

HISTORIC DISTRICT COMMISSION
Minutes
September 15, 2009

2nd Floor, City Hall
City Commission Chambers
241 W. South Street, Kalamazoo, MI 49007

Members Present: Jay Bonsignore, Chair; Bob Oudsema, Vice Chair; Robert Cinabro, Nelson Nave; Erin Seaverson, James Tribu

Members Excused: Linda DeYoung

City Staff: Sharon Ferraro, Historic Preservation Coordinator; Amy Thomas, Recording Secretary

I. CALL TO ORDER

Mr. Bonsignore called the meeting to order at 5:00 p.m.

II. APPROVAL OF ABSENCES

Ms. DeYoung advised city staff that she would not be present at the September 15th HDC meeting.

Mr. Cinabro, supported by Mr. Nave, moved approval of Ms. DeYoung's absence from the September 15, 2009 HDC meeting. With a voice vote, the motion carried unanimously.

III. APPROVAL OF AGENDA (September 15, 2009)

Ms. Ferraro requested the addition of a discussion regarding the review of window replacement, demolition, and vinyl siding after approval of the minutes.

Mr. Oudsema, supported by Mr. Nave, moved approval of the September 15, 2009 HDC agenda as amended. With a voice vote, the motion carried unanimously.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

V. DISCLAIMER

Ms. Ferraro read the disclaimer into the record.

VI. OLD BUSINESS

A. 609 Elm (Case #: IHA 09-0127)

Frank Mumford from Sir Home Improvement was present to discuss the application. The application requests replacement of five windows in the southwest second floor (master bedroom).

Mr. Mumford stated that he has a copy of the Secretary of the Interior's Standards.

Mr. Oudsema inquired if the applicant could return to the HDC again if he doesn't receive at least four votes in favor of this application at tonight's meeting. Ms. Ferraro advised that it takes at least four votes to make a decision. Mr. Oudsema commented that he thought Mr. Mumford would not have four votes in favor of his application.

Mr. Mumford stated that this is the third time he has been in front of the HDC, and that he would come back as many times as necessary, but the homeowner may not want him to continue. Mr. Mumford offered to answer questions from the HDC. He commented that he understands that certain standards need to be met with regard to keeping the structure looking the same. He further stated that it was his understanding that the HDC has the power to allow what the applicant is requesting with regard to the replacement windows. He had previously been under the impression that there was something in the standards preventing approval of the replacement windows, but that is not the case.

Mr. Mumford quoted the Secretary of the Interior's Standards and Guidelines #6 as follows: ".....Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials....." He stated that Ms. Ferraro contacted other historic districts. He quoted the following e-mail responses: "Indianapolis HDC has allowed this specific model of double hung windows from Marvin." Meg Purney, Indianapolis, IN; "As is the case with some Jeld-Wen windows, there are some cases when some Marvin windows work for specific historic rehab tax credit projects, as well." Kristin E. S. Zapalac, Ph.D., Missouri Department of Natural Resources; "Our guidelines don't completely rule out replacement windows and we occasionally get applications. Our commission has allowed this specific brand of replacement window on one occasion and similar products on two projects funded by the City's lead grant." Mike Cowhig, Greensboro, NC.

Mr. Mumford advised that the historic district in Marshall Michigan allows anything, as long as there are wood windows in the front of the building. They allow vinyl windows on the side of the building. Ms. Ferraro stated that Marshall, Michigan has a National Historic Landmark District, which does not provide the same level of protection for historic resources as a local historic district. Kalamazoo has a local historic district, which has the power to make decisions regarding proposed exterior changes to historic buildings.

Mr. Mumford stated that Robb McKay (State Historic Preservation Office - SHPO) was Ms. Ferraro's predecessor with the City of Kalamazoo. Mr. Mumford quoted the following e-mail from Mr. McKay: "The NPS (National Park Service) has made it very

clear that they will accept window replacement as a component of a certified rehabilitation project. Like it or not, right or wrong, for good or for bad, replacement has been, is, and will continue to be, a part of an overall rehabilitation strategy. Whether it is windows, plaster, mechanical systems, roofing materials, interior or exterior finish materials, the goal of the rehabilitation must be to maintain the character of the property and those characteristics will make it eligible for listing in the National Register.”

Ms. Ferraro advised that the Kalamazoo Historic District Commission is independent of the State Historic Preservation Office, except in cases where there is an appeal. Mr. Mumford commented that Mr. McKay had indicated that the State Historic Preservation Office allows replacement windows, but they require that the old windows be removed down to the frame. The entire existing window would be removed and a new window would be inserted; that is what the applicants are proposing for 609 Elm. The Marvin window company can match the slope of the existing sills; and re-case the exterior and interior so the home would look unchanged once it is painted. Mr. Mumford stated that this detail is different from the original proposal. Ms. Ferraro included pictures of the existing home in the HDC packets. Mr. Mumford advised that the interior casings would be reused when possible. He provided pictures to the HDC and advised that the trim would be the same size.

Mr. Mumford stated that there is rotting in the frames and sashes of the existing windows, which need to be fixed. His company does not provide that service. He stated that he spoke with Mike Shields from Blackberry Windows who provided some information on what could be done. Some of the windows would need to be replaced where the frames aren't rotted, and that is an alternative. Mr. Mumford advised that Ms. Baraka-Love wants to replace all of the windows eventually. He stated that he brought a sample of the proposed replacement windows, which are wood inside and out with wood muntins. The proposed windows do not have true divided lites, they have muntins on the inside and the outside which are permanently installed (not the snap-in type). The glass and the muntins would be in the same position. Mr. Mumford stated that the existing windows will be replicated in appearance.

Mr. Tribu inquired if the dimensions of the proposed windows are the same as the existing windows. Mr. Mumford advised that he could provide the dimensions if needed. The new windows are not true divided lites, they are simulated divided lites. These windows qualify for the energy tax credit because of the way they are installed. The installers will try to reuse the existing trim on the inside.

Ms. Seaverson mentioned that she was not in attendance at last month's HDC meeting. She stated that the existing windows are not severely deteriorated. The windows need to be repaired, but she is not convinced that the existing windows need to be replaced. Before replacement windows can be considered, there should be a convincing argument that the windows actually need to be replaced and cannot be repaired.

Mr. Nave stated that he didn't have any information to support his prior motion (last month in August) to approve this application. He stated that in some cases he would not have a problem with someone installing good replacement wood windows. In some cases, if the homeowner won't restore the existing windows, they should be allowed to

have the replacement windows if they do not change the appearance of the house. The replacement windows will likely cost more than repairing the old windows, but that is the choice of the homeowner.

Ms. Seaverson commented that no matter how good the quality of the proposed replacement windows, unless they are mahogany or another material that would equal old-growth lumber, they do not equal the quality of the old windows. She has seen seven-year-old windows that have rotted because the quality of the wood is not as good as it used to be. Just because the owner wants to replace the old windows does not mean that the HDC should acquiesce. The HDC exists to be an advocate for the historic buildings and neighborhoods. Just because a homeowner wants to do something doesn't make it right for the neighborhood.

Mr. Mumford provided a picture of the sash to Ms. Seaverson and commented that the old sash cannot be repaired. The old sashes are rotting in many areas, they are not holding paint and they are moldy. You can say the old windows can be repaired, but that could be interpreted differently from individual to individual. He questioned if what the HDC was trying to do is the best thing for the home owners. Ms. Ferraro advised that it is the responsibility of the HDC to do what's best for the house.

Ms. Seaverson mentioned that Mr. Mumford advised that his company doesn't do restoration or repair work. Therefore, he is not qualified to say if the windows are repairable or not.

Mr. Mumford stated that he asked Mr. Shields if he could repair the windows and he advised that he could repair just about anything. Mr. McKay advised that anything is repairable, it's up to the HDC and the homeowner. It's more work to replace the entire window. Mr. Mumford read the following excerpt from "Basic Maintenance of Wood Windows" "..... keep the exterior surfaces painted, including glaze and putty. Paint protects the wood and putty from water and extends the surface life. Be especially attentive to horizontal surfaces where water may collect. Glazing putty will eventually dry and was meant to be periodically replaced. You can do spot repairs, but eventually it will be easier to just reglaze the whole sash. Keep movable surfaces such as the inside jamb free of paint build up so that the sash can slide freely. If your sashes are hung with cords, keep the ropes free of paint. This will improve the window's operability. The cord will eventually dry out and will break and can be replaced. When replacing the cord, you can also re-hang the weights so the sash will be balanced."

Mr. Mumford advised that the windows he is proposing have no putty and they tilt in, there will be no maintenance. Mr. Bonsignore commented that the proposed windows will also require maintenance. Ms. Ferraro questioned what would happen over the next few years when the seals fail in the replacement windows, what does the owner do at that point? Mr. Mumford advised that the windows are guaranteed for life. Ms. Ferraro commented that the existing windows would only require new putty to reseal them. What happens if the gaskets in the new windows are no longer available?

Mr. Oudsema, supported by Mr. Nave, moved approval of the replacement of five windows on the southwest corner of the second floor of 609 Elm.

Mr. Bonsignore suggested that the motion should be more specific since the proposal currently in front of the HDC is not the proposal that the applicant has just requested the HDC approve. The applicant is no longer requesting just replacement sashes; they are requesting replacement windows. Discussion followed with regard to clarification on the wording of the motion. Mr. Mumford confirmed that that the application is for complete window removal including the header. The motion was amended as follows:

Mr. Oudsema, supported by Mr. Nave, moved approval of the replacement of five windows on the southwest corner of the second floor of 609 Elm, including the sashes, frames, sills and header, that will fit the existing opening exactly, and replicate the existing windows and trim. With a roll call vote, the motion failed by a majority vote.

Ayes: Oudsema, Cinabro

Nays: Nave, Tribu, Bonsignore, Seaverson

Prior to the vote on the motion, the following comments were made:

Mr. Tribu commented that the product is not the problem. The Secretary of the Interior's Standards and Guidelines #6 states, "Deteriorated historic features shall be repaired rather than replaced." The majority of products in dumps are construction materials; we need to repair not replace. The longevity of the replacement windows is not proven. The seals can fail and there will be maintenance issues.

Mr. Cinabro advised that he did not attend the last HDC meeting, but he did review the minutes from that meeting. This is a difficult decision because there are legitimate persuasive arguments either way. He stated that he would support the motion, but with some degree of reluctance. Mr. Cinabro commented that he didn't want a sales pitch regarding the replacement windows, but he would like to have a better presentation with details about why this matter is on the HDC agenda, and exactly how damaged the existing windows are.

Mr. Bonsignore stated that he agreed with Ms. Seaverson's comments. He stated that he hasn't seen anything to indicate these windows are severely deteriorated. He cannot support replacement of the windows without being convinced that they need to be replaced. Therefore, he will not be supporting the motion.

Mr. Mumford read the letter from the applicant as follows: "My husband and I are 65 plus. We are seeking cost savings and convenience as we journey through our golden years. We would not like to be climbing ladders to glaze and paint. We would not like to have to invest a lot of money to pay others to do so, nor do we want to enter into another year searching for companies/individuals to find a different contractor. Your windows seem to be the perfect solution to our needs. We hope you can address whatever concerns the HDC might have so that we can get on with our home maintenance plans before rain and water delay it another year. Thank you for your advocacy on our behalf." Mr. Mumford commented that the sills are not completely rotted. The sills and sashes are in bad shape, some of the glass is falling out of the windows. Mr. Mumford stated that, based on what he's heard over the past few weeks, anything can be replaced.

Public Comment

Peter Carroll, 141 Prospect, advised that he serves on the Historic Preservation Commission. He is the owner of a window rehabilitation firm in Kalamazoo called Old Home Rehab whose specialty is repairing, rehabilitating and restoring windows in historic and older homes. Mr. Carroll stated that he was present to speak on behalf of 609 Elm. It is possible to debate the merit of whether this is an appropriate replacement window for historic buildings, it is a finely crafted window. Some preservationists are purists and others want to bring in new technology, but that is not the point. The point of the standards is to keep the original elements of the house, and to repair and maintain them over their life cycle. You don't indiscriminately remove architectural elements in historic homes unless they cannot be repaired. That information is stated in Standard Two of the Secretary of the Interior Standards, which the HDC is required to represent. In this case, there's no need to consider standard six, which talks about what will be done regarding a replacement.

Mr. Carroll stated that he visited 609 Elm. The details he saw and the pictures that were provided show no evidence that these windows deserve to be taken to a junk yard. The second requirement of the standards the HDC must use to protect 2,075 homes in our city has not been met. The decision on this matter should be very clear and easy. Home owners should not be rewarded for neglecting to maintain their homes; this could set a dangerous precedent if it is allowed to continue. Will we continue to allow arguments in favor of taking out windows and wood that are repairable in order to replace them with bigger windows? That is not what the Secretary of the Interior intended. The windows at 609 Elm do not need to be replaced, they need to be repaired with glazing compound, caulking and weather stripping. They also need storm windows, and the trees need to be pruned so the windows are not constantly barraged with moisture. Mr. Carroll asked that the HDC vote for the structure, and make the easy decision to not allow replacement of the historic windows.

Chris Wright, 1623 Grove Street, commented that he has attended at least two HDC training sessions while working with the Historic Preservation Commission. With what he has learned at the training sessions, and with the information contained in the Secretary of the Interior's Standards and Guidelines #6, he is at a loss to explain why the HDC would allow the window replacement to occur without proof of the severity of the deterioration.

There were no further public comments.

Ms. Seaverson stated that if a contractor were present to testify that the windows would be more expensive to repair than replace, she could possibly be persuaded to vote in favor of the replacement windows. However, these windows can be fixed and there is no reason to replace material that can be fixed. Ms. Seaverson stated that she is also worried about the precedent this may set if the windows are allowed to be removed for no reason other than the home owner wants them to be replaced, and the replacement product is a decent product.

There were no further comments and Mr. Bonsignore requested a roll call vote. The original motion was defeated and the following motion was offered:

Ms. Seaverson, supported by Mr. Tribu, moved to deny the replacement of the windows at 609 Elm St., based on Secretary of the Interior's Standards #2 and #6, and due to a lack of evidence that the windows need to be replaced. With a roll call vote, the motion carried by a majority vote.

Ayes: Nave, Tribu, Bonsignore, Seaverson

Nays: Oudsema, Cinabro

Ms. Ferraro advised Mr. Mumford that she would provide him with a comprehensive letter by the end of the week detailing the HDC's denial of the application.

VII. NEW BUSINESS

B. 203 East Michigan (Case #: IHV 09-0374)

Derek Wissner, owner, and Nelson Nave, architect, were present to represent the property. The application requests renovation of three facades: south/front, west/alley and north/rear.

Mr. Wissner would like to make the following improvements: renovate the façade of the building and improve the brick work and mortar along the west side. Repair the existing brick and the cornice on top of the alley way on the west and north. Hide the mechanicals and replace the modern rear door with something more aesthetically pleasing and historically appropriate. Replace the first floor display windows with double paned glass. Replace the second floor glass block "windows" (circa 1950) with something more appropriate. The Wissners feel that what Mr. Nave is proposing would showcase their products well and fit into the downtown area. When the building is no longer used as a bridal shop, the proposed design would be great for other uses such as apartments or condos.

Mr. Nave commended the applicants for the improvements they have made on the second floor. The applicants would like to have bigger windows on the second floor. Although most of the building dates from the 1880s, the building façade was stripped off in the 1960's or 1970's and glass block was installed. The old façade is visible on the side of the building about two feet back from the current facade.

Mr. Nave stated that he had an idea to install bay windows on the upper floor. There were similar windows in Kalamazoo in the past, but they are all gone now. There used to be two buildings on the Kalamazoo mall that had bay windows. Other cities still have buildings with bay windows that are similar to the proposed design. The proposed windows will be done in a more contemporary way to allow the applicants to showcase their gowns on the second floor.

To the right of the front elevation there is a section showing that the bay windows will extend out 24" from the wall. The only thing the bay will hold is the mannequin, the

lights, and a curtain rod with a sheer curtain. They are proposing to have a perpendicular sign over the door, similar to the signs at the Wine Loft and the Coney Island. Mr. Wissner stated that the back lit sign will be replaced.

Mr. Nave advised that the proposed cornices are a modern adaptation of a historical cornice and would be a similar shape. There would be canopies over the windows; some of them would be made out of metal.

Mr. Nave stated that there is a three-foot-wide window on the corner. It is currently bricked in, but will be opened up and used as a showcase. Two arched windows on the alley will be restored, but they will be closed on the inside and the back of the glass will be painted black. Maybe some day a mural of a door and windows will be painted in that location. The arches are there but are currently bricked in. Plywood and a flat-trim cornice will be applied on the alley side to cover the deteriorated brick, which is too expensive to replace at this time.

As you come around the building onto the alley on the west side, there is a section of a stucco parge coat which is falling off. That would be removed and new stucco would be applied to the masonry wall. At the top of that area facing north is another door and window. Mr. Nave suggested that the door and window be restored and a triangular-shaped balcony be installed in that area, parallel to the alley. This would serve as a "Romeo and Juliet" balcony where brides could have pictures taken. The bay windows will be installed with steel channels and bolts, similar to what is installed at the Food Dance and Coney Island Restaurants. Below the bay windows will be a fence and some potted plants for landscaping. There have problems with people using that area as a restroom, and the applicants are trying to prevent that from occurring in the future.

The two windows on the back wall would be restored and the door would be replaced. A canopy with the name and address of the business would be placed over the door. A small sign frame on the back wall would be reused there. There is a bricked-in window to the east and the applicants would like to put a poster in a sign box in that spot. The meters will be covered by a wooden cabinet. There will be aluminum coping along the back two facades. This is a DKI façade project; DKI is paying for Mr. Nave's architectural services. If this application is approved, the applicants will receive a grant to help pay for the project.

Ms. Ferraro stated that the Downtown Design Review Committee (DDRC) and the Project Review Committee for DKI have already reviewed and approved the proposed work. This is a non-contributing structure.

Mr. Oudsema commented that he is not a fan of the bay windows. He inquired as to how critical they are for this project. Mr. Nave stated that the bay windows are critical to this project because they are intended to be eye-catching and attract business. Mr. Wissner stated that he has received many positive comments from customers about the existing display windows on the first floor. The applicants are planning on doubling the number of display windows to show two floors of retail downtown. The second floor of downtown businesses are usually vacant or used as storage. It might be possible to use

shutters or other window treatments on the second floor, but the applicants would prefer to display gowns in that location.

Mr. Nave commented that the proposed bay windows should be different than the historical bay windows. The proposed bay windows are intended to be a post-modern replica of original bay windows that were elsewhere in town.

Ms. Seaverson commented that the proposed changes would be a nice addition to the streetscape. Mr. Bonsignore stressed the need to clarify why the proposed changes are being allowed. Ms. Ferraro advised that the existing windows are not original and the building is non-contributing.

Ms. Seaverson, supported by Mr. Cinabro, moved approval of the application for 203 E. Michigan. The building is non-contributing, and the proposal fits the historic context but doesn't replicate historic elements. With a roll call vote, the motion carried unanimously.

VIII. APPROVAL OF MINUTES (August 8, 2009)

There were no changes to the minutes.

Mr. Oudsema, supported by Mr. Nave, moved approval of the August 8, 2009 HDC minutes as submitted. With a voice vote, the Minutes were approved by a majority vote. Mr. Cinabro and Ms. Seaverson abstained.

XII. OTHER BUSINESS

A. FYI Report

Ms. Ferraro stated that the window repair workshop for contractors held in July did not utilize all of the grant funds that were allotted for that program. There is \$5,000 in grant money remaining. Two other cities have returned their grant money to the state due to capacity issues. There is now a total of \$46,500 in grant funds available. The State Historic Preservation Office has asked Ms. Ferraro to apply for that grant money. The plan is to use the funds for two more window rehab workshops for contractors. There will be a maximum of 12 students in each workshop. The training is available to anyone in the state of Michigan. Two people from Kalamazoo attended the last workshop.

Ms. Ferraro has spoken with representatives from Habitat for Humanity about this training opportunity. Grand Rapids, Battle Creek and Saginaw Habitat offices are no longer constructing new homes, they are rehabilitating existing houses. The workshops will be conducted on owner-occupied homes in the historic district.

Ms. Ferraro advised that the details are still being worked out with regard to the possibility of adding a new historic district in the 100 block of East Michigan. The State Historic Preservation Office has requested that Ms. Ferraro approach the owners of the Argos building about the possibility of their building being added to the existing Haymarket Historic District. The Argos building is the non-contributing building

between the Haymarket District and the 100 block buildings. If the owners of the Argos building are willing to be included in the district, the 100 block of East Michigan and the Argos building would be added to the existing Haymarket historic district. Ms. Ferraro met with the Skartsiaris family to discuss their options, and they will be contacting her with their decision. The Argos building was constructed in 1988. The historic designation would have very little impact on the Argos building other than approval of signage. Either way, the historic designation will likely to proceed for the buildings in the 100 block of East Michigan. Ms. Ferraro advised that the 100 block of East Michigan would be added as a new historic district after the closing on the property in late January.

Mr. Nave inquired if the HDC would be required to vote on this matter. Ms. Ferraro stated that a vote by the HDC was not necessary. The Historic Preservation Commission did vote on the proposals to add the historic districts. Ms. Ferraro mentioned that the enhanced tax credit is available to property owners within a local historic district.

Ms. Ferraro is putting together a more comprehensive review process regarding window replacement. She distributed information to the HDC that she is proposing to send to applicants with regard to those details. A site visit will be required in the future. Pictures will be taken and a report will be issued to the HDC. She requested that the HDC make comments about the information that was presented.

Ms. Seaverson inquired if it would be possible to have the property owner talk to a rehab contractor as well as a replacement window contractor. Ms. Ferraro advised that requirement is part of the proposed new process. Window rehabilitation doesn't qualify for the Federal energy tax credits as do storm windows.

Mr. Cinabro stated that he is in favor of the updated review process Ms. Ferraro is proposing. He inquired if the approvals could be done administratively or if the HDC would need to be involved. Ms. Ferraro stated that the information she provided is just for HDC review at this point. She is also planning to update the review process for vinyl siding and demolitions. Applications for window replacement would be due two weeks before the meeting to allow time to schedule the coordinator's site visit and report. Information regarding the updated review process may be included in the winter historic district news letter.

Mr. Bonsignore inquired if the updated review process was tied into the Secretary of the Interior's Standards and Guidelines. Ms. Ferraro advised that the updates are based on forms used by the Ann Arbor Historic District and require evaluation of the windows in advance of the meeting to determine the level of deterioration.

Ms. Seaverson expressed enthusiasm for the updated review process. Ms. Ferraro commented that the first thing to consider is whether or not the windows need to be replaced. Mr. Bonsignore stated that he would like to see detailed pictures of the windows at 609 Elm Street. The HDC requested pictures of the historic windows but they were never provided. Ms. Ferraro commented that in her opinion the windows at 609 are repairable. They are in better shape than many of the windows that were repaired at the workshop in July.

Ms. Seaverson commented that some people/manufacturers may not understand this is not a matter of product approval, it is a situational approval. Ms. Ferraro commented that the product is good, but the condition of the existing windows must be taken into consideration. If the applicants are interested in saving energy, they can apply to have storm windows installed. Those details will be included in the information Ms. Ferraro is proposing to send to applicants in the future.

Mr. Nave inquired if the 5/3 Bank Building was part of the historic district. Ms. Ferraro advised that the owners of that building chose not to become part of the Haymarket Historic District back in the 1980's. They declined again in the early 1990's when the 100 block was being considered for historic designation. It is subject to Downtown Design Review guidelines.

Mr. Nave inquired how the state could add the 10 or 11 feet of Whiskey Alley to the north side of the buildings in the 100 block of E. Michigan. Someone has indicated that the back of the buildings cannot be restored, but Mr. Nave does not agree with that assessment. The buyers of that property have indicated that they plan to use the historic tax credits for that project.

Ms. Ferraro stated that Robb McKay from the State Historic Preservation Office advised that he spoke with an attorney three months ago, and he has not seen any drawings, plans or an application yet. The application is being handled by the historic architect in Grand Rapids. The architect has handled several projects in Grand Rapids that have gone through the tax credit process with no problems. George Larrimore is also assisting the developers with this project. Ms. Ferraro and the architect are of the opinion that the back wall of the building should be restored. There is an existing elevator shaft in the building which could be utilized so that the addition of a new elevator on the outside of the building would not be necessary. There are multiple stair cases that can be reconfigured as needed. Accordingly, there have been no conclusions as to the final appearance of the back of the building. If a stair tower is added to the back of the building, it will prevent light from getting to some of the rooms in that location. The existing fire escapes could be replaced with balconies.

Mr. Nave commented that the developers originally requested 10 feet of Whiskey Alley, then they requested 11 feet of the alley. He is concerned that during construction the 11 feet will become 12 feet and this may destroy the arch that people walk under to access the mall. The existing alley is only about 25 feet, and removing 11 feet of that space will make the alley even more narrow and dark. Ms. Ferraro stated that the tax credit project is more likely to be approved without the addition on the back of the building. Using the existing elevator shaft would allow the developer to take the full tax credit. They would not receive the tax credit for the elevator if it was in an addition, but it would still be subject to review.

Mr. Nave inquired as to what would happen with the addition adjacent to KVCC. Ms. Ferraro stated that she hasn't seen sketches from the developer yet, so she is uncertain as to what is being proposed for that area. The historic details need to be taken into

consideration. There are a lot of tin ceilings in those buildings that are still in good condition. Ms. Ferraro commented that she was surprised to see so many of those details still intact.

Mr. Cinabro requested an update regarding the proposed noticing procedure for demolitions that come to the HDC. Ms. Ferraro advised those details would be part of the changes that will be put into place along with the ordinance changes for the new historic districts. Ms. Ferraro is working with the City Attorney's office to revise the ordinance to require noticing procedures for the HDC. She hopes to have a draft of the updated language ready for review at the October or November HDC meeting. It may be ready for City Commission review as early as January of 2010.

Ms. Ferraro advised that Mr. Mumford has been in contact with the City Attorney's office regarding the vote at the August meeting pertaining to 609 Elm. Staff at the attorney's office was able to confirm that the information Ms. Ferraro provided was correct.

There have been 397 Certificates of Approval issued so far in 2009.

X. ADJOURNMENT

Mr. Oudsema, supported by Mr. Tribu, moved to adjourn the September 15, 2009 Historic District Commission meeting. With a voice vote, the motion carried unanimously.

The meeting adjourned at 6:35 p.m.

Submitted by: _____
(Recording Secretary)

Date: _____

Reviewed by: _____
(Staff Liaison)

Date: _____

Approved by: _____
(HDC Chair)

Date: _____