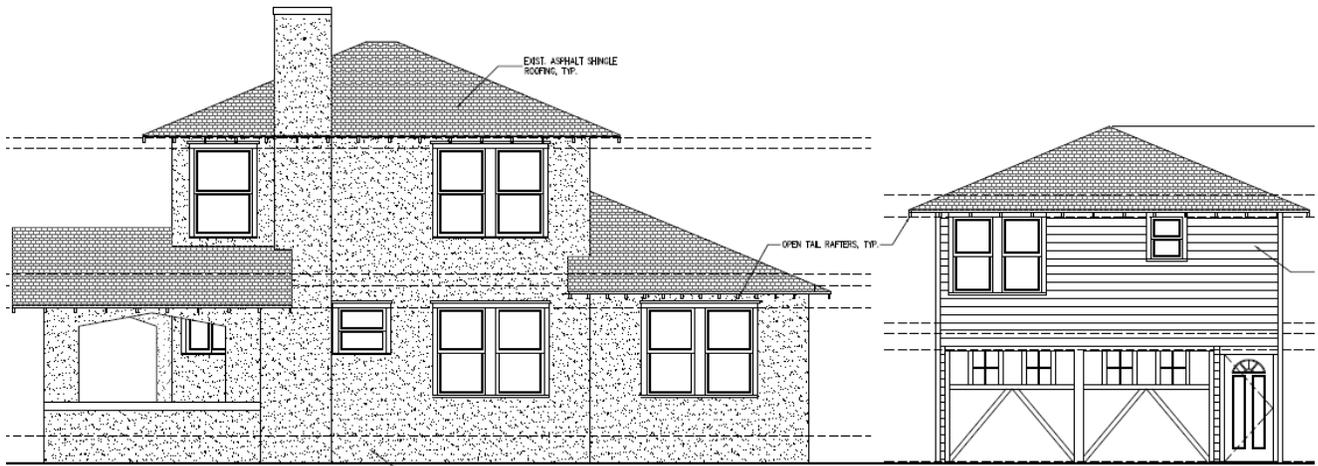


PROPOSED



EAST SIDE ELEVATION FACING HELEN STREET

EXISTING



APPROVED FEBRUARY 2015



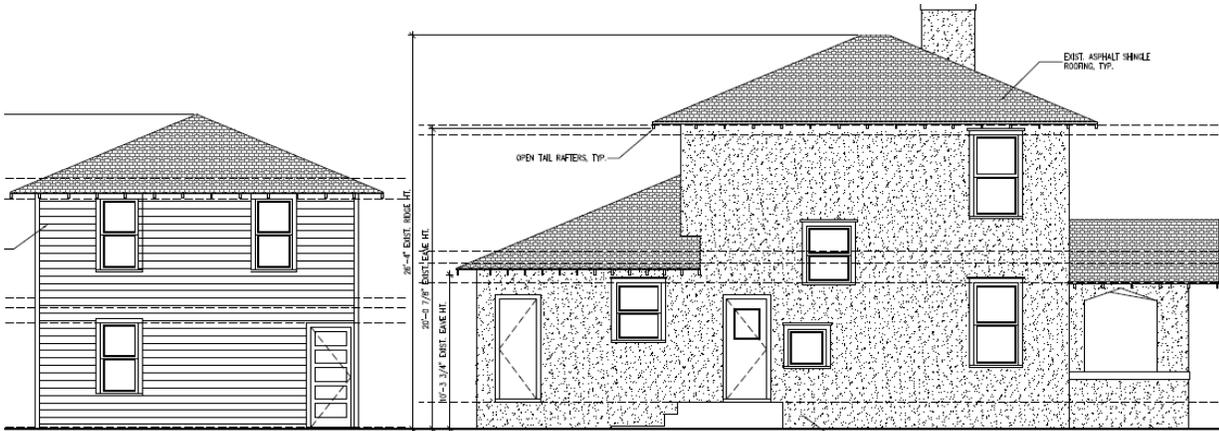
PROPOSED

Replaced Window

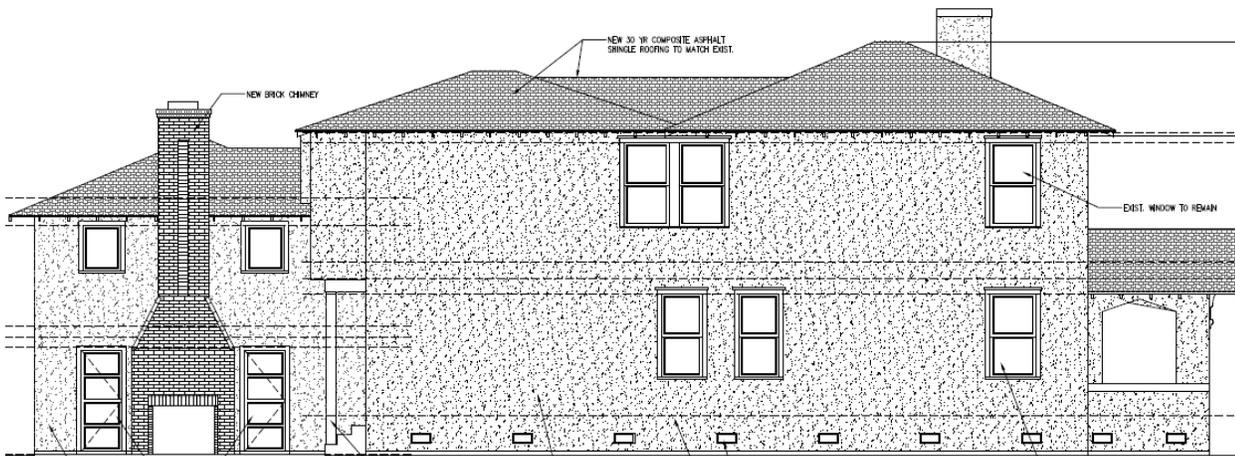


WEST SIDE ELEVATION

EXISTING



APPROVED FEBRUARY 2015



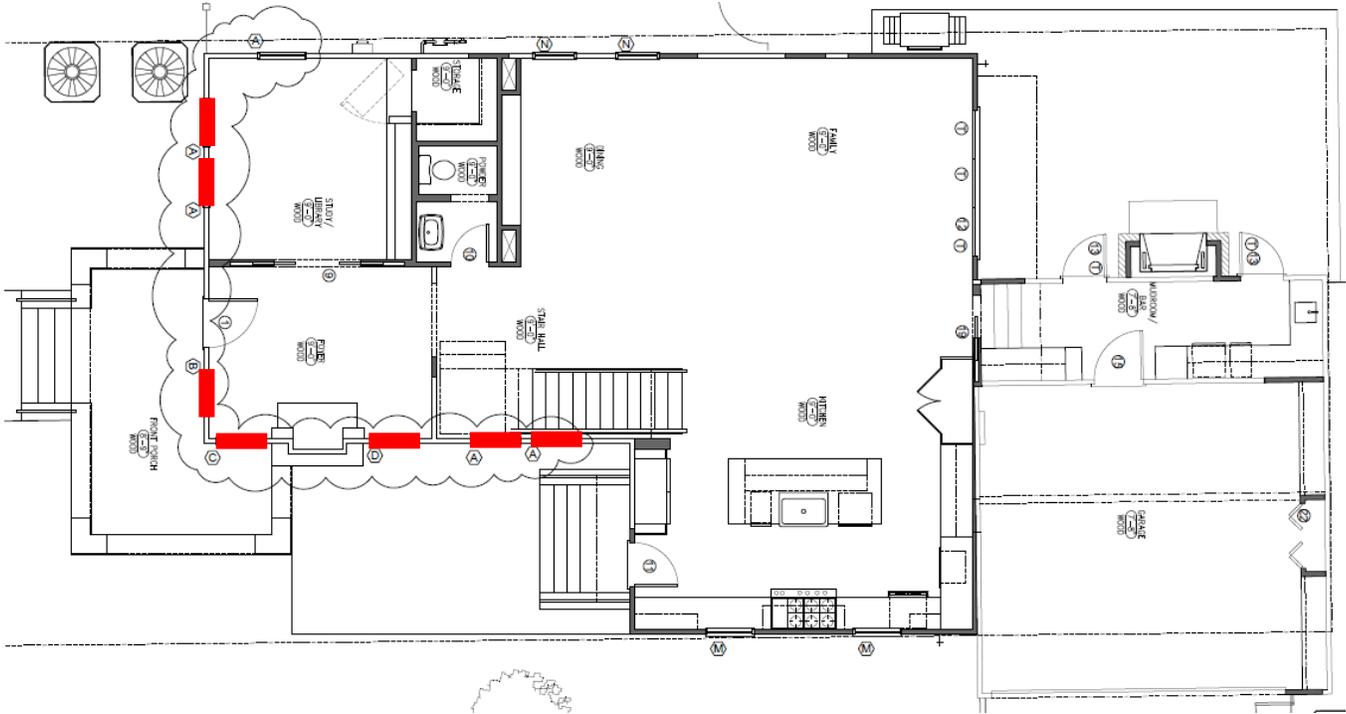
PROPOSED

Replaced Window

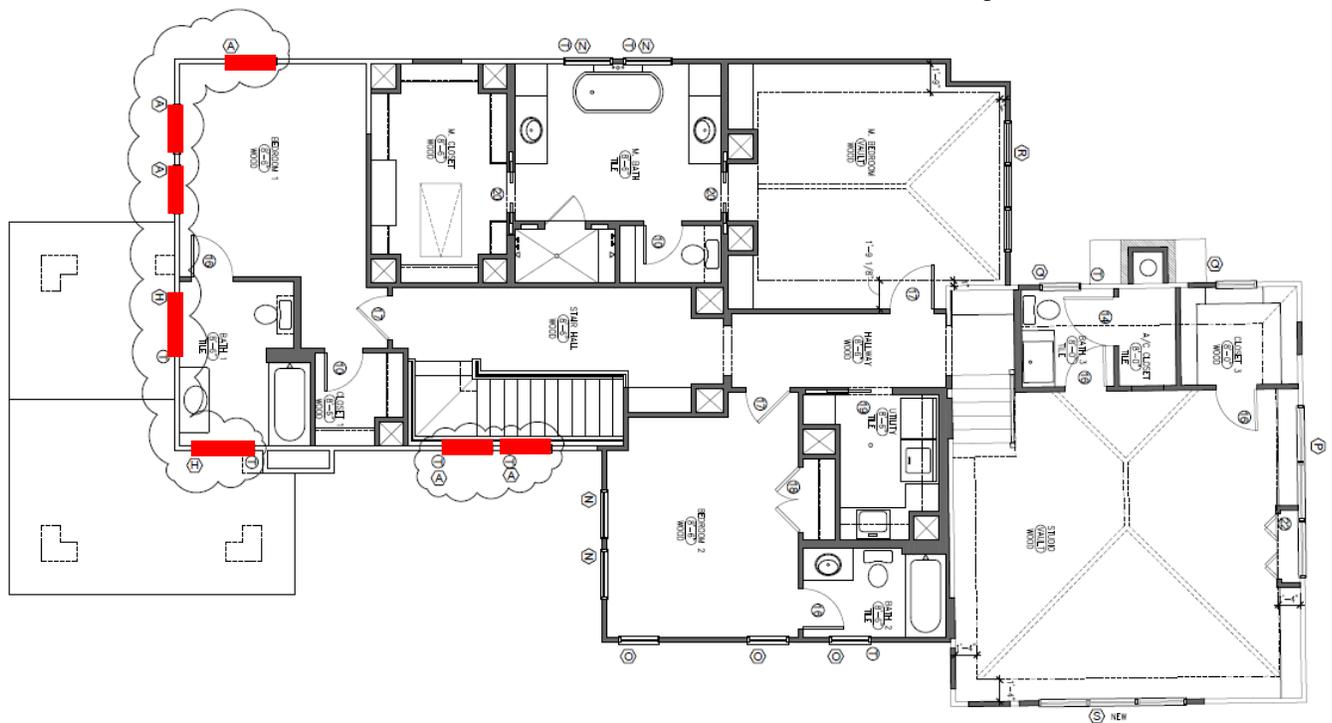


KEYED WINDOW MAP

FIRST FLOOR



SECOND FLOOR



WINDOW SCHEDULE

APPROVED

WINDOW SCHEDULE						
MARK	QTY	WIDTH	HEIGHT	TYPE	WALL	DESCRIPTION
(A)	10	3'-0"	5'-6"	DOUBLE HUNG	2X4	EXISTING TO REMAIN (10), 2 TO BE REMOVED
(B)	1	2'-9"	5'-0"	DOUBLE HUNG	2X4	EXISTING TO REMAIN
(C)	1	3'-0"	2'-10"	SLIDE	2X4	EXISTING TO REMAIN
(D)	1	3'-0"	2'-10"	DOUBLE HUNG	2X4	EXISTING TO REMAIN
(E)	2	2'-10"	5'-0"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
(F)	1	3'-10"	3'-0"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
(G)	1	2'-6"	2'-6"	FIXED	2X4	EXISTING TO BE REMOVED
(H)	2	3'-8"	5'-6"	DOUBLE HUNG	2X4	EXISTING TO REMAIN
(I)	1	2'-4"	3'-10"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
(J)	1	3'-0"	3'-10"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
(K)	7	2'-6"	4'-9"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
(L)	2	2'-0"	2'-8"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
(M)	2	3'-0"	3'-6"	DOUBLE HUNG	2X4	NEW WOOD WINDOW
(N)	6	3'-0"	5'-6"	DOUBLE HUNG	2X4	NEW WOOD WINDOW
(O)	3	2'-0"	2'-8"	DOUBLE HUNG	2X4	NEW WOOD WINDOW
(P)	1	(3)3'-6"	1'-6"	FIXED	2X4	NEW WOOD WINDOW
(Q)	2	2'-6"	3'-6"	FIXED	2X4	NEW IRON WINDOW (NOT VISIBLE FROM PUBLIC R.O.W.)
(R)	1	(3)2'-8"	6'-0"	CASEMENT	2X4	NEW IRON WINDOW (NOT VISIBLE FROM PUBLIC R.O.W.)
(S)	1	(3)3'-0"	5'-0"	CASEMENT	2X4	NEW ALUM. CLAD WOOD WINDOW

WINDOW SCHEDULE

PROPOSED

WINDOW SCHEDULE						
MARK	QTY	WIDTH	HEIGHT	TYPE	WALL	DESCRIPTION
A	10	3'-0"	5'-6"	DOUBLE HUNG	2X4	10 REBUILT INSET WOOD WINDOWS, 2 TO BE REMOVED
B	1	2'-9"	5'-0"	DOUBLE HUNG	2X4	REBUILT INSET WOOD WINDOW
C	1	3'-0"	2'-10"	SLIDE	2X4	REBUILT INSET WOOD WINDOW
D	1	3'-0"	2'-10"	DOUBLE HUNG	2X4	REBUILT INSET WOOD WINDOW
E	2	2'-10"	5'-0"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
F	1	3'-10"	3'-0"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
G	1	2'-6"	2'-6"	FIXED	2X4	EXISTING TO BE REMOVED
H	2	3'-8"	5'-6"	DOUBLE HUNG	2X4	REBUILT INSET WOOD WINDOW
I	1	2'-4"	3'-10"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
J	1	3'-0"	3'-10"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
K	7	2'-6"	4'-9"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
L	2	2'-0"	2'-8"	DOUBLE HUNG	2X4	EXISTING TO BE REMOVED
M	2	3'-0"	3'-6"	DOUBLE HUNG	2X4	NEW WOOD WINDOW
N	6	3'-0"	5'-6"	DOUBLE HUNG	2X4	NEW WOOD WINDOW
O	3	2'-0"	2'-8"	DOUBLE HUNG	2X4	NEW WOOD WINDOW
P	1	(3)3'-6"	1'-6"	FIXED	2X4	NEW WOOD WINDOW
Q	2	2'-6"	3'-6"	FIXED	2X4	NEW IRON WINDOW (NOT VISIBLE FROM PUBLIC R.O.W.)
R	1	(3)2'-8"	6'-0"	CASEMENT	2X4	NEW IRON WINDOW (NOT VISIBLE FROM PUBLIC R.O.W.)
S	1	(3)3'-0"	5'-0"	CASEMENT	2X4	NEW ALUM. CLAD WOOD WINDOW

PHOTOS FROM THE APPLICANT



PHOTOS FROM THE APPLICANT SHOWING WINDOWS AFTER REMOVAL



NEW WINDOW PHOTOS



NEW WINDOW PHOTOS



PROJECT DETAILS

Windows The 14 existing original wood windows, which were to remain, were removed and replaced with new 1-over-1, double-hung, single-pane wood windows. The new windows are inset and rebuilt using the existing weights and pulleys.

The applicant asserts that the existing windows were damaged beyond repair due to numerous previous infractions and destruction of historic materials, including the unauthorized removal or shiplap. Staff was not able to verify the condition of the windows since they were removed from the site prior to a staff inspection. The original windows were one of the last remaining historic components of the structure since most other historic material has since been replaced, both with and without prior HAHC approval or staff knowledge. See drawings and other supporting information for more detail.