

Window Replacement HPO Review

CITY OF FLAGSTAFF HERITAGE PRESERVATION COMMISSION STAFF REPORT

HPC Review Request

Exceptions for Residential Window Replacements

DATE: June 8, 2021

MEETING DATE: June 16, 2021

Address: City of Flagstaff

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BACKGROUND

The HPO currently reviews all window replacement permits for homes of 50+ years of age. Before 2020 the HPO did not review same for same window replacements because no permit was required. In January 2020, Flagstaff implemented the International Energy Code which requires a permit for energy compliance. The energy code review is only for glass insulation values (U-Value of .3 = R-3) without consideration of other window longevity and effectiveness factors that do differ from preservation requirements. The quality of replacement windows ranges from extremely poor to a higher quality, which often meet preservation standards. With a permit required the HPO reviews those projects of 50+ years of age under the applicable section Cultural Resource 10-30.30. The proliferation of marketed window replacements and the window firm's procedures has property owners locked into window replacements prior to permit application. There is a limited opportunity in effecting change in window selection since for most instances the HPO can not review projects for certificates except for overlay zones. It is fully acknowledged that windows are an essential aspect of historic preservation as is called out in the US Secretary of the Interior Standards for the Treatment of Historic Properties, but with the HPO only able to call out recommendations for Historic Districts and 50+ year old properties. The HPO can require the preparation of a Cultural Resource Study for properties outside of an overlay, but in many cases, this would impose an additional burden that likely would not change the replacement windows proposed.

The workload regarding window replacements has become a burden for the HPO, support staff and permit review process. The number of window permit reviews is diverting HPO efforts from other critical preservation efforts.

Previous Decisions

The HPC has previously looked at window replacements and made adjustments in reviews and materials. Additional review consideration was given to areas that were pre-WWII subdivision with a concentration of homes over 50+ years of age. The pre-WWII Subdivisions established outside of historic districts had many homes built as post WWII production housing of 50+ years of age, noted as an exception. Allowances for alternative window materials are made in National Park Service Technical guidance that varied from strict adherence to the US Secretary of the Interior Standards needed for issuing "Certificates" (no effect, appropriateness, economic hardship). Certificates are only able to be issued within overlay zones and individually listed properties. With the requirement of permits for window replacements per the adopted energy code the HPO has reviewed all window replacements for residential and commercial properties.

Starting in 2020 the new HPO has reviewed window replacements for all homes of 50+ years of age and made determinations regarding a reasonable approach in implementation of potential requirements. The HPO has reported his reviews to the HPC in the monthly agenda with determination applicable in meeting requirements within the Municipal Code Section 10-30.30 for both commercial and residential properties. The HPO regularly reports on reviews of window replacements with HPC concurrence in its regular meetings.

Request

The Heritage Preservation Commission is being asked to consider the proposed procedures to implement the current exception language for residential window replacement permit reviews outside of overlay zones for historic districts and properties of 50+ years of age (individually listed historic properties are reviewed to comply with preservation standards) with the HPO following further defined written procedures of these exceptions.

Staff Recommendation

Approve the submitted procedures for residential window replacement reviews.

Intent & Purpose

The intent and purpose of HPO window replacement review within critical heritage areas is to improve historic compatibility for projects that rehabilitate, restore, or preserve Flagstaff's heritage building by investing in heritage resources in neighborhoods and districts, fostering private investment in significant heritage resources extending the longevity of these historic structures.

See Proposed Window Replacement HPO Review Document

DISCUSSION

Review of Applicability of CRS for Heritage Reviews of Window Replacements

Flagstaff City Code

10-30.30.020 Applicability

A. In addition to all other development standards provided in this Zoning Code, compliance with the requirements of this division, and review and approval pursuant to this division are required for the following:

1. Designation of landmark properties or historic overlay zones (Section [10-30.30.040](#));
2. Cultural resource studies (Section [10-30.30.050\(A\)](#));
3. Development of a landmark property and property within a historic overlay zone (Section [10-30.30.060](#)).

10-30.30.050 Cultural Resources

- A. **Cultural Resource Studies.**

1. **Purpose.** To identify significant cultural resources and potential impacts of proposed development so that mitigation measures can be established for major impacts prior to development of the property.

2. **Applicability.**

a. Cultural resource studies are required for all public and private developments involving:.....

(5) Structures over 50 years old at the time of application.

b. When warranted by the specific conditions of the site or proposed work, the Historic Preservation Officer may determine that a cultural resource study is not required based on the following conditions:

(1) The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or

(2) The structure is not significant or lacks integrity; or

(3) The proposed work is excepted from this division pursuant to Section [10-30.30.020\(C\)\(1\)](#); or

(4) The proposed work does not have major impacts, diminish the significance or integrity of the resource, is reversible, or is temporary; or

(5) The structure is post World War II (1945) production housing; or

(6) Other circumstances under which it is reasonable to conclude that a cultural resource study is not warranted.

10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone

A. **Purpose.** This section provides standards and procedures for the preservation, reconstruction, rehabilitation, or restoration of designated landmark properties and properties within a historic overlay zone.

B. **General Applicability.** Except as provided in Section [10-30.30.020\(B\)](#), all proposed work on a landmark property and within a historic overlay zone, whether or not any other approval or permit is required, including demolition, shall be approved pursuant to this division.

C. **Process.** Except as provided in Section [10-30.30.030\(B\)](#), prior to the granting of any required approvals or permits and prior to the commencement of any work on a landmark property or within a historic overlay zone, the Heritage Preservation Commission or the Historic Preservation Officer shall review all work proposed and approve or conditionally approve the work in the form of a **certificate of no effect, certificate of appropriateness, or certificate of economic hardship**. The process for review and approval of work within a historic overlay zone is represented in Figure 10-30.30.060C, Processes for Review of Development in a Landmark Property and Historic Overlay Zone.

Window Replacement Review by HPO – Only Applicable to Residential Window Replacements

Currently all properties that are 50 + years of age that require a permit are reviewed by the HPO. The majority of these reviews are for window replacements. Many of these are outside of an overlay or a historic district. The Municipal Code's 10-30.30 heritage division's purpose calls out the importance to the city of preserving and enhancing historic resources and its benefits to the community. The Heritage section calls out the need for Cultural Resources Studies for development project that impact structures of 50+ years of age. "Development" is currently considered to be taking place when a project requires a permit. A permit for window replacements

was initiated in 2020 with the adoption of the energy code by Flagstaff, which prior to this no permit was required for change out of windows of the same size with no structural changes.

In the preservation world, window replacements are a huge deal and must meet the US Secretary of the Interior Standards for the Treatment of Historic Properties if the properties want to remain eligible. The current Zoning Code requirement for a Cultural Resource Study outside of historic overlays is the disincentive to install inappropriate windows. However, in most cases, the windows are purchased before applying for permits with the City, and only those who have the forethought to contact the Heritage Preservation Officer can benefit from the advice of the HPO in coming up with a solution that lessens the impact to a historic property. The HPO has been reluctant to require a Cultural Resource Study for window installation when window installations are potentially reversible. You could consider the installation as reversible and claim the exemption of “not diminishing the resource”, but windows are viewed as extremely important when evaluating the integrity of a home for inclusion in a historic district, this presents a challenge that is actually impacting heritage preservation. The process of reviewing windows is time consuming and the time spent by the HPO is not yielding effective results because of these circumstances outside of staff’s control. Even the process of ensuring that the application is complete with the correct building date is taking time away for more effective means of preserving and protecting historic resources.

There are exemptions in the Zoning Code outlined in section 10-30.30 (See above) that could be applied in a manner that would allow support staff to assign only certain applications to the Heritage Preservation review, which would substantially increase the availability of the HPO for neighborhood planning and heritage preservation efforts.

Stating this again, is it reasonable for a homeowner to hire a heritage preservation professional to prepare a CRS for a window replacement project outside of an overlay zone, have the report prepared, with the same result of still impacting the integrity of the home by the removal of the historic windows? Outside of an overlay, property owners can modify a historic property so long as documentation is provided. Within the overlays for the Downtown and Townsite, there are design review standards that all property owners have to comply with. The HPO also does not have the ability to issue a Certificate of No Effect or process and application for HPC review of a Certificate of Appropriateness when a development project is outside of an Overlay Zone and even a listed National Register District unless it is a designated local landmark with a zoning overlay. The HPO is included on planning and building permit review and provides comments but only has the actual backing of those comments with the Cultural Resource Study requirement. There may be a need to advise on preservation practices for properties that are in a historic district so that the property can maintain its contributing status, but it is merely free professional advice and not a requirement unless a letter report or higher-level cultural resources study is required.