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**City Manager's Report**  
**October 10, 2023, City Council Meeting**  
**Prepared by: Pierre Rivas, Development Services**  
**Item #: 11.1**

**Subject:** Consider an appeal filed by Paul and Andrea Coggiola of the decision of the Planning Commission approving and modifying Site Plan Review (SPR) 23-05 allowing for the installation of twelve (12) exterior windows with fiberglass windows denying the use of vinyl windows to a single-family residence located at 3176 Cedar Ravine Road located within the Cedar Ravine Historic District.

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**Recommendation:** Deny the appeal and uphold the decision of the Planning Commission to approve SPR 23-05 and to deny the use of vinyl windows requiring the use of Marvin fiberglass windows.

**Purpose:** To consider an appeal of the Planning Commission's approval of a Site Plan Review application in accordance with City Code Section 10-4-10, Historic Buildings in the City.

**Appeal:** The Appellant (applicant and property owner), Paul Coggiola, filed a timely Notice of Appeal on September 15, 2023 (Attachment 1 and 2). An appeal of a Planning Commission's decision may be made to the City Council by the applicant or by any person directly and adversely affected by the decision may be filed in accordance with City Code Section 10-3-7, Appeals.

**Background:** The Historic District Review application for the subject parcel was submitted to the Development Services Department, Planning Division, on March 13, 2023. The application included the replacement of twelve (12) wood windows with vinyl, replacement of exterior lighting fixtures, and painting of the exterior siding, gutters, trim, and door.

The project first came before the Planning Commission on April 18, 2023, where Staff recommended denial of the project as proposed, specifically the replacement of the existing windows with vinyl. The primary reasons for this recommendation include the following:

- The structure is over 70 years of age,
- The structure has been minimally altered since its construction,
- The structure contains multiple characteristic features of 'Ranch House' style architecture, and
- The existing windows (wood) appear to be original to the structure.

The Planning Commission continued the project to June 20, 2023 in order to provide the applicant sufficient time to supply bids for window alternatives (wood, vinyl, and composite) in order to determine if a finding of economic infeasibility could be made to support the use of vinyl rather than adhere to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (SOI Standards).

Between the meeting of April 18, 2023, and June 20, 2023, a similar project, window replacement within the Cedar Ravine Historic District, came before the Planning Commission. This project, SPR 90-04-R, included the replacement of wood windows with a wood clad (composite) window (Anderson 400 Series Tilt-Wash Double-Hung). Following approval of this project, Staff reached out to inform Mr. Coggiola of the approval in the event he would be interested in using this material instead, as the Planning Commission had found this product to be a compatible substitute material as a permissible wood product.

On June 15, 2023, Staff received a request from the applicant for a time extension to allow the applicant to complete procurement of bids. The request for an extension was heard by the Planning Commission on June 20, 2023, and was subsequently granted, continuing the Item to July 18, 2023.

On July 18, 2023, the Planning Commission reviewed the bids provided from the applicant for vinyl (Simonton Daylight Max), wood (Jeld Wen), and Fiberglass (Marvin Infinity). Following discussion, the Planning Commission decided to approve all other aspects of the project (painting and exterior lighting) and continue the remainder of the project (window replacement) to September 5, 2023, the first meeting following the Special Joint Meeting of the City Council and Planning Commission on the topic of Historic Preservation.

The last hearing before the Commission for SPR 23-05 was held on September 5, 2023. The Planning Commission, following Staff's recommendation, approved a modified project for the replacement of the twelve (12) wood windows with Marvin Infinity Fiberglass. This approval included Finding of Support #4, which reads: *"The proposed window changes are not strictly replacements in kind of the existing window material. However, there is flexibility in the application of the City's Historical Criteria, the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Zoning Ordinance Section 10-4-10(B)), particularly the character and aesthetics of the original windows are appropriately retained, specifically in regard to the appearance, color and texture, by the installation of the proposed fiberglass windows."*

On September 15, 2023, the applicant filed a timely appeal of the Planning Commission decision (despite the appeal form being stamped on September 18, 2023).

### **Analysis:**

#### Planning Commission Decision:

In approving the Site Plan Review, the Planning Commission made the required findings and conditionally approved modifications to be made to the single-family residence. See Planning Commission Minutes for September 5, 2023, Item 10.1 for complete actions taken (Attachment 3).

The staff recommended denial of the proposed project, as the removal of wood windows and replacement with vinyl windows, is not recommended under the SOI Standards and Guidelines (specifically Standard 6), is inconsistent with the goals and policies within Zoning Ordinance Section 10-4-10 and are inconsistent with the guidelines within the Development Guide for structures within Historic Districts.

It was the direction of the Planning Commission to allow the property owner the option of using alternative materials for replacement of windows (such as fiberglass) as opposed to only wood as long as the architectural features are consistent with the age of the residence.

The complete Staff Report, containing a full analysis of the request, to the Planning Commission dated April 18, 2023, is provided in Attachment 3.

Appellants' Appeal:

The Appellants' grounds for the appeal are provided in Attachment 1 and 2. The grounds for the appeal can be generally characterized and paraphrased as follows:

1. *Because the house was 29 years old when the City enacted Section 10-4-10 – Historical Buildings In The City Ordinance (Ord. No. 1474) in January 1991. (Note: Ordinance No. 1640 adding Code Section 10-4-10 (B) requiring the review criteria to be the Secretary of Interior Standards in January 2011.)*

The Secretary of the Interior (SOI) Standards and Guidelines for Rehabilitating Historic Buildings can be divided into two parts: (1) The Standards; and (2) The Guidelines.

The SOI Standards comprise ten directives to be used in determining whether a proposed rehabilitation project assists in the long-term preservation of a property's significance through the preservation of historic materials and features. The City has adopted ordinances to assure that all development activities in the historic districts protect and preserve the historic integrity of individual structures and the historic district as a whole.

The home was built in 1952 and was 39 years old when Ordinance 1474 was adopted in 1991. The home is now 71 years old. Under CEQA, structures are typically evaluated as potentially historic at age 50.

2. *The appellant states that the SOI guidelines permit the Commission to allow the use of a compatible alternative material can be used when use of the same material is not technically or economically feasible.*

As discussed in the Staff Report and deliberated by the Planning Commission, the applicant was afforded time to provide the Commission with cost estimates for replacement with wood and alternatives to wood. The Commission was not in favor of the use of vinyl and did not find the cost of fiberglass, which the Commission required, as economically infeasible.

3. *The applicant is challenging the boundaries of the historic district and how they were drawn.*

Staff has no comment other than these boundaries were adopted in January of 1991 and have remained unchanged for 39 years. This is an independent request and beyond the scope of the appeal.

4. *The applicant is requesting that the Cedar Ravine Residential Historic District boundaries be revised to remove the Cedar Vista Subdivision from the District.*

Similar to the previous request, Staff has no comment other than these boundaries were adopted in January of 1991 and have remained unchanged for 39 years. This is an independent request and beyond the scope of the appeal.

5. *Other structures in the district have used vinyl window installations.*

Staff's analysis in the Staff Report to the Commission dated April 18, 2023, did not consider the use of vinyl windows in other homes in the district. Staff's review and the findings made by the Commission reflect the review of the individual 1952 ranch style home.

**Options:**

1. Deny the appeal and affirm the decision of the Planning Commission approving Site Plan Review (SPR) 23-05 as modified, adopting the findings of the Planning Commission and the conditions of approval.
2. Grant the appeal filed by property owner Paul Coggiola, modifying the approval taken by the Planning Commission, and allow the use of vinyl windows.
3. Approve SPR 23-05 with modifications.

**Cost:** A portion of the costs associated with this appeal request are covered through the Appellant's filing fees to appeal the Planning Commission's September 5, 2023, decision.

**Budget Impact:** None.



M. Cleve Morris  
City Manager



Pierre Rivas  
Development Services Director

**Attachments:**

1. Notice of Appeal
2. Appellant's Justification for Appeal
3. Planning Commission Minutes of September 5, 2023 (Item 10.1)
4. September 5, 2023, Staff Report to the Planning Commission