



Planning & Development Division
Planning & Economic Development Department

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MEMORANDUM

DATE: July 6, 2022
TO: Heritage Preservation Commission
FROM: Steven Robertson, Senior Planner
RE: PL 22-090 and PL 22-105, Applications for the Demolition of Contributing Structures to the Duluth Commercial Historic District

On April 18, 2022, the city received a zoning application from the owner of 102-108 East Superior Street requesting HPC approval to demolish the structure, and on June 12, 2022, the City received a similar application from the owner of 118 East Superior Street also asking for HPC approval to demolish that structure.

According to the "Historic Resources of Downtown Duluth, Minnesota, 1872-1933", submitted to the National Register of Historic Places, 2005, 102 East Superior Street was constructed in 1905, and was known as Duluth Marine Supply. It is also known to citizens as the old Astoria Hotel, as well as the Old Town Antiques, Chinese Dragon, and the Bullseye Building. 118 East Superior Street was constructed in 1904 and was known as Gray Brother's Bakery. Both are contributing to the character of the downtown historic district, and information for both structures from the 2005 survey is included with this memo.

The revised administrative process required before the City of Duluth approves a demolition permit for a structure contributing to a historic district is clarified in Mn Rules 4410.4300 subpart 31:

Historical places.

For the destruction, in whole or part, or the moving of a property that is listed on the National Register of Historic Places or State Register of Historic Places, the permitting state agency or local governmental unit is the RGU, except this does not apply to projects reviewed under section 106 of the National Historic Preservation Act of 1966, United States Code, title 54, section 306108, or the federal policy on lands, wildlife and waterfowl refuges, and historic sites pursuant to United States Code, title 49, section 303, or projects reviewed by a local heritage preservation commission certified by the State Historic Preservation Office pursuant to Code of Federal Regulations, title 36, sections 61.5 and 61.7. This subpart does not apply to a property located within a designated historic district if the property is listed as "noncontributing" in the official district designation or if the State Historic Preservation Office issues a determination that the property is noncontributing.

Included with this memo is the cover letter from the property owner of 102 East Superior Street and structural engineering report from Northland Consulting Engineers (same information that was provided last month), and a structural engineering report for 118 East Superior Street was provided by MSA.

Written comment, suggestion, or recommendation from SHPO staff was requested for both projects, but information has not yet been received.

The July 11, 2022, meeting is a public hearing to be held at noon in the City Council chambers on the third floor for 118 East First Street (the public hearing for 102 East Superior Street was held at the June meeting). The process for a typical public hearing is:

- Short staff overview or summary on the project or zoning application,
- Comments or short presentation from the project proposer,
- Commissioner questions or clarifications on items presented by staff or project proposer,
- Public hearing, accepting testimony from members of the public,
- Public hearing is closed, and commissioner discussion and motion.

According to the bylaws:

10.1 Public Testimony. Any person desiring to speak to the HPC during an official public hearing shall be heard prior to any determination of the matter in question. Such testimony shall be accompanied by the person's name and address for the public record. Letters received in lieu of oral testimony shall become a part of the public record and be considered prior to any final determination of the matter by the HPC.

10.2 Time Limits. The president of the HPC may establish such time limits on testimonies as are reasonable to provide for an efficient meeting so long as all interested parties are given a chance to testify.

10.3 Termination of Hearing. Upon close of public hearing no further presentation shall be allowed except upon suspension of the rules.

After closing the public hearing and reviewing all the appropriate information, the HPC may:

- Make a motion to approve the zoning application (Certificate of Appropriateness) allowing the demolition. The motion will have to include findings to support the motion.
- Make a motion to deny the zoning application, denying the demolition. The motion will have to include findings to support the motion.
- Table the item until the August 8th meeting, but tabling the item should be accompanied by specific information requests to allow the HPC to take action on the zoning application at their next meeting.

Note that if the Certificate of Appropriateness is approved and the demolition of either structure is allowed by the HPC, the project proposer would still need to receive a wrecking permit from the City of Duluth, and follow any additional regulatory requirements (lead and asbestos removal, site security and safety, soil stabilization, public utility cut-offs, etc).

Decisions of the HPC, like the PC, are able to be appealed to the City Council within 10 calendars days of the decision.