

15 W Del Norte Street Appeal

AR R 20-00516-HPB

August 25, 2020

Gaby Serrano

Planner II



Vicinity Map w/Zoning



Appeal



The Old North End Neighborhood (ONEN) Board of Directors, is appealing the decisions of the City's Historic Preservation Board:

An appeal of the Historic Preservation Board's action of approval for a Report of Acceptability for the construction of a new single-family residence located at 15 West Del Norte Street.

General Information



Site Details:

- 3,750 square foot lot, which is currently vacant
- Zoned R1-9000/HP (Single-Family Residential with Historic Preservation Overlay)
- Part of the Old North End Neighborhood Master Plan
- National Register of Historic Places/Listing Contributing: The property is not listed as a contributing parcel within the North End Historic District.
- Historical Significations: The National Register of Historic Places listing for the North End Historic District did not document any known historically significant aspects of the property.

Public Notice & Involvement



Mailings:

- Postcards were sent to 13 property owners on four occasions:
 - Prior to the two Historic Preservation Board hearings (July 6, 2020 and August 3, 2020); and
 - Twice for City Council hearings.

Site Poster:

- The site was also posted four occasions: prior to the two Historic Preservation Board hearings and City Council hearings.

Public Comments:

- The HPB considered written and verbal comments in favor and objecting to the proposal. The opposition comments centered on:
 - Drainage, parking, the mass scale of the project, board authority, sequencing of project applications, use of design standards, storm water, use of the property

Brief History



- **1982** – Portions of the Old North End Neighborhood was listed on the National Register of Historic Places (NRHP).
- **1988** – City Council adopted the first Historic Preservation Ordinance
- **2000** – City Council approved the creation of the Historic Preservation (HP) overlay zone encompassing the Old North End Historic District
 - “North End Historic Preservation Overlay Zone Interim Control Design Standards” were put into used. The design standards **WERE NOT SUBSEQUENTLY CODIFIED.**
- **2020:**
 - **July 6, 2020** – The Historic Preservation Board heard and approved the property owner’s initial application for a Report of Acceptability to allow the construction of a residence
 - **July 15, 2020** – ONEN filed an appeal to the Report of Acceptability
 - **August 3, 2020** – The Historic Preservation Board approved the property owner’s application to amend the previously approved Report of Acceptability

Tudor Style



Tudor Style homes within the ONEN have the following characters:

- Smooth Stucco Facade
- Steep - Pitched Roof
- Rounded Arch Entrance
- Dormer Windows in the Roof
- Large Chimneys
- Casement Windows

Similar home in Old North End Historic District 2120 N Cascade Ave



WHAT MAKES THIS ONE TUDOR?

Steep-Pitched Roof

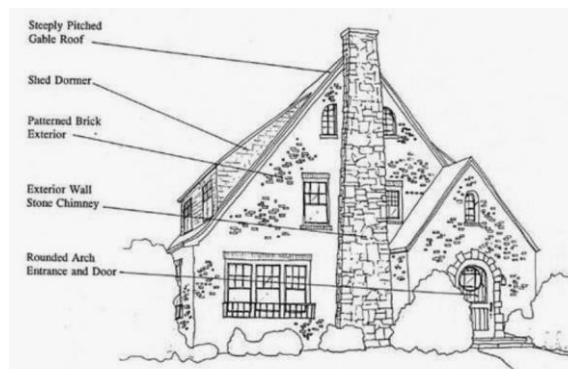
Prominent Front-Facing Gables



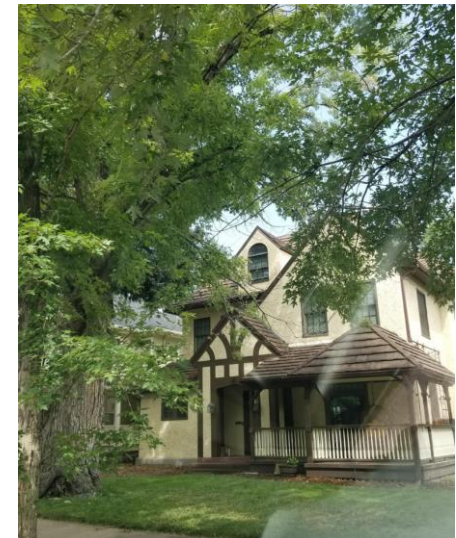
Prominent Chimney Appears To Have Multiple Flues

Gables Appear To Be "Jettied"

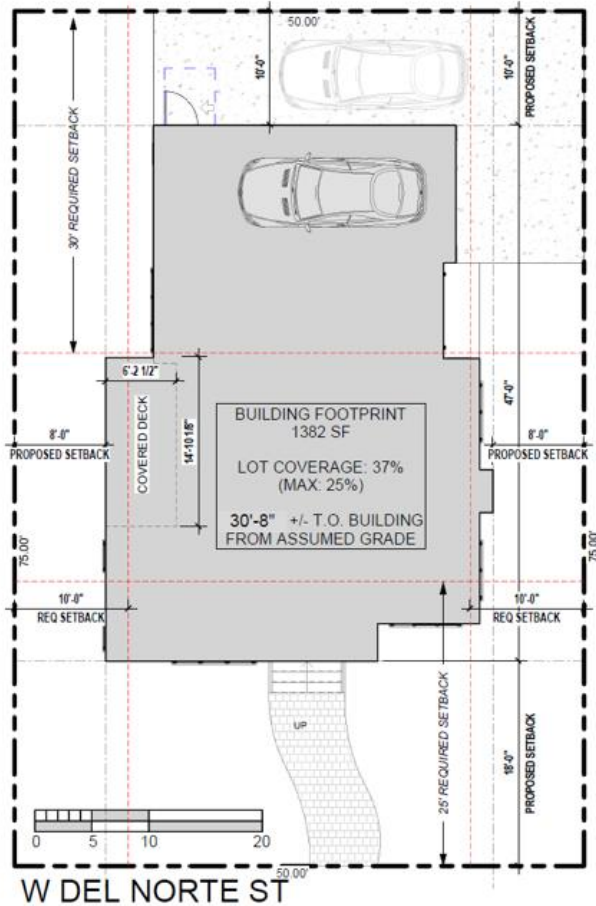
Gables Appear To Have Half-Timbered Construction



Tudor Revival dwelling at 208 Lovell Street.



Project Overview

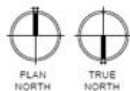


Proposed for 15 W Del Norte St

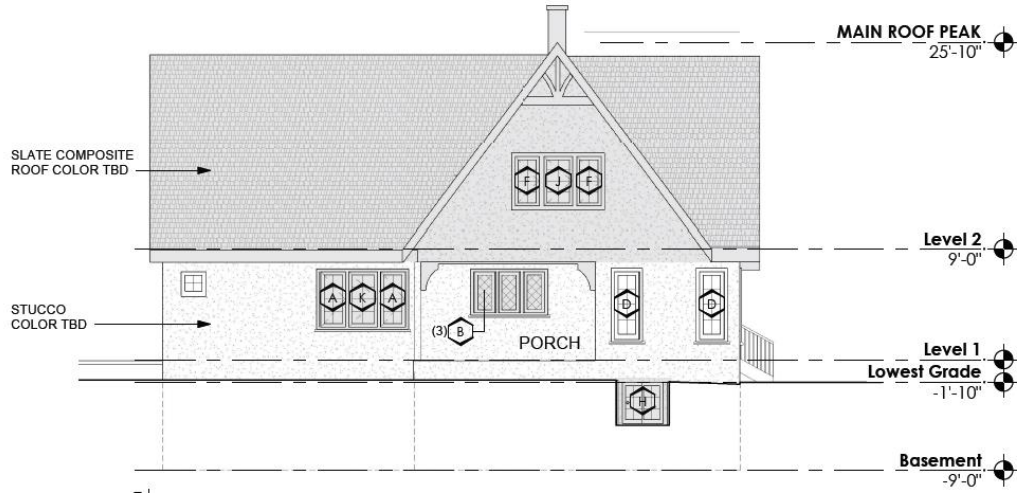


EXAMPLE OF ARCHITECTURE FOR THE HOME

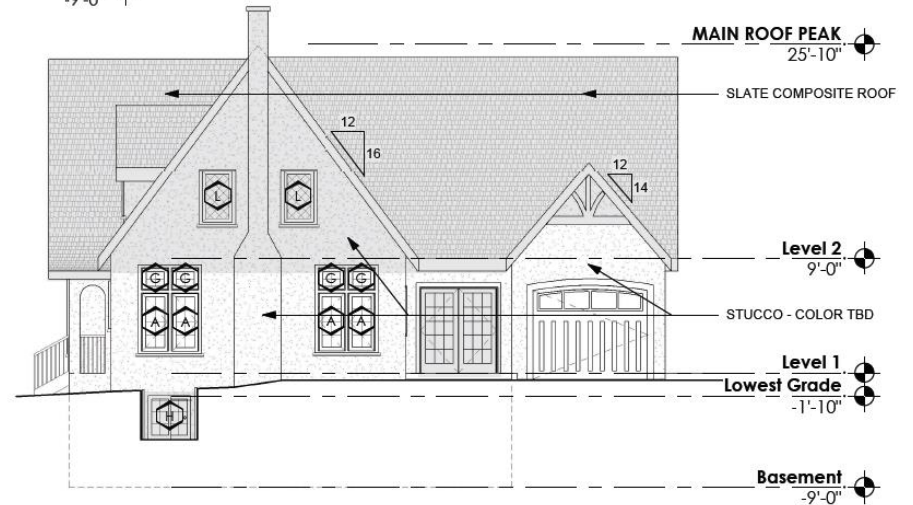
1 | SITE PLAN
SCALE: 1/8" = 1'-0" - (1/ ELEV)



Elevations

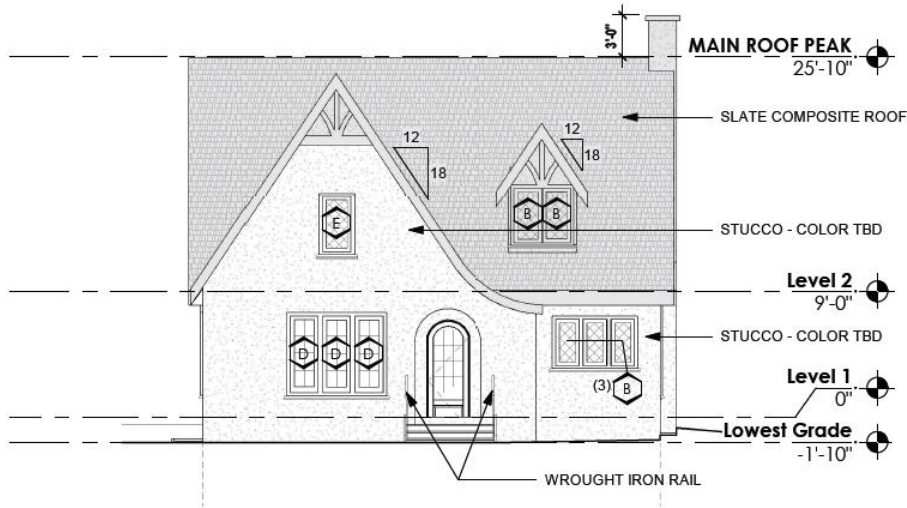


East Elevation

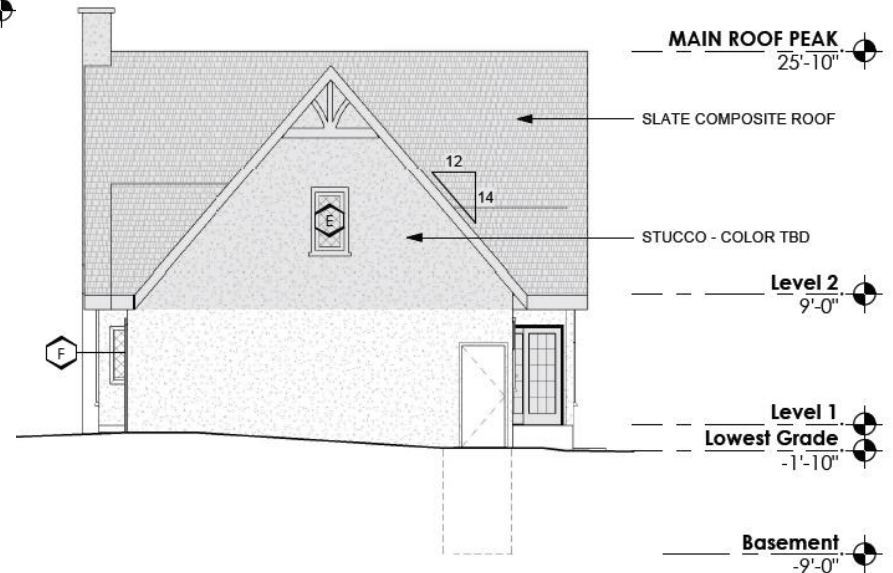


West Elevation

Elevations



North Elevation



South Elevation

Appeal Statement



The appeal statement states that the decision of the Board was incorrect and should be reversed because:

- The project was not eligible to be heard by the Board and the Report of Acceptability was heard prior to the decision of the nonuse variances.
- The Board did not apply the North End Historic Preservation Overlay Zone Design Standards.
- The Board lacks the required number of board members to decide on the project.
- The poster and postcard information was misleading.
- The Board did not consider the mass and scale of the project.

Appeal Statement Responses



- **The project was not eligible to be heard by the Board and the Report of Acceptability was heard prior to the decision of the nonuse variances.**
 - City Code lacks an established review authority for the HPB to consider concurrently submitted administrative applications (i.e. nonuse variances or administrative relief).
 - Staff is of the opinion that the concurrently submitted non-use variance applications should not be approved prior to the Board's consideration of a Report of Acceptability, as the Board may require modifications to the architecture of the home which could trigger changes to the scope of relief sought under the non-use variances and thus a resubmittal of the non-use variance requests.

Appeal Statement Responses



- **The Board did not apply the North End Historic Preservation Overlay Zone Design Standards.**
 - City Council has not adopted a resolution formalizing the “North End Historic Preservation Overlay Zone Control Design Standards”
 - In accordance with City Code Section 7.5.1602, a resolution should have been adopted to accept the standards formal review criteria.
 - Therefore, the design standards are **NOT CODIFIED.**

Appeal Statement Responses



- **The Board lacks the required number of board members to decide on the project.**
 - In accordance with City Code Section 7.5.1601(G) *Quorum Action*, “No official business of the Board shall be conducted unless a quorum of not less than four (4) members is present.”
 - At the July 6, 2020 HPB Meeting, there were four (4) board members present.
 - At the August 3, 2020 HPB Meeting, there were five (5) board members present.
 - There is not a stipulation in City Code that prohibits the Board from acting on applications without a full appointment of members.

Appeal Statement Responses



➤ **The poster and postcard information was misleading.**

- In accordance with City Code Section 7.5.902 *Public Notice*, City Planning staff correctly notice the July and August public hearings of the City's HPB.
- There no parameters established by City Code that formalize the information that should provided on public notices.
- City Planning staff was notified on numerous occasions about the public notice poster being down and not visible from the public right-of-way. City Planning staff contacted the applicant shortly and requested for the poster to be reposted.

Appeal Statement Responses



➤ **The Board did not consider the mass and scale of the project.**

- As it relates to granting a Report of Acceptability, the Board ensures, through a design review process, that the proposed work is not creating, changing or destroying the architectural character of the overlay.
- The regulatory purview of the Board is **NOT THE DIMENSIONAL STANDARDS.**
- In the Board's determination of issuing a Report of Acceptability, the Board relies on the review criteria established under City Code Section 7.5.1605(C).
- The intent of the review criteria is to protect and preserve the historical significance and integrity of the Old North End Neighborhood.

Justifications from the Board

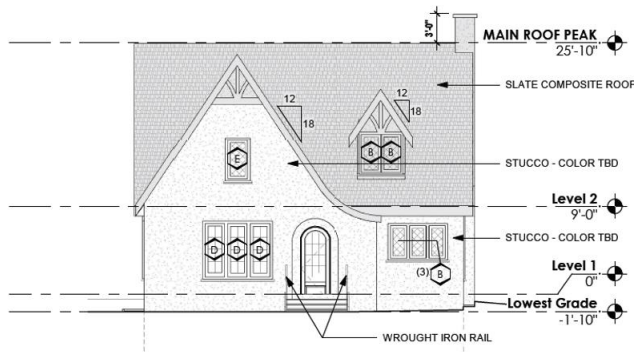


- ***City Code Section 7.5.1605(C)(1) – The effect of the proposed work upon the general historical and/or architectural character of the historic preservation overlay zone.***
 - Tudor style homes are a present style in ONEN.
 - The property owner’s attention to style, texture and material of the proposed new single-family home is not changing the character of the historic preservation overlay zone.

Justifications from the Board



- **City Code Section 7.5.1605(C)(2) – The architectural style, arrangement, texture and materials of existing and proposed structures, and their relation to the structures in the historic preservation overlay zone.**
 - The materials that the property owners have selected will be consistent with the neighborhood.



North Elevation

Stucco Tudor Revival across the street from the lot

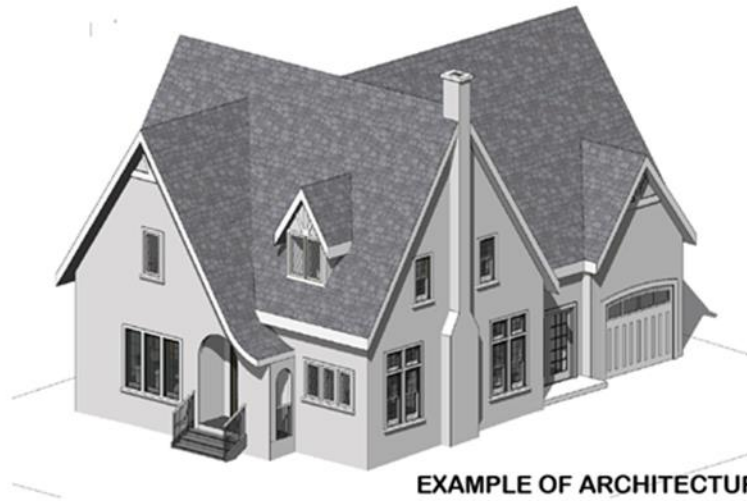


Justifications from the Board



- ***City Code Section 7.5.1605(C)(3) – The effects of the proposed work in creating, changing or destroying the exterior architectural features of the structure upon which such work is to be done.***
 - The project preserves the unique character of neighborhood.

Proposed for 15 W Del Norte St



EXAMPLE OF ARCHITECTURE
FOR THE HOME

Justifications from the Board



- ***City Code Section 7.5.1605(C)(4) - The effect of the proposed work upon the protection, enhancement, perpetuation and use of the historic preservation overlay zone.***
 - According to the NRHP listing for the North End Historic District, there are approximately 47 homes that are of the “Tudor” architecture style in the Old North End neighborhood. The new single-family home, with its Tudor style design and detailing, will blend in perfectly with the neighborhood.

Recommendations



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Deny the appeal and uphold the Historic Preservation Board's approval of the Report of Acceptability for the development of a new-single family residence, based on the findings that the appeal does not meet the appeal criteria set forth in City Code Section 7.5.906.B

Approve the appeal and overturn the Historic Preservation Board's approval the Report of Acceptability for the development of a new-single family residence, based on the findings that the appeal meets the review criteria set forth in City Code Section 7.5.906.B

Recommendations



Concurrent Non-Use Variances:

- Allow for a reduction of eight (8) foot side yard setback, where ten (10) feet is required (on both side setbacks)
- Allow for a reduction of a ten (10) foot rear yard setback, where 30 feet is required
- Allow for a reduction of a 18 foot front setback, where 25 feet is required
- Allow a lot coverage of 37%, where 25% is required
- Allowance for a 50 feet lot width, where 75 feet is required
- Allowance to build on a 3,750 square feet lot , where 9,000 square feet is required

Examples



More photos