



C H A T H A M C O U N T Y - S A V A N N A H

METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

DATE: MARCH 13, 2018
TO: THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH
FROM: METROPOLITAN PLANNING COMMISSION
SUBJECT: MPC RECOMMENDATION

PETITION REFERENCED:

Text Amendment to the City of Savannah Zoning Ordinance

Re: Amendment to allow a determination from US Department of the Interior to determine consistency with the Secretary of the Interiors Standards, Visual Compatibility Criteria, and Design Standards regarding alternative materials on buildings five stories or greater.

Applicant: 7 Drayton Hotel, LLC

Agent: Phillip R. McCorkle, McCorkle & Johnson, LLP

File No. 18-000956-ZA

MPC ACTION:

Denial of the proposed text amendment.

MPC STAFF RECOMMENDATION:

Denial of the proposed text amendment.

MEMBERS PRESENT: 9 + Chairman

James Overton, Chairman
Thomas Branch
Travis Coles
Ellis Cook
Joseph Ervin
Karen Jarrett
Lacy Manigault
Tanya Milton

Linder Suthers
Tom Woiwode

PLANNING COMMISSION VOTE: Approve Staff Recommendation (10-0)

APPROVAL Votes: 10	DENIAL Votes: 0	ABSENT
Overton Branch Cook Coles Ervin Jarrett Manigault Milton Suthers Woiwode		Hernandez Smith Welch

Respectfully submitted,


Melony West
Interim Executive Director

/jh

Enclosure

cc Luciana Spracher, Interim Clerk of Council
Brooks Stillwell, City Attorney
Lester B. Johnson, Assistant City Attorney
Jennifer Herman, Assistant City Attorney
Beth Barnes, Department of Inspections

214



Chatham County - Savannah Metropolitan Planning Commission

March 13, 2018 Regular MPC Meeting

Title

TEXT AMENDMENT | Amend Historic District Ordinance Section 8-3030(l)(1) | Petitioner Phillip McCorkle | File No. 18-000956-ZA

Description

A petition to: allow a determination from U.S. Department of the Interior to determine consistency with the Secretary of the Interiors Standards, Visual Compatibility Criteria, and Design Standards regarding alternative materials on buildings five stories or greater. The intent of the text amendment is to allow double pane, aluminum clad windows as replacement windows in historic buildings in specific circumstances.

Recommendation

Denial of the proposed text amendment.

Contact

Ellen I. Harris

Financial Impact

Review Comments

Attachments

🔗 [Application 0956.pdf](#)

🔗 [Staff Report-18-000956-ZA.pdf](#)



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M E M O R A N D U M

TO: Mayor and Aldermen of the City of Savannah

FROM: The Planning Commission

DATE: March 13, 2018

SUBJECT: Text Amendment to the City of Savannah Zoning Ordinance
Re: Amendment to allow a determination from US Department of the Interior to determine consistency with the Secretary of the Interiors Standards, Visual Compatibility Criteria, and Design Standards regarding alternative materials on buildings five stories or greater.
Applicant: 7 Drayton Hotel, LLC
Agent: Phillip R. McCorkle, McCorkle & Johnson, LLP
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Ellen I. Harris, AICP, MPC Project Planner

ISSUE:

A petition to: allow a determination from U.S. Department of the Interior to determine consistency with the Secretary of the Interiors Standards, Visual Compatibility Criteria, and Design Standards regarding alternative materials on buildings five stories or greater. The intent of the text amendment is to allow double pane, aluminum clad windows as replacement windows in historic buildings in specific circumstances.

BACKGROUND:

The American Building, located at 7 Drayton Street, was constructed in 1915 and is a contributing building within the Savannah National Historic Landmark District and the Savannah Local Historic District.

The building has been undergoing renovation for several years. In 2014, the architect for 7 Drayton Street applied for a COA to the Historic Review Board to replace the windows with double paned, clad windows. It was denied (14-004596-COA attached). At the time, the historic wood, single-pane windows were existing.

The previous property owner removed the windows in 2016 and boarded up the openings without approval. The windows were later found being sold in a local store. When the windows were located, the owner agreed to store them onsite until they could be repaired and reinstalled. The

building was subsequently sold to the current owners, who are unable to locate the historic windows that were removed.

In 2017 the architect applied again to replace the windows and it was again denied (17-004365-COA attached).

The architect subsequently applied to the Zoning Board of Appeals to appeal the Historic Review Board's decision (17-004281-ZBA staff report and decision attached) and request a variance from the standard which requires that replacement windows match the original windows. The ZBA upheld the HDBR's decision and denied the appeal, and denied the variance request.

The proposed text amendment is as follows:

On structures of five stories or more, a determination by the U.S. Department of the Interior that a proposed exterior architectural feature will meet the Secretary of the Interior's Standard for Rehabilitation when complete is a decision that: (a) the proposed historical and exterior architectural features of the historic structure reviewed by the U.S. Department of the Interior are consistent with the Standards and Guidelines and preserve the historical and exterior architectural features of the historic structure as required by Section 8-3030(l)(1); (b) the exterior architectural feature satisfies the visual compatibility requirements of Section 8-3030(m)(7); and (c) the exterior architectural feature is approved as an alternative material pursuant to Section 8-3030(n), Design Standards.

FINDINGS:

1. There are three sections of the Savannah Historic District Ordinance which are specifically related to the request to replace windows in a historic building with double pane, aluminum clad windows: the Preservation standards, the Visual Compatibility Criteria, and the window Design Standards.
2. Regarding the Preservation Standards, **Section (l)(1) Preservation of historic structures within the historic district**, the standard states:

An historic structure, portion of a structure, additions, outbuildings, or any appurtenance related thereto which meet the historic criteria defined in Section 8-3030(d)(f)(1), visible from a public street or lane, including but not limited to walls, fences, light fixtures, steps, paving, sidewalks, and signs, shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the historical and exterior architectural features of the historic structure or appurtenance thereto and are consistent with the current edition of the Secretary of the Interior's Standards and Guidelines for Rehabilitation published by the U.S. Department of the Interior. The visual compatibility factors [Section (m)] and the design standards [Section (n)] shall apply.

For the purposes of this section, exterior architectural features shall include but not be limited to the architectural style, scale, general design, and general arrangement of the exterior of the structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors and signs. In considering proposals for the exterior alterations of historic structures in the historic district the documented original design of the structure may be considered.

The provision referencing the Secretary of the Interior's Standards for Rehabilitation was added to the Historic District ordinance in 2009 as part of a larger revision to the ordinance.

The HDBR determined that five standards of the ten standards were applicable to the petitions, and that three of the five standards were not met:

Secretary of the Interior's Standards 2– Historic Character. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

The standard is not met. The original windows were single pane wood windows and are an important aspect of the historic character. Replacing them with aluminum clad windows will negatively impact the historic character of the building, particularly due to the number and prominence of the windows. The building is located on the corner of Drayton Street and Bay Street, so two of its facades face busy streets.

Secretary of the Interior's Standards 5– Distinctive Features. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

The standard is not met. The historic wood single pane windows are a distinctive feature of the building that is not being preserved.

Secretary of the Interior's Standards 6– Deteriorated Features. *Deteriorated historic features shall be repaired rather than replaced. 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. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

The standard is not met. Most the windows are missing or beyond repair, but the proposed replacements are not in kind. The new aluminum clad windows will not match the texture or materials of the single pane wood windows.

3. Regarding the Visual Compatibility Criteria, **Section (m)(7) Visual Compatibility Factor-Relationship of Materials, Texture and Color**, states:

Visual compatibility factors. *New construction and existing buildings and structures and appurtenances thereof in the historic district which are moved, reconstructed, materially altered, repaired or changed in color shall be visually compatible with structures, squares and places to which they are visually related. The following factors shall be considered in determining the visual compatibility of such a building, structure or appurtenance. These factors shall not be the basis for appeal of an adverse decision. Greater weight shall be given to adjacent historic structures.*

Relationship of materials, texture and color. *The relationship of materials, texture and color of the facade of a structure shall be visually compatible with the predominate materials, textures, and colors used on contributing structures to which the structure is Visually Related.*

The HDBR determined that standard was not met. The 2017 decision states, “*the proposed aluminum clad windows are not visually compatible. The new windows do not match the materials or texture of the historic windows. Using modern double pane clad window is not visually compatible in a historic, contributing building.*”

4. Regarding the Design Standards, **Section (n)(7) Design Standard- Windows, Shutters and Commercial Storefronts**, the standard states that:

Design standards. *The following design standards shall apply to new construction, additions, and alterations to historic and non-historic buildings and structures. Though certain building materials are prescribed herein, the Board may approve alternative materials that are not listed as prohibited upon a showing by the applicant that the material or product is visually compatible with historic building materials and has performed satisfactorily in the local climate.*

Windows, Shutters, and Commercial Storefronts. *The following standards shall apply to all development.*

Windows.

Historic windows, frames, sashes and glazing shall not be replaced unless it is documented and verified by the Preservation Officer that they have deteriorated beyond repair. Replacement windows on historic buildings shall replicate the original historic windows in composition, design, and material.

The provision regarding the Board’s ability to approve alternative materials was added to the “walls” section of the ordinance in 1997. In 2009 the provision was moved under the “design standards” section, so as to apply to all materials, not simply wall materials.

The specific standard for replacement windows has been part of the ordinance since 2001.

The Board determined that the standard is not met. “The windows are damaged beyond repair and/or missing, but they are proposed to be replaced with double-paned aluminum clad Marvin windows, which do not replicate the original historic windows in composition or materials.”

5. The Zoning Board of Appeals determined on October 26, 2017 that there was no abuse of discretion by the Historic District Board of Review or Historic Preservation staff, and upheld the denial. The ZBA also denied the request for a variance from the standard requiring that replacement windows match the original.

POLICY ANALYSIS:

1. **Abuse of discretion:** The petitioner contends that the Historic District Board of Review abused its discretion by not approving aluminum clad windows under the provision that *“the Board may approve alternative materials that are not listed as prohibited upon a showing by the applicant that the material or product is visually compatible with historic building materials and has performed satisfactorily in the local climate.”* However, the HDBR determined that aluminum clad windows are not visually compatible with historic building materials.

The petitioner states that, “the MPC Staff always recommends against approval of alternate materials.” MPC Staff regularly recommends approval of alternate materials when they are visually compatible and the HDBR regularly approves alternative materials, including on windows, when they are determined to be visually compatible. For example, the Board has approved insulated glass in replacement windows for historic windows. They regularly approve wood composite shutters as replacement shutters for historic wood shutters. The Board has approved metal panels as a wall material, even though not listed as approved material. There are numerous other examples.

Both Historic Review Board members and Zoning Board of Appeals members are appointed to their respective boards by City Council based on their knowledge and expertise. To change the ordinance when both bodies have acted consistently and fairly in their application and interpretation of the standards would undermine the entire Historic District Ordinance, and subsequently the Landmark Historic District.

2. **Consistency with and interpretation of the Secretary of the Interior’s Standards for Rehabilitation (SOIS):** The petitioner noted as part of the reason for the text amendment that “receipt of preservation tax credits at the federal and state level is important to the financial viability of the project.” This seems to imply that the Historic District Board of Review’s denial of the aluminum clad windows is somehow not consistent with the Secretary of the Interior’s Standards for Rehabilitation and may prevent the project from receiving federal and state tax credits. Staff confirmed with both the State Historic Preservation Office and the National Park Service that the Historic District Board of Review’s decision is not inconsistent with the Secretary of the Interior’s Standards for Rehabilitation and that the use of wood, single pane windows, as required by the ordinance, would be a viable option that would not jeopardize the state and federal tax credits. In other words, there are multiple ways to meet the Secretary of the Interior’s Standards including what the Historic District Ordinance requires.

While the SOIS establish the guiding principles by which to evaluate alterations to historic buildings, they also allow for some interpretation, depending on a particular situation and a particular project. For example, Secretary of the Interior's Standards 6 states that, "Deteriorated historic features shall be repaired rather than replaced. 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. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence." There are situations where the material is no longer available, such as with asbestos shingles. In that situation, an alternative material may be selected. In this particular situation, wood is still available.

Additionally, the SOIS were created to provide guidance for historic buildings within National Register properties and districts. The Savannah Historic District is a National Historic Landmark District, which is elevated in terms of its significance. Therefore the HDBR's stricter interpretation of the SOIS is entirely appropriate.

3. **Noise, energy efficiency and maintenance:** The petitioner cites the reasons for using aluminum clad, double paned windows in order "to reduce the noise hotel guests will hear from Bay Street, to eliminate heat transfer which is energy inefficient and to hold down the cost of maintenance." All of these are reasonable goals and can be met within the framework of the existing ordinance and current standards. For example, insulated glass, interior storm windows, and interior window film can all be incorporated to reduce noise and increase energy efficiency. All windows need some maintenance. Wood windows made from high quality wood can easily last 100 years or more (as with the original windows) with some regular maintenance. Maintenance can be performed from the interior of the structure, thus negating any need for scaffolding. Aluminum clad windows also require maintenance and the proposed windows have a guarantee of only 20 years. 20 years is inadequate when compared to the lifespan of the building and compared with the lifespan of a high quality wood window.
4. **Precedent for other materials and visual compatibility:** The proposed text amendment will set a precedent for other projects to circumvent the ordinance regulations established to protect the historic integrity of the National Historic Landmark District. The petitioner's assertion that, "the clad, double pane windows in the Realty Building are indistinguishable from the wood windows in the adjacent Planter's Inn" is akin to suggesting that aluminum or vinyl siding is indistinguishable from real wood siding.
5. **Similar examples:** The petitioner cites similar examples within the Historic District noting that, "other than River Street, are only twelve other buildings in the Landmark Historic District of five stories or more and only three of those buildings have wood windows (Exhibit H)."

It is not clear why the petitioner did not include buildings along River Street in their analysis. There are approximately 21 additional buildings along River Street are five stories

or greater and the majority of them have wooden windows.

Additionally, Staff disagrees with the petitioner's assertion that only three of the 12 buildings they reference have wood windows. Staff confirmed that the Gwinnett Street Apartments adjacent to Forsyth Park, the Scottish Rite Building on Madison Square, the DeRenne Apartments on Liberty Street, Propes Hall at Drayton and East Bryan Streets, in addition to the Planter's Inn have the majority of their wood windows intact. The Drayton Tower should be excluded from this analysis as they retain their original steel windows. Staff did not feel it necessary to do a full analysis of all buildings identified in the limited time prior to the meeting.

6. **Allowing the SOI to interpret local ordinance:** Staff is also concerned with allowing a federal agency's interpretation to effectively circumvent and be binding on the local government. The Historic District Board of Review has the authority to apply and interpret the standards in the ordinance as adopted by City Council. The proposed text amendment would disallow that process.

Summary: The Historic District Board of Review has correctly, consistently and fairly applied the three sections of the Historic District Ordinance which pertain to the replacement of windows in historic buildings. Their application and interpretation is consistent with the Secretary of the Interior's Standards for Rehabilitation and will not jeopardize the tax credits for 7 Drayton Street. Changing the ordinance to allow double pane, aluminum clad windows on historic buildings, even in limited circumstances, sets a dangerous precedent and will undermine the ability of the Historic District Board of Review to protect the historic integrity of the district.

ALTERNATIVES:

1. Recommend approval of the request to amend the Zoning Ordinance as proposed.
2. Recommend an alternate amendment.
3. Recommend denial of the request.

RECOMMENDATION:

Denial of the proposed text amendment.