

RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
July 27, 2017

CALL TO ORDER

Don Davis called the Certificate of Appropriateness (COA) Committee meeting to order at 4:01 p.m.

ROLL CALL

Tania Tully, Preservation Planner, called the roll as follows:

Present: Sarah David, Don Davis, Nick Fountain, Jimmy Thiem

Alternate Present: John Hinshaw

Excused Absence: Elizabeth Caliendo

Staff Present: Tania Tully, Melissa Robb, Martha Lauer; Teresa Young; Francis P. Rasberry, Jr., Attorney

Approval of the June 22, 2017 Minutes

Mr. Fountain moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Hinshaw seconded the motion; passed 5/0.

Minor Works

There were no questions regarding the Minor Work report.

The following is a list indicating persons in attendance and whether they were affirmed. Ms. Martha Lauer, Notary Public, administered the affirmation.

<u>Visitor's/Applicant's Name and Address</u>	<u>Affirmed</u>
Phillip Swystun , 523 Elm Street 27604	Yes
Kristin Davidson, 523 Elm Street 27604	Yes
Chris Crew, 306 Elm Street 27601	No
John Thomas, 5508 Swiftbrook Circle 27606	Yes
Melissa Mason, 120 N Bloodworth Street 27601	Yes
Anthony Casaletto, 120 N Bloodworth Street 27601	Yes
Peter Webb, 915 W South Street 27603	Yes
Jessica West, 915 W South Street 27603	Yes
Ashley Morris, 306 Pell Street 27604	Yes
Jennifer Neibert, 516 Polk Street 27604	Yes
Mark Galifianakis, 516 Polk Street 27604	Yes
Hunt Choi, PO Box 590 27602	Yes
Jed Niffenegger, PO Box 590 27602	Yes
Rebecca Duffy, PO Box 590 27602	Yes
Dustin Brice, PO Box 590 27602	Yes

APPROVAL OF AGENDA

Ms. David moved to approve the agenda as printed. Mr. Fountain seconded the motion; passed 5/0.

PUBLIC HEARINGS

Chair Caliendo introduced the public hearing portion of the meeting. The committee heard the following cases in the following order for which the Certified Records are made part of these minutes: 068-17-CA, 089-17-CA, 101-17-CA, 102-17-CA, 103-17-CA, 104-17-CA, 105-17-CA, 022-17-CA and 023-17-CA.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

068-17-CA 505 E FRANKLIN STREET
Applicant: ROBERT & LUCY WILBURN
Received: 4/12/2017 Meeting Date(s):
Submission date + 90 days: 7/11/2017 1) 5/25/2017 2) 7/27/2017 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Remove rear deck; remove rear addition; construct new 2-1/2 story rear addition; remove tree; remove shed.

Amendments: An amended proposal was received 7/10/17.

Staff Notes:

- The application was filed prior to May 8, 2017 and is to be reviewed under the 2001 *Design Guidelines*.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.3	Site Features and Plantings	remove tree
2.6	Garages and Accessory Structures	remove shed
4.1	Decks	Remove rear deck
4.2	Additions to Historic Buildings	remove rear addition; construct new 2-1/2 story rear addition

PUBLIC TESTIMONY

Staff Introduction: Ms. Tania Tully [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Tully stated the application had been deferred from a prior meeting and would be reviewed under the 2001 *Design Guidelines*. Based on the revised application, staff recommended approval pending the committee’s determination on whether the proposed addition diminishes or visually overpowers the historic house. Ms. Tully added that this is a case where staff is asking for an interpretation from the committee if this is in keeping with the *Guidelines*.

Support:

Mr. Robert Wilburn [affirmed] was present to speak in support of the application. Mr. Wilburn stated that based on the feedback from the last COA committee meeting regarding the house’s mass, modifications have been made. The roof peak of the addition is lower and it is further back from the historic house. They are designing it to gain additional square footage and have created a visual separation from the original house with the revised design.

Mr. Robert Runyans [affirmed], the architect for the project, described the changes further. The roof ridge on the addition is now 42 feet back from the historic house's roof ridge, while the ridge is also reduced in height and now only 2 feet taller than on the historic house, rather than 9 feet taller in the previous design. Mr. Runyans said the addition is set down into the ground following the lay of the land so that the square footage could be maximized in a split-level design. Mr. Runyans added that now the eave lines up with the historic house.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

The committee did not have any questions for the applicant.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

I do not think it overpowers the house. [Davis]

Not anymore. [Hinshaw]

It's set far enough in the back that it is distinguished from the original. [Davis]

The new roof line is insignificant with the line of sight and the sidelines by being set back. We need to think about it not being a blind copy of the original, and the basis for evaluating it is the different slope of the roof on the addition. [Fountain]

In the *Guidelines*, section 4.2.6, they talk about how the historic new addition should not diminish or visually overpower the building. When I look at the side view I question if the guidelines have been applied. If I am reading the built mass is only a 10% increase in total it is not that major of an increase, but I am trying to understand if it is or not. I am just not sure if it visually overpowers or not. [Thiem]

They did a nice job in bringing it down to where it is but from my interpretation it is visually overpowering. It is a much larger scale and a larger gable. It is overpowering the original. [David]

Although it is larger it is set far enough back to clearly distinguish old from new. [Davis]

We struggled with this before, and we had an extremely deep addition that in my mind was much less overpowering than this one. This is just a smaller scale, and it went back just as far as this one does. It does not meet 4.2.6. [David]

The *Guidelines* are applied in the round in the historic overly districts. You have primary, secondary and tertiary elevations. Generally speaking, what is in the front is primary and as you work to the back they become less important. The commission has considered all of the views in the past as contributing to the character of the district. [Tully]

If I'm reading it right, the northwest corner with the screened porch and gable with the octagon window, that gable would be inset on the side view and therefore set back even further.

[Fountain]

They have stepped it back and tucked it in, but I still find it overpowering because it's a broad gable facing the side of the house. [David]

The language we're discussing is "overpowering" and "diminishing" the original house.

Whether we approve the addition it has come down to that. We have to waive any delay on tree removal based on that. [Davis]

We need to add that as a condition. Whoever makes a motion ought to ask for a tree protection plan and get the tree replaced there. [Thiem]

With this case staff has not made a definitive recommendation, so the findings and conclusions made by the committee may need to be edited so the findings support the conclusion.

[Rasberry]

Findings of Fact and Conclusions of Law

Mr. Hinshaw moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-3) and B. (inclusive of facts 1-9) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Removal of tree, removal of shed is not incongruous according to *Guidelines* 2.3.5, 2.3.7; however, removal of a healthy tree for the addition is incongruous according to *Guidelines* 2.3.6, 2.3.9, and the following facts:
 - 1* The shed proposed for removal is ca. 1975.
 - 2* Information about the tree proposed for removal was not provided. A replacement tree is not proposed.
 - 3* A tree protection plan for the remaining tree was not provided.

- B. Removal of rear deck; removal of rear addition; construction of new 2-1/2 story rear addition is not incongruous according to *Guidelines* 4.2.1, 4.2.2, 4.2.5, 4.2.6, 4.2.7, and the following facts:
 - 1* According to the *Inventory of Structures in the Oakwood National Register Historic Districts*, by Matthew Brown, former Historian, Society for the Preservation of Historic Oakwood, 2004-2015, the Queen Anne triple-A frame cottage is the oldest house on E. Franklin St. The house has a steeply-pitched side-gabled saddle roof and a full-height flush gable in the center of the front. The hipped-roofed front porch has very slender Tuscan ca. 1988 columns. Most windows are four-over-four. There is an original ell on the eastern part of the rear as well as post 1950 additions on the western part of the rear.
 - 2* The addition is located towards the rear of the house. The ridge of the addition is 41-1/2 feet behind the ridge of the historic house.
 - 3* The addition is approximately 1 foot 10 inches taller than the historic house.

- 4* The addition has a side gabled roof with gabled dormers. The pitch of the new roof is shallower than the historic roof. The use of multiple gables on the side elevations visually breaks down the addition's mass in relation to the existing structure as well as minimizes the difference in gable slopes.
- 5* The application includes two examples of other rear additions: 707 N East Street and 526 N East Street.
- a. 707 N East Street is a c.1923 1-story Craftsman frame bungalow with a hipped roof and centered front porch with gable-on-hip roof. The addition was approved (COA 071-16-CA) based in part on the following facts:
- There is very little room on the site for a rear 1-story addition.
 - The addition is located over the rear ~40% of the existing building footprint, a location away from the front character-defining façade.
 - Site topography will minimize the perceptual impact of the second floor addition when viewed from the street. The house sits up an embankment from the sidewalk, and the finished first floor sits on a high foundation, a result of the sloping topography of the overall parcel. This will combine with the rearward location of the addition to reduce sightlines to the addition.
 - The existing house has a primary hip roof. The front porch has a modified hip with gabled eyebrow. The addition has a low hip roof.
 - The lower pitch of the addition's roof relative to the existing roof helps minimize the height, while the hip-roof profile evokes the existing hip roof. It is not uncommon to find different pitches for hip roofs on separate elements of one building; for example, many hip roof porches and other kinds of projecting wings such as sun rooms in the historic district have a lower pitch than the main roof.
- b. 526 N East Street is a c.1895 Victorian 1-story frame shotgun house that is one room wide and several rooms deep with a front-gabled saddle roof. The addition was approved (COA 222-98-CA) under an earlier set of design guidelines based in part on the following facts:
- The addition creates the form of a "camelback" shotgun dwelling, examples of which exist in the Idlewild neighborhood immediately east of Oakwood.
 - The addition is 17'-4" from grade to eave, and approximately 23' to ridge. The existing dwelling at the front porch is approximately 11'-6" to eave and approx. 17'-9" to ridge.
 - Because of the addition's distance from the street and the fact that the house sits approx. 3' above street grade, the size of the addition will have a minimal effect upon the character of the historic district as viewed in perspective.
- 6* According to Wake County Real Estate data the lot size is 7,405 SF; the footprint of the house with additions and porch is about 1,640 SF; the pre-fab shed is about 100 SF. Including the 290 SF deck, the current built area is approximately 27%. The addition adds a new footprint of about 636 SF for a new built area of 34%.
- 7* Current built mass is 23%. The built mass will increase by the new 654 SF footprint plus the portion of the addition being built in the location of the removed deck (290 SF) as well as the

portion over the existing 1-story addition of the house (about 329 SF). Proposed built mass is 2,549 SF or 34%.

- 8* The 4/4 windows have the same proportions as the historic windows. Specifications and details were not provided.
- 9* The addition is proposed to match the existing in all respects (i.e. exterior wood siding with matching exposure, wood trim and fascia, overhang distances and material profiles, operable windows with true divided lites, brick veneered foundation, shingle roof covering, colors, etc.). Specifications and details were not provided.

The motion was seconded by Mr. Fountain; passed 3/2 (Ms. David and Mr. Thiem opposed).

Decision on the Application

Following discussion on an initial motion made by Mr. Hinshaw and seconded by Mr. Fountain, Mr. Hinshaw made an amended motion that the application be approved as amended, with the following conditions:

1. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard:
 - a. Tree protection plan prepared by an arborist certified by the International Society of Arboriculture;
 - b. That the tree protection plan be in place prior to commencement of work and that it remain in place throughout construction;
 - c. Windows;
 - d. Eave construction.
2. That details and specifications for the following be provided to and approved by staff prior to installation/construction:
 - a. Roofing material;
 - b. Exterior lighting, if any.
3. The 365-day demolition delay not be placed for the removal of the tree with the requirement that it be replaced with a 3" caliper tree of similar type during the first tree planting season after construction activity is completed onsite.

Mr. Fountain agreed to the changes. The amended motion passed 3/2 (Ms. David and Mr. Thiem opposed).

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

Certificate expiration date: 1/27/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

089-17-CA 523 ELM STREET
Applicant: KRISTINA DAVIDSON AND PHILLIP SWYSTUN
Received: 5/10/2017 Meeting Date(s):
Submission date + 90 days: 8/8/2017 1) 6/22/2017 2) 7/27/2017 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICTS

Zoning: General HOD

Nature of Project: Installation of wooden fence; replacement of rear second-story deck

Amendments: A revised fence proposal was received July 10, 2017.

Conflict of Interest: None noted.

Staff Notes:

- The proposed fence installation will be on neighboring property lines, with one portion of the existing fence encroaching on the applicants' lot. Location of the property line and work on adjacent property is a civil matter outside of the commission's purview.
- The deck portion of the application was approved with conditions at the June 22, 2017, COA Committee meeting.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.4	Fences and Walls	Installation of wooden fence
3.1	Decks	Replacement of rear second-story deck

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Robb showed photographs of the property including maps which depicted where the potential fence would be located and how it would align with Euclid Street and Elm Street. Ms. Robb highlighted where the area of concern was regarding the fence height in relationship to the neighboring property, and also stated the applicant provided a slide showing the fence in that area would be 54 inches high. Ms. Robb stated the fence would be scalloped and staff recommended approval based on the openness of the fence. Ms. Robb also noted 501 Boundary Street was chosen by the applicant as a precedent for the fence. Ms. Robb added the fence at that property is 54 inches tall, with 42 inches solid and 12 inches of lattice at the top.

Support:

Ms. Kristina Davidson and Mr. Phillip Swystun [affirmed] were present to speak in support of the application. Ms. Davidson stated the design of the fence was modified and it is more open

than the original design and she had a letter of support from her neighbor at 526 Euclid Street. Ms. Robb also presented an email from another Oakwood property owner who was in support as well. Mr. Rasberry advised the committee that it was up to them whether to include the letters or not, as it would be considered hearsay since the authors were not present to testify.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Ms. Robb added there are no images of the proposed fence, but it was supposed to be a scalloped picket design rather than a privacy fence. Mr. Thiem asked for clarification on the height of the fence. Ms. Davidson stated the numbers shown on the application are the highest point at the fence posts, with the scallop being about 6 inches lower in the center of each fence section. Mr. Thiem asked for further clarification on where the fence changes in height, especially at the west and north corners. Mr. Swystun responded that the northwest corner is the only area of the property that would have the transition in height from 54 inches to 42 inches. Ms. Davidson clarified it would be an open design with varied heights, and that as it nears the rear of the house it is 36 to 42 inches. Mr. Hinshaw asked if there were written documents that supported this. Mr. Davis stated it was in the findings of facts.

Ms. David asked if there was a double-leaf gate on the south side of the house. Ms. Davidson responded there was and also a walk gate. Mr. Them inquired about how critical it was to have the height on the northwest corner of the lot. Mr. Swystun responded it was for privacy reasons as well as to give them a backyard. Mr. Thiem asked about how far the fence is from the crape myrtles. Mr. Swystun responded that the trees are at a higher grade than the street, and the fence will be 4 feet away from the trees. Mr. Fountain inquired about how the fence height is measured when there is a grade change. Ms. Tully clarified that the height is measured at the location where the fence is installed. There was discussion about what the height of the fence was since it will be at a higher grade than the street, and Ms. Davidson responded it is 36 to 42 inches and then along Euclid Street it goes back up again.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

I want to say these letters offered by neighbors should be considered by the committee.

[Fountain]

I agree, but did not see any new evidence here. I appreciate the neighbors offering their support. I live in a corner lot situation and I have not fenced it. My concern is with the house directly behind this one facing Euclid. With the fence at this height there would be a wall next to their front yard that not only would be in contrast with the rest of the frontage on Euclid, but

also is not consistent with what we would ask that house to install. We would ask them to limit theirs to 42". I think this is not a usual condition and I am inclined in favor at this point because of the openness and scalloped design. It is a pattern I would like to see here, but a little lower and that would meet the guidelines. [Thiem]

What about the change in height on the Euclid side? [David]

I do not think it's unusual to have fences that step up, usually following the grade change. [Thiem]

There is a grade change, but the Euclid Street side is so open visually. On East Street and Boundary there was so much vegetation and physically it is lower, at the bottom of a hill and has a lower profile on the streetscape, so that was the difference. [David]

I have three sides of my house surrounded by streets. There are a lot of the guidelines that are open to interpretation, but 1.4.11 is specific with 42 inches being the max. The 54 inch fence is in the neighbor's front yard. [Davis]

It says it can't be taller than 42 inches or more than 65% solid. [David]

With Guideline 1.4.11 I do not see how we can approve. I think what they have done is a huge improvement, but the fence on Euclid needs to be 42 inches. There's no evidence there was a taller fence there previously. [Thiem]

I agree to 42 inches. [Davis]

If you make a conditional approval you should make it very specific that what you approve is a scalloped design since these various heights we've discussed can be confusing. [Tully]

I'm concerned with the close proximity to the street. It really is visually important. [Fountain]

It is a very different street scape than what you see on Boundary and East, where theirs was done under a different set of guidelines. [David]

If we're going between denial or a modification to what is proposed, I wonder if the applicant wishes to come back up to modify the application. [Thiem]

With no objection from the committee, Mr. Davis reopened the public hearing portion of the meeting.

PUBLIC TESTIMONY (2)

Ms. Davidson stated her confusion about how their case is different from Boundary Street and how that fence was approved while theirs cannot be. Mr. Swystun also pointed out there was vegetation in the Euclid Street neighbor's yard that would help cover it, and that the neighbor's front porch is tucked back away from the street. Mr. Davis asked if they needed privacy from their neighbors. Ms. Davidson stated there are some concerns, and she is not willing to do 36-42 inches all around, but would prefer a 42 inch normal picket style instead of the scalloped style. Ms. Tully advised the committee that if they were moving in the direction of the 42 inch height that is approvable by staff as a minor work, so it can be left as a condition that it be submitted with a max height of 42 inches and handled at the staff level. Mr. Thiem confirmed with the applicant the height at 42 inches of a straight top fence style. Ms. Davidson responded that was what she wanted.

With no objection from the committee, Mr. Davis closed the public testimony portion of the hearing.

Committee Discussion (2)

I like the scallop design but the height is a concern. [Fountain]

The max height does not include the post cap. [Tully]

42 inches is at the bottom of the scallop with 48 at the top? [Thiem]

That is a considerable departure from what we usually consider but simplicity has its advantages. [Fountain]

Part of me wants to see the bottom of the scallop at 42 inches with 48 at the post, but I think it makes more sense and scallops can be designed to have 42 at the bottom. [Thiem]

I think we would be going down the wrong road. [Davis]

Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-8) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. The installation of a wooden fence and removal of an existing chain link fence is not incongruous according to *Guidelines* 1.4.8, 1.4.10; however, the installation of a fence no taller than 42" and no more than 65% solid in the front (and/or street side yard area of a corner lot is incongruous according to *Guidelines* 1.4.11, and the following suggested facts:
- 1* Chain link fencing is a prohibited item.
 - 2* The only other existing fencing is at the southeast corner of the site. The new fencing will tie into the existing.
 - 3* The new wood fencing is proposed to be a combination of fence designs which are described and illustrated on the amendment. A scalloped fence is proposed on portions of the west and north sides of the lot that is 54" high at the post and 48" at the lowest point. This fence will also feature 2" spacing to increase the openness. The fencing facing Elm St and in front of the house on Euclid is a 42" tall single picket with a scalloped top. The span of the 60" privacy fence has been reduced to the south and a portion of the west sides of the lot.
 - 4* The fence will be installed in a neighbor-friendly design with the posts on the inside of the fence.
 - 5* The applicant provided an example of a scalloped fence at 525 N Bloodworth Street, and an example of a front- and side-facing fence on a corner lot that is taller than 42" at 610 N Bloodworth Street. 610 N Bloodworth Street is at the corner of Pace Street. There are no houses that front on that block of Pace Street. The side wall of the house at the rear of 610 N Bloodworth Street sits close to the property line.

- 6* The front wall of the house to the rear of the property (west) facing Euclid Street sits back from the street at approximately the same location as the side (north) wall of the subject house.
- 7* The fence in the side yard area adjacent to 526 Euclid Street is a scallop design ranging in height from 48 to 54 inches. The 3.5" pickets are proposed to be 2" apart; this is less than 65% open.
- 8* There are trees on the property whose roots may be damaged by the installation of post holes.
- 9* The fence on the Elm Street side will have a double-leaf gate.
- 10* The fence precedent offered by the applicant at Boundary and East Streets has different topography and was approved under a different set of Design Guidelines.
- 11* Staff provided evidence showing the northwest corner of the lot where the height would be limited to 42 inches under the Guidelines but where the applicant proposed 54 inch fencing.
- 12* The house at 526 Euclid Street has a porch that faces Euclid Street and would be impacted if the fence height were greater than 42 inches on the lot line in front of their house.
- 13* The side yard area for 523 Elm Street begins at the point on the property line where the front wall of the house at 526 Elm Street is parallel to Euclid Street.

The motion was seconded by Ms. David; passed 5/0.

Decision on the Application

Following discussion on an initial motion made by Mr. Thiem and seconded by Ms. David, Mr. Thiem made an amended motion that the application be approved as amended, with the following conditions:

1. That the fencing in the front and street side yard area be a maximum of 42" in height and of a design that is no more than 65% solid.
2. That fence posts be dug manually to avoid damaging tree roots, and that any roots greater than 1" in diameter be cut cleanly with a proper tool such as loppers.
3. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard:
 - a. Revised fence design and construction.

Ms. David agreed to the changes. The amended motion passed 5/0.

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

Certificate expiration date: 1/27/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

101-17-CA 418 S BOYLAN AVENUE
Applicant: MEG MCLAURIN, AIA
Received: 6/13/2017 Meeting Date(s):
Submission date + 90 days: 9/11/2017 1) 7/27/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Expand 2nd level addition; alter windows on 2nd level addition; construct 2 level screened porch; replace sleeping porch windows; replace portion of slate roof.

DRAC: An application was reviewed by the Design Review Advisory Committee at its July 3 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, and Dan Becker; also present were Meg McLaurin, Melissa Robb, and Tania Tully.

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned in the report will be available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.5	Roofs	replace portion of slate roof
2.7	Windows and Doors	replace sleeping porch windows; alter windows on 2nd level addition
2.8	Entrances, Porches, and Balconies	construct 2 level screened porch
3.2	Additions	expand 2nd level addition; construct 2 level screened porch

PUBLIC TESTIMONY

Staff Introduction: Ms. Tania Tully [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Tully gave a background on the location and presented old photos that were found of the property. The windows are not historic. Ms. Tully added that pending the committee’s determination regarding the use of a substitute roofing material, staff recommended approval of the application with conditions.

Support:

Ms. Amanda Malley [affirmed] was present to speak in support of the application. Mr. Ed Barnard and Ms. Adryon Clay [affirmed] stated they were there to answer any questions.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Mr. Hinshaw stated that typically slate roofs were required to be replaced with slate roofs. Ms. Clay stated the south side would remain slate. They are only proposing replacing the slate on the north side where they also want skylights, as well as on the new addition on the west side. The intention is to use a faux slate while retaining as much of the original slate as possible.

Mr. Davis inquired if the reason for the removal of the slate on the north side is for skylights. Ms. Clay responded it to address the roof decking and install the skylights, since they would have to remove the roof in that area. Mr. Barnard stated they wanted to restore the slate and they will have to purchase new slate that matches. The primary reason for the removal of the slate is the poor condition of the roof sheeting. Ms. David asked when additions have been approved off the back of a house what has been required. Ms. Tully stated that whatever the case is if there is so little of the original roof left then there is no issue with replacement.

Mr. Fountain inquired about a similar house on McCulloch Street. There was discussion amongst the committee about the use of substitute material versus reinstalling the original. Ms. Tully reiterated that Guideline 2.5.4 talks about only using a substitute material if the original material is not feasible. Ms. Tully also stated that substitute materials for roofs have been approved in the past when dealing with weight issues on the roof structure. Ms. David pointed out the commission has approved synthetic slate. Mr. Fountain inquired about the condition of the original slate on the north roof. Mr. Barnard testified that the nails cannot grab into the wood any longer and they have a tendency to back out, so the only way to get them to stay on is to do a modified titanium nail. Mr. Davis inquired if any of the slate was coming off other sides. Ms. Clay stated there were pieces that were repaired and taken off and some of the replacement slate was not the same as the original.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

Most of the application meets the guidelines. The sleeping porch windows were put in in 1989, so there's no doubt they're not historic. The slate is the main sticking point. [Davis]

The pieces that jump out to me are the rationale that the slate has met its useful life and that there needs to be new material to replace it. You can buy new slate material. I have trouble with the insertion of skylights on the new addition as the justification for not putting the slate back on. I'm concerned with the two different materials in use here, and even though you cannot see it from the street, from personal experience there is integrity in having the roof intact and

having consistency. I am lacking any sort of technical reason for not putting the slate back. [Thiem]

The guidelines say that unless it is not feasible you have to go back with the same material. This is about the desire to put on skylights. [Fountain]

I would agree. Even though it's not visible from the street, not putting a historic house feature back certainly does not set the best precedent for future applications that might come in. [Davis] Guideline 2.5.10 states it's not appropriate to introduce non-historic features. [Tully]

Findings of Fact and Conclusions of Law

Ms. David moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-12), B. (inclusive of facts 1-3) and C. (inclusive of facts 1-10) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Expansion of 2nd level addition; construction of 2 level screened porch; alteration of windows on 2nd level addition is not incongruous according to *Guidelines* 3.2.1, 3.2.2, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11, 3.2.12, and the following facts:
 - 1* There are two trees whose roots may be impacted by the new foundation.
 - 2* The new foundation is proposed to be piers with a curtain wall to minimize impacts to the tree roots. A tree protection plan was not provided.
 - 3* The designation report describes the house as a "Colonial two-story Box; hip roof with hip-roofed dormer. Projecting bay, left side first story and enclosed porch above. Attached one-story porch, full façade".
 - 4* The existing rear additions appear to be original, or very early, service/sleeping porches, with a number of later alterations that served to enclose and extend them.
 - 5* The porches are utilitarian in design, located on the secondary rear facade. Some of the eaves and trim do not match the rest of the house. They are not a primary architectural feature determinant of the house's architectural style.
 - 6* The proposed screened porch addition is located on the rear non-character defining elevation of the house.
 - 7* The rear wall of the 2nd level addition will be a bank of wood multi-light casement windows similar to the existing sleeping porch. The north wall window will be removed and replaced with four small square windows like the ones on the first level.
 - 8* A hip roof is proposed to cover the new screened porch addition and the expanded 2nd level addition.
 - 9* A similar addition was approved in 2005 under COA 111-05-CA. The application and certified record were included in the application. That application included an extension of the existing 2-level addition.
 - 10* Eave, siding, soffit, trim, paint colors and windows will match the existing. Details and specifications for the new windows and eave construction were not provided.
 - 11* The screened porches are proposed to have a railing/knee-wall. The drawings show horizontal siding and a question mark.

12* Skylights are proposed on the roof of the new addition; details and specifications were not provided.

B. Replacement of sleeping porch windows is not incongruous according to *Guidelines 2.7.1, 2.7.11*, and the following facts:

1* Based on the Sanborn Fire Insurance maps from 1914 and 1950, the addition and sleeping porch on the south side were constructed outside the period of significance of the historic district.

2* Photographs show that the windows are inconsistent in light size and are ill fitting.

3* The proposed new windows fit within the existing openings and are wood multi-light casement windows. Specifications and details were not provided.

4* File photos were provided to show the windows were installed circa 1989.

C. Replacement of the west portion of the slate roof is not incongruous according to *Guidelines 2.5.1, 2.5.3, 2.5.4, 2.5.10, 2.5.11*; however, replacement of the north portion of the slate roof is not incongruous according to *Guidelines 2.5.4* and the following facts:

1* Slate is a historic roofing treatment distinctive to many properties in the historic district.

2* The current slate roof does not display any patterning other than that inherent to the slate's size and thickness.

3* The roof deck is damaged and needs to be replaced; to do so will require removal of existing slates. The application proposes to reinstall the slate on the east and south planes and use a slate-like architectural shingle on the north and west planes.

4* Much of the west side of the roof will be covered by the roof of the new addition.

5* Clear close photos of the existing slate roof were not provided. There is no evidence of the condition of the slate.

6* Metal ridge caps are proposed to be retained.

7* The Committee approved the replacement of a deteriorated slate roof with GAF Slateline roofing material at 710 McCulloch St. (087-04-CA) and at 402 Cutler Street (147-15-CA) under the 2001 design guidelines. Slateline is a fiberglass shingle product with a couple of layers and shadow lines that emulate slate.

8* In addition to the above, replacement of slate roofs with a compatible substitute material has been approved by the commission in the past in cases under an earlier set of guidelines when the slate is irreparably damaged or deteriorating (603 S Boylan Avenue [078-97-CA]; 516 E. Jones St. [001-97-CA]; 608 S. Boylan Ave [176-96-CA]; 523 E. Lane St. [CAD-88-094]).

9* The application requests to use either CertainTeed Grand Manor or GAF Camelot.

10* Skylights are proposed on the north plane of the existing roof; details and specifications were not provided.

The motion was seconded by Mr. Thiem; passed 5/0.

Decision on the Application

Following discussion on an initial motion made by Ms. David and seconded by Mr. Thiem, Ms. David made an amended motion that the application be approved as amended, with the following conditions:

1. That the roofing material on the north, south and east side of the roof remain slate.
2. That details and specifications for the following be provided to and approved by staff prior to the issuance of the blue placard:
 - a. Tree protection plan prepared by an arborist certified by the International Society of Arboriculture;
 - b. That the tree protection plan be in place prior to commencement of work and that it remain in place throughout construction;
 - c. Railing/knee-wall design;
 - d. Windows;
 - e. Eave construction.
3. That details and specifications for the following be provided to and approved by staff prior to installation/construction:
 - a. Roofing material;
 - b. Skylights.

Mr. Thiem agreed to the changes. The amended motion passed 5/0.

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

Certificate expiration date: 1/27/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

102-17-CA 605 N BLOODWORTH STREET
Applicant: JOHN L. THOMAS FOR GARDENER BY NATURE, LLC
Received: 6/14/2017 Meeting Date(s):
Submission date + 90 days: 9/12/2017 1) 7/27/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Construct new walls and fences; relocate existing brick wall; expand rear patio; remove dying tree; install new gates; add walkways; alter plantings.

Amendments: At the meeting the location of the new tree was amended.

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned in the staff report will be available for review.
- Unified Development Code section 10.2.15.E.1 provides that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District...may not be denied.... However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance.... If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.3	Site Features and Plantings	Construct new walls and fences; relocate existing brick wall; remove tree; expand rear patio; install new gates; add walkways; alter plantings.
1.4	Fences and Walls	Construct new walls and fences; relocate existing brick wall; install new gates
1.5	Walkways, Driveways, and Off-street Parking	add walkways

PUBLIC TESTIMONY

Staff Introduction: Ms. Tania Tully [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Tully stated this was a master landscape plan for the house which sits atop a hill. The pictures showed the existing historic garage, a non-historic brick wall, the tree to be protected, as well as the proposed driveway gate. Ms. Tully

recommended both deferral and approval on the application, with deferral of the automatic gate and the lighting, and approval of the rest of the application with conditions.

Support:

Mr. John Thomas [affirmed] was present to speak in support of the application. Mr. Thomas stated he was comfortable with the staff suggestions and was there to answer any questions.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Mr. Thiem inquired about the hackberry tree that is adjacent to Pace Street. One of his concerns was the size of the tree protection zone. Mr. Thomas responded that staff had requested a letter from an arborist addressing the 16 foot radius from the center of the tree which would be the protection area. Mr. Thomas added that the proposed plan was to build the wall on a beam that is supported with soil so that the area would not be disturbed since that area is slightly above grade. Mr. Thiem then asked if there were any proposed plantings at the base of the tree. Mr. Thomas clarified that the proposed location is 10 feet from the edge of the sidewalk, and there will be small plantings and shrubbery in that area but not underneath the tree. Mr. Thiem expressed his concern regarding the tree protection area, asking if 16 feet was enough, especially if it would be disturbed with plantings. Mr. Thiem additionally asked if the replacement tree could be moved into the yard a little more. Mr. Thomas stated they wanted to reserve as much lawn space as possible and that it can be moved back 5 feet towards the wall.

Mr. Davis asked if the wall in front has a raised bed. Mr. Thomas answered that it was already in a raised bed that was defined by a group of boulders and those will be replaced. Mr. Davis asked if the replacements will be stacked stone. Mr. Thomas answered there is already stacked stone on the south side of the property and it will match that as closely as possible. Mr. Davis asked if stacked stone was traditional. Ms. Tully stated it is not seen very often, but when it is sometimes mortar has been used. Mr. Thomas stated the wall that is already there has some but it is concealed.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

I'm not sure about the stacked stone. [Davis]

I have no problem with it. [Hinshaw]

Findings of Fact and Conclusions of Law

Mr. Thiem moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-11) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Construction of new walls and fences; relocation of existing brick wall; installation of new gates; expand rear patio; addition of walkways; removal of tree; alteration of plantings is not incongruous according to *Guidelines* 1.3.2, 1.3.5, 1.3.7, 1.3.8, 1.4.8, 1.4.11, 1.5.4, 1.5.6, 1.5.9, and the following facts:
- 1* Guidance from an ISA certified arborist is included in the application. It addresses the replicated brick wall and nearby hackberry tree.
 - 2* The bulk of the side yard is proposed to be planted with azaleas, hydrangeas and other flowering shrubs and plants. The foundation plantings are also proposed to be replaced on the north and east sides of the house. New planting beds are also proposed along the front yard at the sidewalk. The center of the yard remains lawn. A detailed planting plan is provided.
 - 3* A declining oak tree is proposed to be removed and replaced 30 feet away on the front yard.
 - 4* The expanded patio would remain within the walls of the courtyard and use the same brick and patterning as the existing.
 - 5* According to Wake County Real Estate data and the application, the lot size is 19,166 SF. The footprint of the existing house (including porches) is 3,033 SF; the garage is 290 SF; the driveway, walks, rear courtyard, and front walk are approximately 4,907 SF. Current built area is 43%. The original built area (discounts additions since 1989 and the existing courtyard) is the house (2,473 SF), 1989 driveway configuration (1,498), front walk (380 SF), and garage (290 SF) or 24%. The proposed changes add roughly 637 SF of built area. The proposed built area is approximately 46%.
 - 6* At the south east corner of the house a new stepped walk and stacked stone walls are proposed as a defined entry into the side and rear yards. A wrought iron fence is proposed on top of the wall.
 - 7* Gates are proposed in the wall and fence as well as at existing openings. The design and details were not provided.
 - 8* An automated gate is proposed at the driveway on the north property line. Details and specifications were not provided for the gate or associated automation equipment.
 - 9* The existing brick wall was constructed per COA CAD-089-12 (included in application). The proposal would replicate the wall 14½ feet closer to Pace Street. It will be set back 3 feet from the front wall of the historic garage.
 - 10* The brick wall is about 5-1/2 feet tall, with the brick columns extending another 1 foot 4 inches.
 - 11* Drawings show light fixtures on top of the walls. They are not mentioned in the text nor is detailed information provided.
 - 12* The brick wall east of the office will be built on a grade beam.
 - 13* There will be no new plantings installed in the tree protection zone.

14* A new large tree will be planted 5 feet west of the shown location.

The motion was seconded by Ms. David; passed 5/0.

Decision on the Application

Following discussion on an initial motion made by Mr. Thiem and seconded by Ms. David, Mr. Thiem made an amended motion that the application be approved as amended, with the following conditions:

That the application be approved without the 365-day demolition delay for removal of the tree with the following conditions:

1. That the tree protection plan be in place prior to commencement of work and that it remain in place throughout construction.
2. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. A written confirmation on letterhead from the arborist confirming what was provided in the application.
3. That details and specifications for the following be provided to and approved by staff prior to installation:
 - a. New metal fence;
 - b. New gates;
 - c. Species of replacement tree.

The automated gate and lighting, if proposed, be deferred pending the receipt of additional information.

Mr. Fountain agreed to the changes. The amended motion passed 5/0.

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

Certificate expiration date: 1/27/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

103-17-CA 516 POLK STREET
Applicant: MARK GALIFIANAKIS & JENNIFER NEIBERT
Received: 6/14/2017 Meeting Date(s):
Submission date + 90 days: 9/12/2017 1) 7/27/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Demolish non-historic garage; construct new 1-1/2 story garage

DRAC: An application was reviewed by the Design Review Advisory Committee at its July 3, 2017, meeting. Members in attendance were Curtis Kasefang and Jenny Harper; also present were Mark Galifianakis, Ashley Morris, Tania Tully, and Melissa Robb.

Conflict of Interest: Ms. David stated she lived within the 100 foot radius of the property but she believed she would be unbiased with her decision.

Staff Notes:

- Raleigh City Code Section 10.2.15.E.1. states that “An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District or Historic Landmark may not be denied...However, the authorization date of such a certificate may be delayed for a period of up to 365 days from the date of issuance...If the Commission finds that the building, structure or site has no particular significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.”
- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.3	Site Features and Plantings	construct new 1-1/2 story garage
1.6	Garages and Accessory Structures	Demolish non-historic garage; construct new 1-1/2 story garage
4.2	Demolition	Demolish non-historic garage

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Robb showed different pictures of the property including the privacy fence, a one-story garage, the back of house and the slope to the backyard.

Ms. Robb stated the staff suggestion was pending the Committee's determination on the height of the building, with suggested conditions if approved.

Support:

Mr. Mark Galifianakis and Ms. Jennifer Neibert [affirmed] were present to speak in support of the application. Mr. Galifianakis stated this was the only way to get the additional square footage that they wanted. Mr. Galifianakis stated the location is about 8 feet farther back than the existing garage and 100 feet from Polk Street. Additionally, it will be obscured from the street by the privacy fence. Mr. Galifianakis noted the only correction they found to the Staff Report was that they did not have any plans to remove trees. There is shrubbery behind the existing garage that will be relocated, but there will be no trees removed.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Ms. Robb noted the removal of the tree was in the Staff Report because it was shown on the existing site plan with a note that a tree would be removed. Ms. Neibert said it was a hibiscus shrub, not a tree.

Mr. Thiem asked if there were a reason why the tree protection area was not extended further to the west to provide additional protection to the existing trees. Mr. Galifianakis stated that was not a problem. Ms. Tully added that a condition could be added to the decision that the fence be extended and to have an arborist look at it.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

I'm glad to see a one- car garage in this application versus two-car. We've had a proliferation of 1 ½-story garages. This one is situated in a different way with the site sloping downhill. The topography is specific to the site, and the one-car versus two-car it is a different configuration than what we have been seeing. [David]

I'm more inclined to call it an accessory building with a garage because a majority of the space is for people rather than cars. I'm struggling with the dormer. It really dominates the roof. More often a dormer is used as an articulation piece to address the massing and it does not do that. [Thiem]

I also like that it is a one-car garage. I do have concerns about the Guidelines, mainly 1.6.5: "maintain the traditional height and portion of garages." I do not know if the 1 ½-story is traditional though. [Davis]

Earlier cases had a lot of importance given to the street front and not the rest of the views. There was a previous case where a garage was perceived from the rear yard to be much taller and higher than what it was supposed to be. Does this lead us to approve tall structures at the bottom of slopes? When I looked at other buildings in the back none of them was this height. [Thiem]

We approved other 1 ½-story garages in the past. [Hinshaw]

Keep in mind there is new language in the Design Guidelines for the garages section. [Tully]

Due to the slope will you notice it? [Hinshaw]

What about the rear property? Will people around it say it's going to be towering over them? [Fountain]

With no objection from the committee, Mr. Davis reopened the public hearing portion of the meeting.

PUBLIC TESTIMONY (2)

Mr. Galifianakis noted the property to the east has a 1300 SF outbuilding, and the neighbor at 510 Polk Street would like privacy for their swimming pool. Mr. Galifianakis noted the elevation of the garage roof is about 3 feet below the house's apex. Two things that mitigate the impact is the distance from the street and the sloping topography. Ms. Neibert added that the alley is behind them and there is no house directly behind them that sees the garage.

Mr. Thiem remarked on the context in the neighborhood, and that someone who has a back yard that slopes uphill cannot make this same argument. Mr. Fountain also noted this property was at an advantage. One additional factor to consider is the rear alley.

Mr. Thiem inquired if the 8 foot fence on the west side was his. Mr. Galifianakis stated it was and he was required to keep it to hide the deck. Ms. David noted the specific aspects of this lot, including that it's an interior yard that is isolated. She did not really want to approve another 1 ½-story garage, and that is unfortunate that such applications come to nearly every meeting. This had a lot of things that the committee looked for such as the downhill siting set back from the street and overall a lower visual impact. Mr. Fountain noted that this case was using the new guidelines with new people on the committee, and that they needed to note the specifics of why decisions were made. Mr. Galifianakis stated that it's a matter of keeping the property livable. He did not want people thinking this was a historic and wanted to differentiate it from the original. He recognizes that the siting is ideal and is lucky for them, benefitting from the distance from the street and the lower grade at the back of the property.

Mr. Hinshaw made a note that this specific location has certain criteria in its favor than previous applications. Ms. David remarked that if there were ever an appropriate design for a 1 ½-story garage this is it. It conceals the height through the noted advantages.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion (2)

Where is the additional fence being installed? [Thiem]

It is to connect the existing 8 foot fence to the garage. [David]

That fence was there prior to the district designation and is not typical. You might consider adding a fact that this is just extending the existing fence. [Tully]

Are they going to continue the fence that height? [Thiem]

With no objection from the committee, Mr. Davis reopened the public hearing portion of the meeting.

PUBLIC TESTIMONY (3)

Mr. Galifianakis clarified that they would be extending the 8 foot fence to the garage. Mr. Thiem asked if there would be a wider gap when the garage is moved. Mr. Galifianakis confirmed it.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion (3)

The site plan is showing that a fence is being extended and they just testified it was their neighbors. [Thiem]

It does not matter. [Robb]

They will need to come back to fill a hole for the fence to match what is there. [Thiem]

Findings of Fact and Conclusions of Law

Mr. Hinshaw moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-4) and B. (inclusive of facts 1-13) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Demolition of a non-historic garage is not incongruous according to *Guidelines* 1.6.1, 1.6.3, section 4.2 Demolition, paragraph 1, page 82, and *Guidelines* 4.2.2, 4.2.4, 4.2.5, 4.2.6, 4.2.7, and 4.2.8, and the following facts:
 - 1* The garage is a one-story gable front structure with lapped siding, corner boards and exposed rafter tails. There is a single vehicular door on the front and a single person door on the side.

- 2* It was built in 1998, according to the Inventory of Structures in the Oakwood National Register Historic Districts, by Matthew Brown, former Historian, Society for the Preservation of Historic Oakwood, 2004-2015.
 - 3* Sanborn Fire Insurance maps show a history of change in this area of the rear yard. The 1914 Sanborn map shows a smaller footprint accessory building, while the 1914-1950 Sanborn map does not show a structure in that area.
 - 4* Photographs and measured drawings documenting the exterior of the building were provided.
- B. Constructing a new 1½-story garage is not incongruous according to *Guidelines* 1.3.8, 1.6.5, 1.6.6, 1.6.7, 1.6.8, 1.6.10, 1.6.11, and 1.6.12, and the following facts:
- 1* The house is a one-story Victorian Triple-A built in 1879. According to the Inventory of Structures in the Oakwood National Register Historic Districts, by Matthew Brown, former Historian, Society for the Preservation of Historic Oakwood, 2004-2015, the house has had numerous additions over the years.
 - 2* According to the applicant and the Wake County iMAPS site, the footprint of the house is 1,677 SF, the footprint of the existing garage is 350 SF and the lot is 9,583 SF. The footprint of the proposed garage is 577 SF. The built area to open space ratio is currently 21%, and with the new garage it will be 24%. The original built area to open space ratio is 17%
 - 3* COA 030-13-CA approved the construction of a 1½-story garage at 520 N Bloodworth Street. Relevant facts from that decision include:
 - a. The 1-story frame house at 520 N Bloodworth Street, constructed in the 1940s, is a non-contributing resource in the Oakwood Historic District.
 - b. The garage is proposed to be slab on grade; the applicant stated that no excavation will be required for installation of the garage, but that fill will be brought in for leveling.
 - c. The lot size is 5,663 SF; the existing house has a footprint of 881 SF inclusive of stoops; the proposed garage has a footprint of 528 SF; total footprint is 1,409 SF. The current lot coverage is 16%; the proposed lot coverage with garage is 25%.
 - d. The location and orientation of the garage is not unusual in the Oakwood Historic District; it is located at the end of the driveway.
 - e. The height of the proposed garage is 22 feet to the ridge, plus an approximate 8" foundation; the existing house is 20 feet tall; the lot sits 3½ feet above the sidewalk; accessory buildings are typically deferential to the main building.
 - 4* COA 059-15-CA approved the construction of a 1½-story garage at 600 N Boundary Street. Relevant facts from that decision include:
 - a. The current garage is 2-bays wide and connected to the historic house via a flat roofed screened porch. The proposed new garage is 1-bay wide and will also attach to the historic house via a screened porch and addition. The amended application includes examples of accessory structures attached to houses in Oakwood
 - b. The garage has a gable front pitched roof with a single shed roofed dormer. One car gable front garages are common in the district both historically and with approved COAs.

- c. The new garage is pulled back from the property farther than the existing; is 1-1/2 stories, and is lower than the roof of the historic house; the amount of difference is unknown, though it appears to be about one foot.
 - d. There is not a tradition of 1-1/2 or 2-story garages in Oakwood. Staff is aware of one historic 1-1/2-story horse barn accessory building at the architecturally-elaborate Heck-Pool House at 218 N. East Street.
 - e. There have been committee-approved exceptions of taller garages. After an initial denial due to lack of evidence, in 2006 a 1½-story, 15' x 17' storage building with loggia and exterior stair was approved at 715 N. Bloodworth Street (COA 166-06-CA). Examples provided in that case include 218 N East Street, 403 E Edenton Street, 121 N Bloodworth Street, and in the 300 block of Polk Street (behind 425 N Bloodworth Street) – except for 121 N Bloodworth Street all of the houses associated with the garages are 2-stories or taller. 121 N Bloodworth Street is one-story, but the approved garage was a 2-bay 1-story structure (COA 135-97-CA).
 - f. In 2008, based in part on the 2006 decision referenced in fact 9*, the commission approved a 1½-story, 22'x27' garage at 608 Oakwood Avenue (COA 212-07-CA). That garage was 21'6.5" tall, compared to the 28'2" height of the historic house.
 - g. The garage at 323 Pace Street (COA 081-14-CA) was approved to be 18' in height and 22'x26' in footprint; this is 1 foot lower than the historic house and the same height as the new addition.
- 5* The proposal is for a 1½-story garage constructed in the southwest corner of the lot with a roof height of approximately 20'-7 ½". The height at the peak of the house roof is roughly the same. The backyard slopes away from the house with the interior floor level of the garage about 3 feet lower than the interior floor level of the house, making the garage roof peak 3 feet lower than the house.
- 6* The roof is a typical gable form with dormers along both sides. The roofing material is to be architectural asphalt shingles to match the house; details and specifications were provided.
- 7* One car gable front garages are common in the district both historically and with approved COAs.
- 8* The building will be clad in wood lap siding with a 4.5" exposure.
- 9* Windows are proposed to be wood double-hung and casement styles. The two person doors are also wood. Specifications and details were provided for the windows and doors. The vehicular door is described as wood with a row of windows at the top. No specifications were provided for the vehicular door.
- 10* The building will be painted to match the house.
- 11* The existing gravel driveway will remain and will be supplemented with additional gravel. There will also be a new exposed aggregate concrete pad measuring roughly 13' x 19' installed directly in front of the garage vehicular door.
- 12* All existing wood fencing will remain and will be extended to the façade of the garage.
- 13* There are two trees in the backyard, however no information about the size or species was provided. The applicant proposed removing a shrub, rather than a tree as indicated on the Staff Report. There is no ISA-certified arborist report, but a tree protection plan was provided.

- 14* The drawings do not show any exterior lights nor were any specifications provided.
- 15* The property is an interior lot on the block.
- 16* The 100 foot distance from the street and the topography are key facts in this case.
- 17* The property is bordered by a public alley in the rear.

The motion was seconded by Ms. David; passed 5/0.

Decision on the Application

Following discussion on an initial motion made by Mr. Hinshaw and seconded by Ms. David, Mr. Hinshaw made an amended motion that the application be approved as amended, with the following conditions:

1. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. A report prepared by an arborist certified by the International Society of Arboriculture.
 - b. An enlarged tree protection plan area, extending approximately five feet north and 10 feet west.
2. That details and specifications for the following be provided to and approved by staff prior to installation or construction:
 - a. Vehicular door;
 - b. Lighting.
3. The demolition delay is waived for the demolition of the existing non-historic garage.

Ms. David agreed to the changes. The amended motion passed 5/0.

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

Certificate expiration date: 1/27/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

104-17-CA 915 W SOUTH STREET
Applicant: JESSICA WEST & PETER WEBB
Received: 6/14/2017 Meeting Date(s):
Submission date + 90 days: 9/12/2017 1) 7/27/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: BOYLAN HEIGHTS HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Construct 684 SF footprint 1-1/2 story rear addition; install new window; install rear patio.

DRAC: An application was reviewed by the Design Review Advisory Committee at its July 3 meeting. Members in attendance were Curtis Kasefang, Jenny Harper, and Dan Becker; also present were Ashley Morris, Melissa Robb, and Tania Tully.

Conflict of Interest: None noted.

Staff Notes:

- On the matters of built mass and built area, the new *Design Guidelines* speaks to not increasing the original built area. What is considered “original” has not yet been interpreted by the commission.
- COAs mentioned in the application will be available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.3	Site Features and Plantings	install rear patio.
2.7	Windows and Doors	Alter
3.2	Additions	Construct 684 SF 1-1/2 story rear addition;

PUBLIC TESTIMONY

Staff Introduction: Ms. Tania Tully [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Tully showed the pictures of the property to provide context for where the addition will be placed. Ms. Tully stated the approval is pending the committee’s determination regarding the size and scale of the addition and the increase in built mass and area, but if approved has suggested conditions.

Support:

Ms. Ashley Morris [affirmed] was present to speak in support of the application. Ms. Morris, the architect for the project, stated they felt the design of this addition is appropriate for the district. Ms. Morris described specific aspects of the design intended to reduce the impact; the

addition's roof ridge meets the existing roof ridge, the addition was stepped in on the right side, and dormers and varying roof heights were used to reduce the mass.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Mr. Thiem asked about the tree protection plan, and was also concerned that the crape myrtle is actually closer to the house than on the plan. He expressed concern about the tree during construction, especially hitting the root system. Mr. Thiem inquired if there was a tree protection plan in place, and perhaps if the tree couldn't be protected the applicant might consider getting approval to remove it. Mr. Thiem also asked about how the construction equipment will access the site, and recommended using the gate at the rear alley for easier access. The applicant then formally amended the application to remove the crape myrtle.

Mr. Davis asked what the square footage of the addition was. Ms. Robb responded it was 684 square feet. Ms. Tully clarified that the original house was 1400 square feet and subtracting the piece that is going away the increase of the footprint was 680 square feet.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

Adding a window to the historic elevation would be guideline 2.7.9 which tells us not to add windows to character-defining elevations. I think it meets the guidelines and is compatible with the overall design. [David]

We probably would not be having too much discussion with the old guidelines. [Davis]

But we do have new guidelines. [David]

It meets 3.2.12 for additions and proportions of built mass to open space not to vary from surrounding buildings that contribute. [Tully]

3.2.7 I do not think it is incongruous. I do not think it overpowers the historic house. I am not sure if the change referenced in 3.2.11 is significant. [Davis]

Yes. [Fountain]

I do not see it as varying significantly with the surrounding building coverage in that area. [Hinshaw]

It meets 3.2.12. It is not significantly different; just looking at the lay out it is consistent. [David]

The guideline talks about built mass to the original house. I do not think it's a great change. It is just 14%. Is that significant? [Davis]

It is a small lot and its significant lot coverage and how will it work with the new guidelines. I take this to be a small lot and we are getting up there with a relative amount of lot coverage percentage increase. [Fountain]

The main impact is in the backyard. The front yard is already well defined. [Thiem]

What percent of a lot is a significant increase to the coverage? [Hinshaw]

How much of the front yard versus the visual impact you are going to credit for the other pieces that would be affected? [Thiem]

If we thought in that way this would not have any visual impact from the street. [Hinshaw]

Guidelines apply all the way around. [David]

Seeing all these numbers we have not gotten down to saying when it is enough. It is a valid question if it's resolved or not. [Thiem]

I have always looked at the building mass and how it relates to the rest of the district. See if it's overbuilt or underbuilt for the district. You find frequently that the houses cover a lot of the lots. [Davis]

In the drawing of a series of houses it does not stick out. It looks consistent. [Thiem]

In Boylan Heights the mass of the house covers most of the lot and it is not unusual in a district with a lot of bungalows. [Hinshaw]

It is almost like the guidelines come into when the next owners want to make another addition from 25 to 55 % [David]

The addition is less than half of the square footage of the existing house if this gets approved. That's probably it for the built area. The patio brings it to 48%. [Tully]

This was less than half by percentage. [Thiem]

Yes. [Tully]

Built mass of 31% is not that unusual for Boylan Heights. [Davis]

Is this a significant increase for this layout? [Tully]

It looks very comparable. [Thiem]

Any addition going forward will get into that significant zone and these are new guidelines. [David]

Built mass, talk about built mass and the existing patio and walls to all impervious services. [Fountain]

What do you want to consider as original built area? [Tully]

There are two different impacts. It's clearly a two-story addition in the rear and to combine the numbers together it begs the question that built mass and built area are not equal. We are comparing apples and oranges unless we are talking storm water. We are talking character of space and if something fills in more space than the lot that's one thing. The patio and ground plane and paving areas are different. It is a small yard to use and that is what they decided my impression is that it is not incongruent. [Thiem]

We can do the staff report different next time. [Tully]

With these new guidelines we are on the leading edge this discussion. What needs to happen is that we are not arbitrarily putting patios and additions together. [Thiem]

Sometimes the patios become the footprint of the addition. [David]

If we are talking about a parking pad and patio breaking the guidelines. [Fountain]

Findings of Fact and Conclusions of Law

Ms. David moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested findings A. (inclusive of facts 1-10) and B. (inclusive of facts 1-2) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Construction of 684 SF footprint 1-1/2 story rear addition is not incongruous in concept according to *Guidelines* 3.2.1, 3.2.2, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11, 3.2.12 and the following facts:
- 1* A Crape Myrtle located in the rear yard will be removed and replaced; there are trees on adjacent properties whose roots extend on the subject property. A tree protection plan was provided; the application does not explicitly state that the plan will be implemented.
 - 2* The proposed rear addition will sit on its own foundation and be inset from the west walls by about 2 feet, the same as the existing screened porch. The east side of the addition is flush with the wall of the historic house; a corner board is retained to differentiate the old from the new.
 - 3* The body of the historic house is 30 feet deep; the proposed addition is 21 feet deep. The cross gable addition is at the ridge of the historic house. A second level is achieved through the use of the sloping grade of the lot and dormers on the addition.
 - 4* Photographs and site plans of other additions in Boylan Heights were provided:
 - a. The addition at 1100 W Cabarrus Street is taller than the historic house and is inset on one side. It was approved with COA 175-14-CA under the 2001 design guidelines.
 - b. The addition at 1022 W South Street exceeds the ridge line and appears to be onset on one side only. It was approved with COA 101-07-CA under the 2001 design guidelines.
 - c. 809 W South Street has a 1-1/2 story rear addition. It was approved with COA 136-04-CA under the 2001 design guidelines.
 - d. 1005 W South Street has an addition with low sloped dormers that extends into the rear yard. It was approved with COA 186-97-CA under an early set of design guidelines.
 - e. The addition at 421 Cutler Street is taller than the historic house and extends deep into its lot. It was approved with COA 044-97-CA under an early set of design guidelines.
 - 5* Windows in the addition are similar in proportion to the historic house as is the relationship of solids to voids. The overall style of the addition mimics the historic house.
 - 6* The addition will be clad with wood siding to match the historic house. Likewise, the new trim will be wood and the same dimension as that on the historic house. Details were provided.
 - 7* Wood windows on the addition are in both four-over-one double-hung and single full-lite casement forms. The new door is also wood. Details and specifications were provided.

- 8* The new roof will match the existing asphalt shingle gable roof in color. Fascia, overhangs, exposed rafters and eaves will match existing as will the painted brick foundation. No specifications were provided.
 - 9* According to Wake County Real Estate data and the application, the lot size is 5,663 SF. The footprint of the existing house (including porches) is 1,463 SF. The current and original built mass is 25%. The proposed addition is approximately 740 SF (subtracting the existing screened porch the increase is 680 SF). The proposed built mass is approximately 39%.
 - 10* The lot size and footprints of the nearby houses was provided.
 - 11* The crape myrtle is closer to the house.
- B. Installation of rear patio is not incongruous in concept according to *Guidelines* 1.3.2 and 1.3.8 and the following facts:
- 1* Stone patios are common in rear yards in Boylan Heights. The existing patio is not historic.
 - 2* According to Wake County Real Estate data and the application, the lot size is 5,663 SF. The footprint of the existing house (including porches) is 1,463 SF; the driveway and front walk are approximately 488 SF; the existing patio is 300 SF. Current built area is 40%. The original built area (discounts the driveway and existing patio) is 27%. The proposed addition is approximately 740 SF (subtracting the existing screened porch the increase is 680 SF); the proposed patio is about 375 SF. The proposed built area is approximately 48%.
- C. Installation of new window on the historic house is not incongruous in concept according to *Guidelines* 2.7.9 and the following facts:
- 1* The new window is on a side elevation.
 - 2* The window is compatible with the design of the house.

The motion was seconded by Mr. Thiem; passed 5/0.

Decision on the Application

Following discussion on an initial motion made by Ms. David and seconded by Mr. Thiem, Ms. David made an amended motion that the application be approved as amended, with the following conditions:

1. That there not be a delay for the removal of the crape myrtle tree.
2. That the tree protection plan be in place prior to commencement of work and that it remain in place throughout construction.
3. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. A revised tree protection plan that accommodates construction traffic being brought in from the rear of the yard.
 - b. Eave construction
4. That details and specifications for the following be provided to and approved by staff prior to installation:

- a. Light fixtures
- b. Replacement tree species and location

Mr. Thiem agreed to the changes. The amended motion passed 5/0.

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

Certificate expiration date: 1/27/18.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

105-17-CA 120 N BLOODWORTH STREET
Applicant: MELISSA MASON
Received: 6/14/2017 Meeting Date(s):
Submission date + 90 days: 9/12/2017 1) 7/27/2017 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: HOD-G

Nature of Project: Construct new 352 SF footprint 2-story accessory building

DRAC: An application was reviewed by the Design Review Advisory Committee at its July 3, 2017, meeting. Members in attendance were Curtis Kasefang and Jenny Harper; also present were Melissa Mason, Tania Tully, and Melissa Robb.

Conflict of Interest: None noted.

Staff Notes:

- COAs mentioned are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
1.6	Garages and Accessory Structures	Construct new 352 SF footprint 2-story accessory building

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Ms. Robb showed photographs of the property and noted that the houses on either site are bigger than the applicant’s house. She also showed pictures at the back of the house and one that showed the narrow gap between the subject house and neighboring house. Ms. Robb noted that after the committee’s decision regarding the height of the building and the window proportions and configuration, staff suggests the committee approve the application with conditions.

Support:

Ms. Melissa Mason [affirmed] was present to speak in support of the application. Ms. Mason stated she went to the DRAC meeting and was advised to make the windows more compatible with the house. She is interested in a utilitarian design. Ms. Mason stated they studied different ways to make the addition fit within their budget, and given the advice from the DRAC meeting the height was dropped to 20’ and the window placement was changed. She added the house was might be compared to 520 N Bloodworth. Ms. Mason noted with the narrow gap between her house and her neighbors’, and that with the tree to the right the accessory building

site the new building will not be seen from the front. She noted the lot slopes toward the back, so they will be able to build the new building up to 20' without going over the peak of the existing house.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Mr. Davis inquired about why the photos of the structure on 520 Polk Street were provided. Ms. Mason stated it was a historic design in the district and that they were not trying to replicate it but rather use it as inspiration. Mr. Davis asked if they knew the height. Ms. Mason stated she did not. Ms. David stated it was originally the location of a business, and there was some discussion amongst the committee members about whether it is a contributing structure and if it should be considered as a precedent for the application. Ms. David stated she did not believe it was a contributing structure and it was atypical.

Mr. Davis asked if the height compared to the main house was measured underneath the projecting front roof. Ms. Mason did not know and stated she would have to ask her architect. Mr. Davis added from the drawings it looked like it. Mr. Thiem said he could not understand how to interpret the drawings, because it looked to him that the roof of the new building is higher than the house roof ridge. Mr. Davis asked if it would be painted gray. Ms. Mason clarified it would be the same color as the main house, but it was not shown on the renderings.

Mr. Thiem wanted information about the trees in the backyard, especially the 24" water oak and the 20" hackberry, which appear to be removed in order to construct the new building. Mr. Thiem expressed concerns about how the root systems might be impacted during the construction. Ms. Mason stated from her understanding after discussions with her architect it was only a quarter of the root system that may be impacted. Mr. Thiem stated the guidelines ask for a bigger tree protection zone and that the construction will impact the roots. The applicant passed out an old plot plan to show where the trees are on the property. Mr. Fountain inquired about the intended use would of the building, and did its use impact the design. Ms. Mason responded it was for a studio space which requires large wall areas.

Mr. Davis closed the public hearing portion of the meeting without objection from the committee.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

I do not think 2-story outbuildings were typical in the district and 2 stories is incongruous with Guideline 1.6.5. By looking at the footprint and compare to other buildings it is a lot bigger.

[David]

With Guideline 1.6.10 I'm concerned about the height and the shed roof form. [Fountain]

I do not know how many shed roof buildings were in the district, but 1-story was not uncommon. I do not know specifically in Oakwood or in our historic district but you see it on farms. [David]

A shed roof 2-story you do not see. [Fountain]

It is very atypical. [David]

Between those two guidelines I'm concerned about maintaining the traditional height, and I think the 2-story does not really fit the guidelines. [Davis]

We see 1 ½ to 2-story buildings here, but this particular proposal this does not have the features that minimize the impact. [Fountain]

At this point I would have a hard time with it because of the impact on the trees. Lacking an accurate description of the trees, it's hard to know what will be impacted, but I think there's one very close off the left corner of the workshop, within 5 feet. [Thiem]

Guideline 1.6.11. addresses tree removal for construction of an accessory building. [Tully]

You're worried about which tree? [Fountain]

Both of them. If this was constructed it would impact both trees. [Thiem]

Remember, her architect said it would not. I know they are not an arborist or a landscape architect. [David]

I think we need more information about the trees. [Thiem]

From a qualified tree expert. [David]

The guidelines give a huge area to protect the trees. We are never going to meet them if the tree protection area is reduced by half. We need to preserve the historic resources. We are compromising here. The guidelines say to look for ways to construct to reduce the impact. Look at sheds with post construction to minimize the impact to the root system. Use a grade beam on the surface so there are fewer posts. That is typical construction when you want to minimize the impact to the root system. I would ask for additional information on how it would be constructed and how trees would be protected. I cannot support it with those two trees in the backyard. [Thiem]

We should defer it for more information about the trees. I do not think it is approvable with two stories. [David]

There might be enough room with this small footprint to get the square footage in one story with a bigger rectangle. [Fountain]

I think a 1-story with a shed roof with the design details they have I'd be willing to approve with tree protection. [David]

We have done a 1-story shed roof. [Fountain]

I suggest we defer and ask for them to come back with a 1-story design and a tree protection plan. [David]

We are suggesting this so there will not be a denial that would be a negative impact. You wouldn't be able to reapply for a year. [Fountain]

Ms. David made a motion to defer the case to the next meeting; Mr. Fountain seconded; motion carried 5/0.

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

022-17-CA MULTIPLE IN MOORE AND CAPITOL SQUARE RIGHTS-OF-WAY
Applicant: CITY OF RALEIGH DEPARTMENT OF TRANSPORTATION
Received: 2/3/2017 Meeting Date(s):
Submission date + 90 days: 5/4/2017 1) 3/23/2017 2) 7/27/17 3)

INTRODUCTION TO THE APPLICATION

Historic District: CAPITOL SQUARE AND MOORE SQUARE HISTORIC DISTRICTS
Zoning: General HOD
Nature of Project: Programmatic COA to replace existing high pressure sodium teardrop style street light fixtures with new light emitting diode teardrop style light fixtures.
Amendments: A color temperature chart of Kelvin (K) values was provided by staff.
Conflict of Interest: None noted.
Staff Notes:

- Cases referenced in the staff report are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.1	Public Rights-of-Way and Alleys	Replace existing high pressure sodium teardrop style street light fixtures with new light emitting diode teardrop style light fixtures
2.7	Lighting	

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the locations of the existing street lights on the map and noted highlights from the staff report. Ms. Robb stated this was in conjunction with case 023-17-CA which also concerns street light lamp replacements. Staff recommended approval of both applications with conditions.

Support:

Mr. Hunt Choi [affirmed] was present to speak in support of the application. Mr. Choi summarized the previous appearance of City staff at the COA Committee for these applications. Mr. Choi reiterated that the equipment is aging and needs to be replaced and can only be replaced with the products Duke Energy Progress offers in its catalog. Mr. Choi offered a compromise for now, in which the Committee could approve the 4000 kelvin lamps and then later allow the City to change the lamps when other LED technology becomes available. If action cannot be taken now there will be no replacement lamps for the current light fixtures.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Mr. Davis asked if 3000 kelvin lamps are made. Mr. Choi responded that they are, but are not available from Duke. Mr. Davis asked if Duke was able to provide 3000 kelvin lamps. Mr. Choi responded they have asked but Duke said it would have to offer the item across all of its franchise area and they are not prepared to do that. They have been told that Duke says it is not cost effective for them, and the City can ask for an alternative but Duke is not required to provide the service. Mr. Davis inquired what incentive would Duke have to provide the lights in the future. Mr. Choi responded that lighting technology is evolving all the time and the issue is not limited to just Raleigh. The applicants are asking for the Committee to help resolve this undue burden. They would gladly provide the 3000 kelvin lamps, but they are not offered by Duke. The City is willing to pay whatever penalties required for breaking the 20-year lease with Duke when the new lamps become available.

Mr. Davis asked how much pushback was given to Duke Energy Progress. Mr. Jed Niffenegger [affirmed] explained that they have pushed hard for 3000 kelvin. Duke has stated the City of Raleigh is the only one that has been pushing for 3000 kelvin lamps. The City will continue to push but is limited to what Duke has to offer and he suspected something will be offered in the future. Mr. Fountain asked how the Committee would know when the desired lamps are available. Mr. Choi said that they could prepare a staff report on an annual basis about this option. Ms. Tully stated this was done on a previous case with a ground sign that required an annual report directly to the Committee. Mr. Choi stated that staff was fine with the annual report, and once a 3000 kelvin option is available it can be switched out in 60 days.

Mr. Thiem asked for clarification on the interchangeability of the 3000 kelvin and 4000 kelvin lamps. Mr. Choi responded that it would involve potentially changing the heads out. Mr. Thiem asked if the fixtures would have to be replaced with the 3000 kelvin lamps. Mr. Choi said it is his understanding that it's compatible. Mr. Thiem asked if 3000 kelvin lights were being made today. Mr. Choi responded they likely are but are not in Duke's inventory. Mr. Thiem asked if there were tinted lenses that could be installed to turn warm up the color. Mr. Niffenegger responded no such globe was offered by Duke. Mr. Niffenegger reiterated that Duke is a regulated energy provider and their concern is with the longevity and maintenance of the fixtures. They are looking at the best return on investment, and the City is limited as Duke is the only energy provider.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

From my view a darkened street becomes a broader issue with health, safety and welfare. The City cannot go out shopping for another energy provider. [Thiem]

The lights are available, but we just cannot have them. [Davis]

People hate that bright light but Duke does not care. [David]
I am concerned about the dark streets they will have once the lights go out. [Thiem]
I do not want the commission to get in the way of people being safe. [Davis]
I think we are going to have to move ahead so people can have light. I accept in good faith what the City has said. I do not think we have a lot of choices here so we might have to move ahead. [Fountain]
I did mention in a previous hearing the legal provision of hardship. The City has a franchise relationship with Duke which has the authority to dictate certain things that the City has to live with. We have few options from Duke Power, and must weigh the safety considerations in the context of looking at the decision. [Raspberry]
If the Committee made a decision that the color is incongruous then the decision would be to approve with conditions in light of the hardship defined in UDO 5.4.H.3. These conditions are defensible. [Tully]
I would suggest going along those lines. The code provisions trump the Guidelines based on the hardship. Or you could find that it is incongruous but the hardship exists. I'm referring to 5.4.H.3 of the UDO. [Raspberry]
Guideline 2.7.4 (from the previous *Design Guidelines*) mentions color. [Tully]

Findings of Fact and Conclusions of Law

Mr. Davis moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-12) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Replacing existing high pressure sodium (HPS) teardrop style street light fixtures with new light emitting diode (LED) teardrop style light fixtures is not incongruous according to *Guidelines* 2.1.10, 2.1.11, 2.7.4, 2.7.5, 2.7.11; however, the 4000 kelvin lamp color is incongruous according to *Guideline* 2.7.4, and the following facts:
- 1* The proposal is for 114 leased street light fixtures to be replaced, primarily within the Capitol Square and Moore Square HODs. A map is attached to the application. The existing poles and fixture arms will be repainted to match the current black painted finish.
 - 2* The proposed light fixture is a teardrop style that matches the existing fixtures. Photos of both the existing and proposed fixtures are included.
 - 3* The existing fixtures hold HPS lamps which are being phased out throughout the Duke Energy service area for more energy efficient LED lamps.
 - 4* The existing HPS lamps have a golden yellow color. The new lamps have a brighter white color, with a color temperature of 4000 Kelvin. The LED fixtures have a globe to help diffuse the intensity of the light emitted. Evidence to support this claim was/was not provided.
 - 5* The new lumen level will be relatively the same, but the perceived light will be much more effective and may even seem a bit brighter to the eye. This is due mainly to the clearer, whiter light produced by LED fixture heads.

- 6* LED bulbs have been approved by the committee provided the light color is of a warm tone. The proposed LED has a color temperature of 4000 Kelvin; this is considered a neutral white.
- 7* New LED street lights have been installed in other areas of the city, and the color temperature of the proposed new lighting will match that around the State Capitol grounds, along Fayetteville Street and in approximately 30,000 other fixtures throughout the city.
- 8* The lighting changes are primarily affecting governmental and commercial areas.
- 9* The *Design Guidelines* on page 20 states: "Depending on their location, streetlights ranged from elaborate designs, such as translucent globes mounted on cast-iron poles capped with decorative finials, to simple, bracketed globes mounted on utility poles. The light cast by these early fixtures was described as a soft yellow-toned glow rather than the harsher bluish-tone light cast by contemporary mercury vapor streetlights. Lighting manufacturers today [2001] offer high-pressure sodium vapor fixtures that produce a softer glow." And "Considerations in reviewing any proposed lighting fixture for compatibility should include location, design, material, size, color, scale, and brightness."
- 10* In 2016 a COA application for street lighting changes was denied (175-15-CA). The applicant, Raleigh Public Works Department, had proposed street light fixtures of a more contemporary design than that being proposed now, but also proposed using 4000 K LED lamps.
- 11* In 1995 a COA application for street lighting changes was denied (120-95-CA). The applicant, The Society for the Preservation of Historic Oakwood, had proposed street light fixtures that were determined to be an anachronistic marriage of a "plain, contemporary pole" contrasted "with a finialed luminaire and fluted mounting suggestive of late 19th or early 20th century design."
- 12* An amendment from the applicant offers a proposal that the applicant be allowed to install the 4000 K lamps that are currently available from Duke Energy if they agree to replace them with 3000 K lamps when that option becomes available from Duke Energy. From their application: "Further innovations in LED lighting technology in conjunction with evolving market conditions may result in Duke Energy Progress offering yellow-toned 3000 K temperature street lighting options in the future."
- 13* A hardship exists under the legal provisions of UDO 5.4.H.3

The motion was seconded by Ms. David; passed 4/1 (Davis opposed).

Decision on the Application

Following discussion on an initial motion made by Mr. Davis and seconded by Ms. David, Mr. Davis made an amended motion that the application be approved as amended, with the following conditions:

1. That City of Raleigh Department of Transportation staff communicate annually with RHDC staff on the availability of 3000 K lamps from Duke Energy Progress.

2. That this COA application also approves the installation of 3000 K lamps when available.

The motion was seconded by Ms. David; passed 4/1 (Davis opposed).

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

Certificate expiration date: 1/27/18.

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APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

023-17-CA MULTIPLE IN HILLSBOROUGH STREET RIGHT-OF-WAY
Applicant: CITY OF RALEIGH DEPARTMENT OF TRANSPORTATION
Received: 2/3/2017 Meeting Date(s):
Submission date + 90 days: 5/4/2017 1) 3/23/2017 2) 7/27/17 3)

INTRODUCTION TO THE APPLICATION

Historic District: CAPITOL SQUARE HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Programmatic COA to replace existing decorative high pressure sodium post top-street light fixtures with new light emitting diode (LED) Mitchell style light fixtures.

Amendments: A color temperature chart of Kelvin (K) values was provided by staff.

Conflict of Interest: None noted.

Staff Notes:

- Cases referenced in the staff report are available for review.

APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT

<u>Sections</u>	<u>Topic</u>	<u>Description of Work</u>
2.1	Public Rights-of-Way and Alleys	replace existing decorative high pressure sodium
2.7	Lighting	post top-street light fixtures with new light emitting diode Mitchell style light fixtures

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the locations of the existing street lights on the map and noted highlights from the staff report. Ms. Robb stated this was in conjunction with case 022-17-CA which also concerns street lamp replacements. Staff recommended approval of both applications with conditions.

Support:

Mr. Hunt Choi [affirmed] was present to speak in support of the application. Mr. Choi summarized the previous appearance of City staff at the COA Committee for these applications. Mr. Choi reiterated that the equipment is aging and needs to be replaced and can only be replaced with the products Duke Energy Progress offers in its catalog. Mr. Choi offered a compromise for now, in which the Committee could approve the 4000 kelvin lamps and then later allow the City to change the lamps when other LED technology becomes available. If action cannot be taken now there will be no replacement lamps for the current light fixtures.

Opposition:

There was no one else present to speak in favor of or in opposition to the application.

Responses and Questions:

Mr. Davis asked if 3000 kelvin lamps are made. Mr. Choi responded that they are, but are not available from Duke. Mr. Davis asked if Duke was able to provide 3000 kelvin lamps. Mr. Choi responded they have asked but Duke said it would have to offer the item across all of its franchise area and they are not prepared to do that. They have been told that Duke says it is not cost effective for them, and the City can ask for an alternative but Duke is not required to provide the service. Mr. Davis inquired what incentive would Duke have to provide the lights in the future. Mr. Choi responded that lighting technology is evolving all the time and the issue is not limited to just Raleigh. The applicants are asking for the Committee to help resolve this undue burden. They would gladly provide the 3000 kelvin lamps, but they are not offered by Duke. The City is willing to pay whatever penalties required for breaking the 20-year lease with Duke when the new lamps become available.

Mr. Davis asked how much pushback was given to Duke Energy Progress. Mr. Jed Niffenegger [affirmed] explained that they have pushed hard for 3000 kelvin. Duke has stated the City of Raleigh is the only one that has been pushing for 3000 kelvin lamps. The City will continue to push but is limited to what Duke has to offer and he suspected something will be offered in the future. Mr. Fountain asked how the Committee would know when the desired lamps are available. Mr. Choi said that they could prepare a staff report on an annual basis about this option. Ms. Tully stated this was done on a previous case with a ground sign that required an annual report directly to the Committee. Mr. Choi stated that staff was fine with the annual report, and once a 3000 kelvin option is available it can be switched out in 60 days.

Mr. Thiem asked for clarification on the interchangeability of the 3000 kelvin and 4000 kelvin lamps. Mr. Choi responded that it would involve potentially changing the heads out. Mr. Thiem asked if the fixtures would have to be replaced with the 3000 kelvin lamps. Mr. Choi said it is his understanding that it's compatible. Mr. Thiem asked if 3000 kelvin lights were being made today. Mr. Choi responded they likely are but are not in Duke's inventory. Mr. Thiem asked if there were tinted lenses that could be installed to turn warm up the color. Mr. Niffenegger responded no such globe was offered by Duke. Mr. Niffenegger reiterated that Duke is a regulated energy provider and their concern is with the longevity and maintenance of the fixtures. They are looking at the best return on investment, and the City is limited as Duke is the only energy provider.

With no objection from the committee, Mr. Davis closed the public hearing portion of the meeting.

Committee Discussion

The following points were made in discussion [speaker indicated in brackets]:

From my view a darkened street becomes a broader issue with health, safety and welfare. The City cannot go out shopping for another energy provider. [Thiem]

The lights are available, but we just cannot have them. [Davis]

People hate that bright light but Duke does not care. [David]
I am concerned about the dark streets they will have once the lights go out. [Thiem]
I do not want the commission to get in the way of people being safe. [Davis]
I think we are going to have to move ahead so people can have light. I accept in good faith what the City has said. I do not think we have a lot of choices here so we might have to move ahead. [Fountain]
I did mention in a previous hearing the legal provision of hardship. The City has a franchise relationship with Duke which has the authority to dictate certain things that the City has to live with. We have few options from Duke Power, and must weigh the safety considerations in the context of looking at the decision. [Raspberry]
If the Committee made a decision that the color is incongruous then the decision would be to approve with conditions in light of the 10.4.5 hardship. These conditions are defensible. [Tully]
I would suggest going along those lines. The code provisions trump the Guidelines based on the hardship. Or you could find that it is incongruous but the hardship exists. I'm referring to 5.4.H.3 of the UDO. [Raspberry]
Guideline 2.7.4 (from the previous *Design Guidelines*) mentions color. [Tully]

Findings of Fact and Conclusions of Law

Mr. Davis moved that based upon the facts presented in the application and the evidentiary hearing, the committee finds staff suggested finding A. (inclusive of facts 1-15) to be acceptable as findings of fact, with the modifications and additions as listed below:

- A. Replacing existing high pressure sodium (HPS) post top street light fixtures with new light emitting diode (LED) post top light fixtures is not incongruous according to *Guidelines* section 2.1.10, 2.1.11, 2.7.4, 2.7.5, 2.7.11; however, the 4000 kelvin lamp color is incongruous according to *Guideline 2.7.4*, and the following facts:
- 1* Forty-three leased light fixtures and poles are proposed to be replaced in the 100 to 500 blocks of Hillsborough Street. Thirteen of these are within the Capitol Square HOD.
 - 2* The existing fixtures are obsolete and the weathered lenses have diminished the output of light. The application states that the only servicing that can be done now is the replacement of some of the light bulbs, while other fixtures have damaged components that can no longer be serviced. New fixtures cannot be mounted to the existing poles.
 - 3* The proposed fixture is the Mitchell Top Hat LED (light emitting diode) with ribs, bands and medallions. The fixtures will be mounted on Style VI poles, which have a flared base in a style sympathetic to the light fixture and are painted black. Photos were provided.
 - 4* The existing fixtures utilize high pressure sodium (HPS) lamps.
 - 5* The application states that the lease agreement between the City and Duke Energy will be for 20 years, and with the likelihood that HPS lamps will no longer be available by the end of the lease agreement, the proposal is to switch to LED lamps which have the additional benefit of being more energy efficient.
 - 6* The existing HPS lamps have a golden yellow color. The proposed LED lamps have a color temperature of 4000 Kelvin (K), a whiter light than the existing HPS lamps. The proposed

fixture will somewhat soften the impact of the brighter light through the acorn-shaped globe. Evidence to support this claim was not provided.

- 7* According to the applicant light will be prevented from projecting upwards because of the cap on the top of the fixture.
- 8* The new lumen level will be relatively the same, but the perceived light will be much more effective and may even seem a bit brighter to the eye. This is due mainly to the clearer, whiter light produced by LED fixture heads.
- 9* LED bulbs have been approved by the committee provided the light color is of a warm tone. The proposed LED has a color temperature of 4000 Kelvins; this is considered a neutral white.
- 10* New LED street lights have been installed in other areas of the city, and the color temperature of the proposed new lighting will match that around the State Capitol grounds, along Fayetteville Street and in approximately 30,000 other fixtures throughout the city.
- 11* The lighting changes are primarily affecting governmental and commercial areas.
- 12* The *Design Guidelines* on page 20 states: "Depending on their location, streetlights ranged from elaborate designs, such as translucent globes mounted on cast-iron poles capped with decorative finials, to simple, bracketed globes mounted on utility poles. The light cast by these early fixtures was described as a soft yellow-toned glow rather than the harsher bluish-tone light cast by contemporary mercury vapor streetlights. Lighting manufacturers today [2001] offer high-pressure sodium vapor fixtures that produce a softer glow." And "Considerations in reviewing any proposed lighting fixture for compatibility should include location, design, material, size, color, scale, and brightness."
- 13* In 2016 a COA application for street lighting changes was denied (175-15-CA). The applicant, Raleigh Public Works Department, had proposed street light fixtures of a more contemporary design than that being proposed now, but also proposed using 4000 K LED lamps.
- 14* In 1995 a COA application for street lighting changes was denied (120-95-CA). The applicant, The Society for the Preservation of Historic Oakwood, had proposed street light fixtures that were determined to be an anachronistic marriage of a "plain, contemporary pole" contrasted "with a finialed luminaire and fluted mounting suggestive of late 19th or early 20th century design."
- 15* An amendment from the applicant offers a proposal that the applicant be allowed to install the 4000 K lamps that are currently available from Duke Energy if they agree to replace them with 3000 K lamps when that option becomes available from Duke Energy. From their application: "Further innovations in LED lighting technology in conjunction with evolving market conditions may result in Duke Energy Progress offering yellow-toned 3000 K temperature street lighting options in the future."
- 16* A hardship exists under the legal provisions of UDO 5.4.H.3

The motion was seconded by Ms. David; passed 4/1 (Davis opposed).

Decision on the Application

Following discussion on an initial motion made by Mr. Davis and seconded by Ms. David, Mr. Davis made an amended motion that the application be approved as amended, with the following conditions:

1. That City of Raleigh Department of Transportation staff communicate annually with RHDC staff on the availability of 3000 K lamps from Duke Energy Progress.
2. That this COA application also approves the installation of 3000 K lamps when available.

The motion was seconded by Ms. David; passed 4/1 (Davis opposed).

Committee members voting: David, Davis, Fountain, Hinshaw, Thiem.

Certificate expiration date: 1/27/18.

OTHER BUSINESS

1. Committee Discussion
 - a. Meeting Post-Mortem

ADJOURNMENT

Ms. Webb moved that the meeting be adjourned. Ms. David seconded the motion; passed 5/0.
The meeting was adjourned at 8:25 p.m.

Elizabeth Caliendo, Chair
Certificate of Appropriateness Committee,
Raleigh Historic Development Commission

Minutes Submitted by:
Tania Tully, Preservation Planner