

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> May 23, 2016
	<b>Agenda Item No.</b> 58 <b>Roll Call No.</b> [ ] <b>Communication No.</b> <u>16-265</u> <b>Submitted by:</b> Phillip Delafield, Community Development Director

**AGENDA HEADING:**

Public hearing on appeal by John Wise from the conditions imposed by the Historic Preservation Commission on the issuance of a Certificate of Appropriateness for the replacement of a window at 1805 Oakland Avenue.

- A. Resolution affirming the decision of the Historic Preservation Commission requiring the use of a wood replacement window
- B. Alternate resolution approving the use of the proposed vinyl window.

**SYNOPSIS:**

Mr. John Wise proposes to retain a vinyl window that was installed on the front façade of the subject building without a Certificate of Appropriateness (COA). The Commission’s approval mandated the use of a wood window as approved by staff. The discussion summary, staff report and photographs from the March 16, 2016, Historic Preservation Commission meeting, as well as the COA and the appeal filed by Mr. Wise are attached to the roll call. Staff recommends that the City Council uphold the decision of the Historic Preservation Commission (Option A).

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

Mr. John Wise is appealing the July 16, 2014, decision of the Historic Preservation Commission to approve a COA for the replacement of a window subject to the use of a wood window as approved by staff. Mr. Wise proposes to retain the vinyl window that was installed on the front façade of the subject building without a COA.

Mr. Wise’s appeal notes that the previous window consisted of vinyl and that many of the other windows in the house were replaced with vinyl windows before the River Bend Local Historic District was established in 2012. The Architectural Guidelines for Building Rehabilitation in Des Moines’ Historic Districts state that “any replacement windows should duplicate the original window in type, size, and material.” The vinyl windows are not original to the building. Replacement windows should be evaluated against the remaining historic wood windows. In cases where historic windows do not remain, replacement windows should be evaluated against what was typically found during the era of construction of the building and what was typically used for a building of its architectural character.

In addition to the local design guidelines the Municipal Code states the Commission shall utilize the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Building. The National Park Service produces documents known as Preservation Briefs. These documents are intended to assist in the interpretation of the Secretary of the Interior's Standards, which provide broad direction. Preservation Brief #16 (The Use of Substitute Materials on Historic Building Exteriors) provides guidance on the use of substitute materials. It states that if substitute materials are going to be used that they should be comparable in composition, design, dimensions, durability, color, texture and visual properties as the historic material. The Commission found that the proposed product does not comply with these standards.

Staff believes that the Commission's decision was consistent with the Architectural Guidelines for Building Rehabilitation in Des Moines' Historic Districts and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Building. Staff recommends that the City Council uphold the decision of the Historic Preservation Commission as their decision was not arbitrary or capricious.

**PREVIOUS COUNCIL ACTION(S):**

Date: May 9, 2016

Roll Call Number: [16-0769](#)

Action: [On](#) appeal from decision of the Historic Preservation Commission for 1805 Oakland Avenue in the River Bend Historic Neighborhood District, (5-23-16). Moved by Hensley to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Historic Preservation Commission

Date: March 16, 2016

Resolution Number: 20-2016-9.26

Action: Approval of a Certificate of Appropriateness (COA) for the replacement of fencing and a window subject to use of a wood window as approved by staff.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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