



Legislation Details (With Text)

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Title:	RESOLUTION AFFIRMING THE HERITAGE PRESERVATION COMMISSION'S DECISION TO DENY A CERTIFICATE OF APPROPRIATENESS FOR THE DEMOLITION OF THE STRUCTURE AT 102-108 EAST SUPERIOR STREET.		

Sponsors:

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Code sections:

Attachments: 1. Attachment 1.pdf, 2. Attachment 2.pdf, 3. Attachment 3.pdf, 4. Attachment 4.pdf, 5. Attachment 5.pdf, 6. Attachment 6.pdf, 7. Attachment 7.pdf, 8. Attachment 8.pdf

Date	Ver.	Action By	Action	Result
9/12/2022	1	City Council	failed	Fail

RESOLUTION AFFIRMING THE HERITAGE PRESERVATION COMMISSION'S DECISION TO DENY A CERTIFICATE OF APPROPRIATENESS FOR THE DEMOLITION OF THE STRUCTURE AT 102-108 EAST SUPERIOR STREET.

CITY PROPOSAL:

RESOLVED, that the city council finds as follows:

- (a) That on May 18, 2022, ZMC Hotels, through its agents Veit & Company, Inc. and North Creek Investors II, LLC, submitted an application (Heritage Preservation Commission File No. "PL 22-090") for a Certificate of Appropriateness for the demolition of its structure at 102 to 108 East Superior Street; and
- (b) According to the "Historic Resources of Downtown Duluth, Minnesota, 1872-1933," submitted to the National Register of Historic Places in 2005, this structure was constructed in 1905, and was known as Duluth Marine Supply, but it now is commonly known to citizens as the old Astoria Hotel, as well as the Old Town Antiques, Chinese Dragon, and the Bullseye Building; and
- (c) This structure has, since 2006, been listed on the National Register of Historic Places as a contributing structure to the Duluth Commercial Historic District; and
- (d) Under Minn. R. 4410.4300, Subp. 31, which is an Environmental Quality Board regulation implementing Minn. Stat. § 116D.01 et seq., demolition of the structure is not allowed unless there is an environmental assessment worksheet (EAW) or unless an exception to the EAW requirement is shown. One such exception is review by a certified heritage preservation commission; and
- (e) No environmental assessment worksheet has been prepared; and
- (f) That pursuant to Section 50-37.14 of Chapter 50 of the Duluth City Code, as amended, such application for Certificate of Appropriateness for a demolition was duly referred to the heritage preservation commission, which is appropriately certified, and such commission gave due notice of public hearing to be held by the commission on June 13, 2022; and
- (g) That pursuant to Section 50-37.14 of Chapter 50 of the Duluth City Code, the heritage

preservation commission shall approve an application for an historic demolition permit if the commission “determines that the application complies with all applicable provisions of [Chapter 50] and state law and that the work to be performed shall not adversely affect the historic preservation landmark or district based on adopted historic preservation guidelines”; and

(h) That the heritage preservation commission, at a Monday, June 13, 2022 regular meeting, duly conducted a public hearing, and after considering public testimony and information from the applicant, tabled the item for more information. At a following meeting on Monday, July 11, 2022, the heritage preservation commission denied the certificate of appropriateness for the demolition of 102 to 108 East Superior Street for the following reasons: it would adversely impact the Duluth Commercial Historic District and would not be best for the community; the applicant has no clear or definitive plans to reuse the site; the applicant did not provide sufficient information establishing the rehabilitation costs to bring the structure back up to code and allow it to be reused; and the structural engineering report submitted by the applicant was not sufficient to determine if rehabilitation of the structure was worth it from a historical perspective; and

(i) That on July 15, 2022 the city received a notice of appeal from North Creek Investors II, LLC, a copy of which is attached as Attachment 7, requesting the city council reverse the heritage preservation commission’s denial of their application; and

(j) That the city council heard the appeal at its September 12, 2022 meeting; and

(k) That the council finds, based on the record and the public testimony before it, that granting the subject certificate of appropriateness would adversely affect the historic preservation landmark or district based on adopted historic preservation guidelines; and

(l) That the council finds that the applicant’s lack of a plan to immediately reuse the site is justification for denial of the application; and

(m) That the council finds that the applicant’s engineering information is insufficient to justify the determination that the structure cannot be historically rehabilitated with reasonable efforts; and

(n) That the council finds that the applicant has not prepared an EAW or shown that any exception to the EAW requirement applies, under Minn. R. 4410.4300, Subp. 31; and

(o) That the council finds that the applicant has not demonstrated that there are no feasible and prudent alternatives to demolition; and

(p) That for the foregoing reasons in paragraphs (k) through (o), the council finds that granting the certificate of appropriate to demolish this structure does not comply with all applicable provisions of the City Code and state law.

FURTHER RESOLVED, that the decision of the heritage preservation commission to deny the certificate of appropriateness is affirmed.

STATEMENT OF PURPOSE: This resolution affirms the denial for the certificate of appropriateness for the demolition of 102 to 108 East Superior Street.

The structure was most recently purchased in 2019 for \$1,650,000, and has a 2021 estimated market value (St. Louis County) of \$695,000. The structure has been vacant since May 2022.

This item was heard by the heritage preservation commission at their June 13, 2022 and July 11, 2022 meetings. The heritage preservation commission voted 3 yeas, 1 nay, and 1 abstention to deny the certificate of appropriateness that would allow the demolition of 102 to 108 East Superior Street.

Complete Application Received: May 18, 2022

City Council Appeal Received: July 15, 2022

City Council Action Deadline under Minn. Stat. § 15.99: September 15, 2022