

RALEIGH HISTORIC DEVELOPMENT COMMISSION
CERTIFICATE OF APPROPRIATENESS COMMITTEE
Minutes of the Meeting
December 27, 2018

CALL TO ORDER

Vice-chair Don Davis called the Certificate of Appropriateness (COA) Committee meeting to order at 4:02 p.m.

ROLL CALL

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

Present: Don Davis, Ian Dunn, Nick Fountain (arrived at 4:04 PM), Jeannine McAuliffe, Jimmy Thiem

Staff Present: Tania Tully; Melissa Robb; Collette Kinane; Francis P. Rasberry, Jr., Attorney; Roberta Fox

Approval of the November 26, 2018 Minutes

Mr. Thiem moved to waive the reading of the minutes for the hearing and to adopt said minutes as submitted. Mr. Dunn seconded the motion; passed 4/0.

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. Mr. Nick Fountain administered the affirmation.

<u>Visitor's/Applicant's Name and Address</u>	<u>Affirmed</u>
Patrick Nerz, 133 Fayetteville St, 6 th Floor, Raleigh	no
James and Rachel Bailey, 107 Cooke St, Raleigh	yes
Cleveland Pate, 510 S Person St, Raleigh	yes
Stephanie Schuller, 510 S Person St, Raleigh	yes
Marie Scheuring, 530 Elm St, Raleigh	yes
Atul Goel, 4409 Knightsbridge Way, Raleigh	no
Eric Lamb, PO Box 590, Raleigh	yes
Dorothy Leapley, PO Box 590, Raleigh	yes

REVIEW OF SUMMARY PROCEEDINGS/APPROVAL OF AGENDA

Ms. Tully requested that the last two cases on the agenda be reversed so that COA-0190-2018 at 530 Elm Street be heard prior to COA-0187-2018 at 400 E Lane Street right-of-way. Mr. Fountain moved to approve the agenda as amended. Mr. Thiem seconded the motion; passed 5/0.

SUMMARY PROCEEDINGS

There were no objections to the approval of the Summary Proceedings without a public hearing. The committee reviewed and approved the following case COA-0186-2018 for which the Summary Proceeding is made part of these minutes.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – SUMMARY PROCEEDING

COA-0186-2018 1001 WADE AVENUE

Applicant: PATRICK NERZ FOR EMPIRE IN THE OCCIDENT LLC

Received: 11/7/18

Meeting Date(s):

Submission date + 90 days: 2/5/2019

1) 12/27/2018

INTRODUCTION TO THE APPLICATION

Raleigh Historic Landmark: OCCIDENTAL LIFE INSURANCE BUILDING

Nature of Project: Install signage; remove three trees; alter patio; install windows

Staff Notes:

- Ordinarily, review of a sign installation is eligible for minor work approval by staff. However, the size of the proposed signage on the structure, in staff’s judgment, is substantial. According to the commission’s Bylaws and Rules of Procedure, Article XVI, “Staff will refer Minor Work projects to the commission for review if in staff’s judgment the change involves alterations, additions, or removals that are substantial, do not meet the guidelines, or are of a precedent-setting nature.”

Amendments: None

Conflict of Interest: None noted.

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	Alter patio; remove three trees
1.8	Signage	Install signage
2.7	Windows and Doors	Install windows

STAFF REPORT

Based on the information contained in the application and staff’s evaluation:

- A. The installation of signage and removal of three trees is not incongruous in concept according to *Guidelines* 1.3.2, 1.3.9, 1.8.2, 1.8.3, 1.8.5, 1.8.7, 1.8.8, 1.8.11, and the following suggested facts:
- 1* The property is a 1956 International style office building.
 - 2* The applicant has dimensioned plans of the original signage that will be used in the fabrication of the new signage.
 - 3* The proposed signage is to be an accurate reproduction of the building’s original signage.
 - 4* The proposed signage will be constructed of stainless steel. This is a traditional signage material.
 - 5* Each letter will be 5’ tall and have a 5” line width. The width of each letter and the total width of the sign is not indicated in the application.

- 6* The original signage on the building was present on the east façade and at the top of the building on the south façade. Only the east façade signage is proposed to be installed.
 - 7* The “Occidental” portion of the original signage will be fabricated and installed. The smaller “Life Insurance Company” text will be omitted.
 - 8* The applicant proposes to install the new signage in the same location as the original signage and, if possible, will use the original mounting locations or will install the signage through the joints between the façade’s limestone panels.
 - 9* The applicant proposes the removal of three Crepe Myrtle trees.
 - 10* The trees were planted at some point after the Occidental Life Insurance Company vacated the building in 1970 and the tree canopy now covers the original location of the Occidental signage.
 - 11* The trees are not integral to the significance of the landmark. According to the Landmark Designation Report (which is also the National Register Nomination) the building is significant for its architecture as the earliest major International Style office building in Raleigh. Its period of significance is its year of completion, 1956.
 - 12* The applicant provided two undated photographs of the building that show the appearance of the east façade prior to the Crepe Myrtles being planted.
- B. The alteration of the patio and installation of two windows is not incongruous in concept according to *Guidelines* 1.3.1, 1.3.2, 1.3.4, 1.3.12, 2.7.9, and the following suggested facts:
- 1* The alteration of a patio and installation of new windows are typically minor work items and have been added to this application for administrative efficiency. The application additionally mentions the addition of benches and other outdoor furniture pieces. Installation of furniture does not require a COA.
 - 2* The applicant proposes the replacement in kind of the patio concrete. The concrete will match the existing un-weathered concrete located under the eaves.
 - 3* Four concrete and brick planters are proposed to be installed on the patio.
 - 4* The planters are 18” tall and 15” deep.
 - 5* The planter materials are proposed to match existing materials found on site: the brick is proposed to match the existing brick and the concrete top is proposed to match the dimensions of the concrete trim located on the building.
 - 6* The applicant proposes the installation of two new windows on the west façade of the building. This elevation is considered the rear of the building, though it today faces Graham Street. This part of Graham Street does not appear on a 1959 street map of Raleigh.
 - 7* The windows are proposed to match the style of two windows that were added during a 1980s renovation (per the Landmark Report) to maintain a distinction between the original structure and the alterations. Specifications were not provided.

Staff suggests that the committee approve the application with the following conditions:

- 1. That there be no delay on the demolition of the trees;
- 2. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. Window Specifications

Decision on the Application

There were no objections to approval without an evidentiary hearing.

Mr. Fountain moved to approve the application, adopting the staff report as the written record of the summary proceeding on COA-0186-2018. Mr. Them seconded the motion; passed 5/0.

Committee members voting: Fountain, Davis, Dunn, McAuliffe, Thiem.

Certificate expiration date: 06/27/19.

PUBLIC HEARINGS

Chair Fountain 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: COA-0159-2018, COA-0190-2018, and COA-0187-2018

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0159-2018 510 S PERSON STREET

Applicant: STEPHANIE SCHULLER

Received: 10/10/2018

Meeting Date(s):

Submission date + 90 days: 01/08/2019

1) 11/26/2018 2) 12/27/2018 3)

INTRODUCTION TO THE APPLICATION

Historic District: PRINCE HALL HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Partially demolish structure; construct new building

Amendment: Revised drawings were provided at the hearing.

DRAC: An application was reviewed by the Design Review Advisory Committee at its October 29, 2018, meeting. Members in attendance were Dan Becker, Curtis Kasefang, and Mary Ruffin Hanbury; also present were Stephanie Schuller, applicant, Cleve Pate, architect; and Collette Kinane, staff.

Staff Notes:

- 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 Setting	Construct new building
3.3	New Construction	Construct new building
3.5	Non-residential new construction	Construct new building
4.2	Demolition	Partially demolish structure

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. Staff suggested that the Committee discuss the congruity of the proposed height in the Prince Hall HOD and should the Committee determine the height meets the *Guidelines*, staff suggested conditions.

Support:

Ms. Stephanie Schuller and Mr. Cleve Pate [both affirmed] were present to speak in support of the application. Ms. Schuller provided handouts with modified drawings based on the staff report. Mr. Pate reviewed the changes.

Opposition:

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

Responses and Questions:

Mr. Thiem said he was concerned with the location of the building on the site in relationship to the sidewalk and street. He asked what would happen if there were changes as the applicants proceed through the permitting process and whether they would have to come back to the COA Committee. Ms. Tully responded that it depended on the scale of the changes. Mr. Pate noted the current front stair encroaches on the right-of-way.

The Committee and applicants discussed discrepancies between the various drawings. Mr. Pate stated that the new drawings addressed the discrepancies. Mr. Pate responded to the points raised in the staff report. Ms. Schuller presented additional photos on screen and provided descriptions.

The Committee and applicants discussed railings for the roof deck, front stairs and ramp. Mr. Pate stated the railings were not finalized yet.

Mr. Davis said that three-story commercial buildings are not seen on this block, and that Person Street is primarily residential. The commercial buildings in the district are primarily one-story. Mr. Fountain concurred that he wanted more discussion about the height. Ms. Schuller said there is a difference between the height measured in feet versus measured in floors in Prince Hall. She said her proposal is about the same height as other two-story buildings. Mr. Pate added that the height of the Prince Hall building is approximately 45' and like other older buildings has a higher floor-to-ceiling height than their building which is about 36'. Some of the two-story buildings there are 29' tall, making their proposed three-story fairly low comparatively.

With no objection from the Committee, Mr. Fountain closed the public hearing portion of the meeting.

COMMITTEE DISCUSSION

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

The building design meets the *Design Guidelines*, but the height in this location is the issue.
[Davis]

The scale, height and massing are issues. We can see three-stories on either end of the block, and the context for the street has changed. There has not been a lot of commercial in the district but has the potential to increase. The large scale of the residential building to the north compared to the small scale of the commercial building now is the reverse of most areas where the taller buildings are commercial, and the lower buildings are residential. I think the height is appropriate in this location, but not when jumping across the street. My concern is that this will be replicated through the district. [Thiem]

That's where it will go. [Davis]

It's about maintaining an appropriate mix and keeping a balance. We will continue to struggle with this. [Fountain]

The three-story buildings here are residential, not commercial. Across the street is all residential. [Davis]

I have no problem with the height. [Dunn]

I don't either. [McAuliffe]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Thiem moved that based on the information contained in the application and materials and in the evidentiary hearing, the Committee finds staff suggested findings from the Staff Report, A. (inclusive of facts 1-4) and B. (inclusive of facts 1-28), to be acceptable as findings of fact, with the modifications and additions as listed below:

A. Partially demolishing a structure is not incongruous according to *Guidelines* 4.2.1, 4.2.2, 4.2.4, 4.2.5, and the following facts:

- 1* The subject property is described in the Prince Hall Historic District designation report as non-contributing.
- 2* The applicant states that the building is not suitable for repurpose.
- 3* The application proposes the demolition of the front, rear, and south facades; as well as the roof and partial floor structure.
- 4* The application does not present any evidence that the applicant has fully documented the building with photographs and drawings and deposited these materials with RHDC for storage.

B. Constructing a new commercial building is not incongruous in concept according to *Guidelines* 3.3.1, 3.3.2, 3.3.12, 3.5.2, 3.5.3, 3.5.5, 3.5.6, 3.5.7, and the three-story height is not incongruous according to *Guidelines* 3.3.7, 3.3.8, 3.3.9, 3.3.10, 3.3.11, and the following facts:

- 1* The Prince Hall Historic District features a historic mix of residential and commercial character buildings.
- 2* A site plan was provided illustrating the proposed setback of the building compared to nearby buildings. The front (east) wall of the new building is brought forward towards the sidewalk, with a centered door and stairs.
- 3* The proposed plan includes a ramp leading to the south side of the building.

- 4* The setback from the right-of-way and inclusion of plantings in the right-of-way is atypical for commercial buildings in most commercial historic districts. However, setbacks and plantings in the Prince Hall Historic District are somewhat inconsistent for the commercial buildings. Per the testimony of Mr. Pate this element was removed.
- 5* Per the testimony of Mr. Pate there are no trees on the site.
- 6* The application does not indicate whether the existing curb cut and driveway apron are proposed to be removed, nor were the design details and materials for the altered area provided. Per the testimony of Mr. Pate, the curb cut will not be altered and will not be used.
- 7* Photographs were provided showing other commercial buildings in Prince Hall and nearby Moore Square historic districts which were used as design references. Some of the examples shown are not in any historic district.
- 8* Photographs were also provided showing the mix of commercial and residential buildings in the Prince Hall historic district, as well as the variety of building forms and heights. The Prince Hall building is approximately 45' in height.
- 9* The proposed Person Street façade is three stories tall with a height of 36'-8". A street elevation was provided showing the proposed building and its two nearest neighbors. The top of the proposed front wall is lower in height than the front gables of the multistory residential building to the north. It is taller than the bungalow to the south by approximately 15'.
- 10* Evidence to support the proposed height of the building appears to be limited to photographs of other 3-story buildings in Prince Hall and Moore Square historic districts and other buildings that do not fall within historic districts. Guideline 3.3.7 states in part, "The height of new buildings should generally fall within 10 percent of well-related nearby buildings."
- 11* The building has a pedestrian scale which is typical of commercial buildings. This is done in part by emphasizing the ground floor base that features a recessed entrance with paired doors and a transom flanked by metal-framed storefront glass over recessed panels. The second and third floors feature three sets of paired windows that are aligned with the ground floor openings. The effect is that of a traditional early 20th century modest high-rise with a distinct base. Rows of corbelled bricks create a cornice above the ground floor and at the roof cornice. Details of the proposed cornices were not provided.
- 12* Materials proposed for the building are brick for cladding, aluminum for window frames, metal or fiber cement for the canopy, standing seam metal for the roof stair tower and screening, painted steel or aluminum railings, and fabric awnings. No material samples or specifications were provided.
- 13* Ornamental quoins are shown on the ground-floor street façade. Per the testimony of Mr. Pate, the quoins will be constructed of brick.
- 14* Brick is a material used on some of the historic buildings within the district and is a material commonly used to help create a sense of scale.
- 15* There appears to be an enclosed stair access to the roof that is dashed in. The material is shown as "bronze standing seam over brick." No details for the standing seam material were provided.

- 16* The roof plan shows a patio at the rear of the building with a privacy screen or railing. No materials were specified for either the patio or the privacy screen or railing, nor were detailed drawings provided.
- 17* The roof plan shows four rectangles that are not labeled. Per the testimony of Mr. Pate, the rectangles are intended locations for mechanical equipment. No HVAC equipment specifications nor screening were provided.
- 18* Per the testimony of Mr. Pate, a fabric canopy is proposed over the front door. No details or material samples were provided.
- 19* In Raleigh's historic districts fabric awnings are more typical for small-scale historic commercial buildings.
- 20* A fabric canopy is indicated on the south elevation by the side entry. No details or material samples were provided.
- 21* The front and rear façade windows are two-over-two and vertical in proportion, which is common in the historic district. The rear façade also includes paired square windows on the ground floor. The south façade features two rows of two-over-two windows in similar proportions to those found elsewhere, as well as a single circular window on the ground floor. No windows are shown on the north elevation. Window specifications were not provided.
- 22* A note on the drawings states "Window placement per tenant layout, max 10% glass." This note may indicate the elevation drawings are not finalized at this time.
- 23* The windows are proposed to be bronze or off-white cream aluminum. Specifications were not provided. Bronze is an atypical finish in the district.
- 24* Aside from street numbers located on the front door transom, no specifications for signage are shown. Per the testimony of Mr. Pate, no signage is planned to be attached to the building, but a ground sign will be.
- 25* Exterior lighting was shown on three elevations, but no lighting specifications were provided. Per the testimony of Mr. Pate, two lights will be installed on the front and one on the ADA entry at the side of the building.
- 26* Per the testimony of Mr. Pate, neither external gutters nor downspouts will be used. Rooftop drains and concealed downspouts will.
- 27* No exterior vents were shown on the plan or elevation drawings.
- 28* The drawings appear to show some inconsistencies;
- a. The ground floor plan shows the front portion of the south wall is inset slightly to allow for the ramp, but the front elevation drawing does not depict it accurately, nor does the fabric canopy appear on the front elevation;
 - b. A small Juliette balcony is shown on both the north (right) and south (left) side elevations at the rear of the building, but it does not appear on the rear elevation;
 - c. Window openings are not shown on the plan views that match the elevation drawings;
 - d. The location of the rooftop stair access tower appears to be inconsistent between the plan and elevation views;
 - e. The roof plan shows a rounded canopy on the front of the building that does not appear in the front elevation drawing.

29* Revised drawings were provided by the applicants at the December 27 COA meeting.

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

DECISION ON THE APPLICATION

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

1. That there be no demolition delay for the removal of the building.
2. That any changes to the approved plans that occur through the permitting process be brought back for review by RHDC staff or the COA Committee.
3. That detailed landscape plans and signage be submitted in a separate COA application.
4. That details and specifications for the following be provided to and approved by staff prior to issuance of the blue placard:
 - a. Full documentation of the building to be demolished with high-quality digital photographs and scaled, measured drawings of all facades, as well as a floor plan and roof plan;
 - b. An accurate set of plan and elevation drawings for the proposed building;
 - c. A site plan showing the location of all buildings and hardscape features;
 - d. The site plan should indicate whether the existing curb cut and driveway apron are proposed to be removed, as well as the design and materials for the altered area;
 - e. Detailed section and elevation drawings for the cornices;
 - f. Manufacturer's specifications for windows, showing both section and elevation views, muntin profiles and material descriptions.
5. That details and specifications for the following be provided to and approved by staff prior to installation:
 - a. Manufacturer's specifications for doors, showing both section and elevation views, and material descriptions;
 - b. Roofing materials;
 - c. Brick sample for body of building and front quoins;
 - d. Specifications and sample for material on canopies;
 - e. Standing seam metal specifications and/or material sample;
 - f. Detailed elevation and section drawings for railings on front porch, north side porch, south side ramp and roof top patio;
 - g. Detailed drawings and material samples for the fabric canopy on the south elevation by the entry;
 - h. Patio materials;
 - i. Roof privacy screen or railing;
 - j. Paint color swatches from paint manufacturer;

- k. HVAC location and screening;
- l. Manufacturer's specifications for exterior lighting;
- m. Address numbers;
- n. Gutters and downspouts, and location on building;
- o. Exterior vents, such as for kitchen and bathroom exhaust, and location on building.

The motion was seconded by Mr. Dunn; passed 4/1 (Mr. Davis opposed).

Committee members voting: Davis, Dunn, Fountain, McAuliffe, Thiem.

Certificate expiration date: 6/27/19.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0190-2018 530 ELM STREET

Applicant: JEFFREY AND MARIE SCHEURING

Received: 10/12/2018

Meeting Date(s):

Submission date + 90 days: 1/10/2019

1) 12/27/2018 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Install 66" fence and gate; remove and replace magnolia tree

Staff Notes:

- 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	Install 66" fence and gate; remove and replace magnolia tree
1.4	Fences and Walls	Install 66" fence and gate

PUBLIC TESTIMONY

Staff Introduction: Ms. Melissa Robb [affirmed] showed the location of the property on the map and noted highlights from the staff report. She stated the privacy fence was installed after the COA application was received, so it was now an after-the-fact application. Ms. Robb said evidence had been provided showing the installed fence appeared to vary from the original application in location and height. Staff suggested approval with conditions, including amending the conditions so that the fence not be installed forward of the garage front wall and that it not be over 6' in height

Support:

Ms. Marie Scheuring [affirmed] was present to speak in support of the application. Ms. Scheuring provided copies of a photograph showing the gate that had been installed and spoke about her need for a privacy fence based on the recently built garage to the north and ongoing security concerns.

Opposition:

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

Responses and Questions:

Mr. Fountain asked for clarification about the COA for the neighboring garage. Ms. Tully said it was a case from two years ago, and that Ms. Scheuring had filed a reconsideration request that the COA Committee denied. Mr. Fountain stated that he understood the applicant's frustration, but that the Committee can only address the current application at this time.

Ms. Scheuring and the Committee discussed the specifics of her application, especially the height and location of the fence. Ms. Scheuring stated the fence was supposed to be the same height as the existing fence but was unsure about the measurement. Mr. Thiem said that he measured the fence as 8" higher than shown on the application.

In discussing the request to remove the magnolia tree, Ms. Scheuring enumerated her concerns with the location of the tree and its impact on the walkway and utilities. She said she understood the tree was healthy and had no plans to replace it with another tree.

With no objection from the Committee, Mr. Fountain closed the public hearing portion of the meeting.

COMMITTEE DISCUSSION

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

I didn't see any evidence of damage to the walkway from the tree roots. I support delaying the removal of the tree. [Thiem]

Is there any way to know the age of the tree and how much life it has left? [Dunn]

No, it's hard to get that. My concern is more with the height of the fence and that is extended so far forward of the adjacent garage. [Thiem]

We should defer because of the height issue. [Davis]

I can't see any reason for it to extend beyond the front wall of the garage. [Fountain]

With no objection from the Committee, Mr. Fountain reopened the public hearing portion of the meeting.

PUBLIC TESTIMONY (2)

Ms. Scheuring stated that the fence had to be installed there because of the tree roots. Mr. Davis asked if the fence post couldn't have been placed back farther. Ms. Scheuring said her goal was to block her view of the garage door.

With no objection from the Committee, Mr. Fountain closed the public hearing portion of the meeting.

COMMITTEE DISCUSSION (2)

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

It's hard to approve the fence without knowing the height. [Davis]

The end point of the fence is the issue for me. [McAuliffe]

We should defer it to next month because of the height and location. [Fountain]

We need more information about the tree, especially the location of the roots and where the end fence post can safely go. [Davis]

We also need the measurement of the fence from the ground to the top of the fence. [Thiem]

Also bring in photos all around the tree. [Fountain]

Mr. Davis made a motion to defer the application. The motion was seconded by Mr. Thiem; passed 5/0.

The Committee members clarified that they need the applicant to provide the following:

- the fence height measured from the ground to the top of the fence, all along the length of the fence since there is a change in grade;
- the fence location shown on a site plan with the house, the tree and the neighboring garage;
- photos of the tree and its roots;
- information about the tree roots from an arborist certified by the International Society of Arboriculture (ISA), and the impact of the fence post installation on the roots.

Committee members voting: Davis, Dunn, Fountain, McAuliffe, Thiem.

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS – CERTIFIED RECORD

COA-0187-2018 400 E LANE STREET RIGHT-OF-WAY
Applicant: CITY OF RALEIGH DEPARTMENT OF TRANSPORTATION
Received: 10/12/2018 Meeting Date(s):
Submission date + 90 days: 1/10/2019 1) 12/27/2018 2) 3)

INTRODUCTION TO THE APPLICATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Install bikeshare docking station and wayfinding panel

Staff Notes:

- After-the-fact applications are reviewed as though the work has not been completed.
- 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>
1.1	Public Rights-of-Way & Alleys	Install bikeshare docking station and wayfinding panel
1.3	Site Features and Plantings	Install bikeshare docking station and wayfinding panel
1.8	Signage	Install wayfinding panel

PUBLIC TESTIMONY

Staff Introduction: Collette Kinane [affirmed] showed the location of the property on the map and photographs of the site.

Support:

Eric Lamb and Dottie Leapley [both affirmed] were present to speak in support of the application.

Ms. Leapley stated she would like to ask staff several questions. She handed out three sheets labeled "Exhibit A," "Exhibit B," and "Exhibit C." Ms. Leapley asked staff to confirm that the photographs were accurate, that the facilities are contemporary, do not use false historicism, are adjacent to a docking station, are comprised of two pieces of the facility, and that the top of the sign is no higher than the top of the stop sign. Ms. Kinane confirmed that those statements are accurate.

Ms. Leapley continued to ask staff if the sign is oriented to cyclists, is fairly compact in design, and that the station does not interfere with the sidewalk and is not actually on the sidewalk. Ms. Kinane stated yes.

Ms. Leapley asked if no historic structure, such as the granite curb, was damaged by the installation. Ms. Kinane stated possibly. Ms. Leapley referenced nearby facilities such as parks, playgrounds, etc. that have modern equipment. Ms. Tully stated that yes these do exist. Ms. Leapley acknowledged the contemporary nature of elements within Downtown Raleigh, such as wayfinding signs in historic districts that have been previously approved and large historic signs in the area, the Coca-Cola sign for example. Ms. Tully confirmed.

Ms. Leapley provided a printout of a PowerPoint presented by Mr. Lamb and a handout listing additional recommended findings in support of the application. She asked Mr. Lamb to verify his standing as an expert.

Mr. Lamb stated that he is a registered professional engineer with 25 years of experience. He used a PowerPoint presentation to describe the Citrix cycle program, the reason for selecting the proposed location, and provided details on the proposed Oakwood Station. The proposed Oakwood Station would not have the branding and exterior wrapping that other stations will have and will have an altered color scheme to better fit into the character of the historic district. Mr. Lamb also described a pangolin option to provide a lower-profile system that would not allow for riders to use a credit card to unlock the bicycles, but require the use of a phone app. The pangolin would have a black and white graphic on top of the device to provide instruction on how to use the station.

Opposition:

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

Responses and Questions:

Mr. Fountain asked for the size, height, and material composition of the panel. Mr. Lamb responded that he believes the panel is 6' tall.

Mr. Fountain stated that he thinks the proposed location would create a conflict with the stop sign. Mr. Lamb responded by showing a photograph of a similar example sited on Hillsborough Street. He stated that there are stop signs on both corners.

Ms. Kinane clarified that the application states that the panel is 90" or 7.5' tall.

Mr. Dunn asked if the map could be placed somewhere else. Mr. Davis asked if the map was available digitally. Mr. Lamb responded yes.

Ms. McAuliffe asked why the sign was placed so close to the corner, as opposed to placing it on the other end of the station. Mr. Lamb responded that it was simply where the vendor chose to

install the sign. Power has not yet been run to the units. Ms. Leapley added that the proposed location places the sign closer to the commercial end of the block. Moving it to the opposite end places it in the residential sphere.

Ms. Leapley asked if the tenants of the commercial building have voiced opinions on the location of the panel. Mr. Lamb stated that no complaints have been sent to him.

Ms. Leapley stated that the *Design Guidelines* allow metal as appropriate material for signs. It is clearly contemporary and of its time.

Mr. Davis asked if the obverse of the sign is intended to be used for advertising. Mr. Lamb responded that it is unknown at this time.

Mr. Theim stated that he noticed that bike racks are typically located on sidewalks. Mr. Lamb responded that they have started installing bike corrals on the street. U-racks are located on sidewalks.

Mr. Theim stated that right around the corner is a u-rack. There are poles proposed to be located in the street and the pangolin is located such that the bikes will have to be loaded in street-side. He asked if the station could be rotated 180-degrees to protect riders from vehicles. Mr. Lamb stated that the bike facilities are supposed to be on the street. Ms. Leapley added that the *Design Guidelines* are clear to maintain pedestrian use of the sidewalks. Additionally, orienting this way protects the granite curbing.

Mr. Theim stated that he is still struggling with the orientation and used an example of the new scooters. Ms. Leapley stated that it's to facilitate riding in the street as you travel from location to location.

Mr. Fountain stated that he had a question for staff regarding whether the panel is included in the application or not. Mr. Lamb stated that the wayfinding panel can be removed, but a pangolin will still be required to allow the station to function. Mr. Davis asked if the applicants objected to the use of the pangolin. Mr. Lamb responded no. Ms. McAuliffe asked if a more diminutive size sign was available. Mr. Lamb responded no, there are no other size options available. Ms. Leapley pointed out that the pangolin-only option only allows app users to pick up in this location.

Mr. Fountain asked again to verify that the presented options are the only height options available from the vendor.

Without objection Mr. Fountain closed the evidentiary portion of the hearing.

Committee Discussion

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

Although the sign is metal, it is not compatible with the character of the district. I support the removal of the signage and going with the pangolin option. [Davis]

All other regulatory signs are located on the sidewalk or off to the side of the street. I am concerned about off-site advertising. I acknowledge that we don't regulate safety. I am also not sure that this area deserves 10 spaces. I take issue with the statement that this is a commercial corner. It would be better described as mixed-use in nature, as two of the corners have residences. The white "bollards" have a tacky or cheap appearance. While I support having more bicycles in the neighborhood, I see conflict and struggle with the appearance of the signage and the scale. [Them]

How many bikes it holds is beyond the purview of our discussion. [Fountain]

I argue that it is significant because it affects the size of the station. [Them]

An initial motion for Findings of Fact was made and abandoned.

Some care is needed in using staff recommendations, which appear to be in favor of approval. [Rasberry]

I heard some additional facts from the presentation and evidence. There is a pangolin option that includes a small sign on top. [Tully]

Would you care to have staff and your counsel sort through staff suggested findings to provide something at next hearing? You could indicate your preference and have staff bring it back. [Rasberry]

To go through this tonight would be a challenge [Thiem]

I suggest we approve, then approve facts later [Davis]

Please use the Pangolin and images for this consideration [Leapley]

Let's set aside the findings of facts [Fountain]

DECISION ON THE APPLICATION

Mr. Davis made a motion that the application be approved as amended without the wayfinding sign.

The motion was seconded by Mr. Fountain; passed 4/1 (Them opposed).

Committee members voting: Davis, Dunn, McAuliffe, Thiem, Fountain.

Certificate expiration date: 6/27/19.

Draft findings were sent to the City's attorney for review and comment, and their suggested change was included.

CERTIFICATE OF APPROPRIATENESS
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

COA-0187-2018 400 E LANE STREET RIGHT-OF-WAY

Applicant: CITY OF RALEIGH DEPARTMENT OF TRANSPORTATION

Historic District: OAKWOOD HISTORIC DISTRICT

Zoning: General HOD

Nature of Project: Install bikeshare docking station and wayfinding panel

Conflict of Interest: None noted.

FINDINGS OF FACT

Based upon information contained in the Application, evidence received at the evidentiary hearing, including testimony and supporting materials offered by the witnesses, the Committee makes the following Findings of Fact:

- 1* The character of Oakwood is primarily single-family residential with occasional small-scale neighborhood commercial and institutional structures. The historic relationship of the streetscape to the residential properties is well preserved.
- 2* The application proposes the installation of a bikeshare docking station. The docking station is part of a larger system of docking stations, one of which is to be located at the non-historic GoRaleigh Station and was approved as a Minor Work (COA-0189-2018). There are discrepancies in the application that reference the GoRaleigh site instead of the proposed location.
- 3* In "Things to Consider As You Plan" of section 1.1 in the *Design Guidelines*, consideration should be given to the proliferation of street elements that may "result in visual clutter that bears little resemblance to the original appearance and clearly diminishes the historic character of the districts." Additionally, it states "In reviewing new or replacement features, such as streetlights, street furniture...compatibility with the character of the historic district should be considered in terms of location, design, materials, color, and scale."
- 4* The docking station is proposed to be located in the right-of-way in front of the property at 222 N Bloodworth Street. A site plan was provided.
- 5* Bicycle racks and corrals are typically located in commercial corridors rather than single-family residential areas. The proposed station is immediately adjacent to a commercial building.
- 6* Staff is unaware of any other bike racks or corrals within the Oakwood neighborhood.
- 7* The docking station is 25'11" long, 3' wide, and 2' tall and fits within the space of an on-street parking space
- 8* A wayfinding panel is proposed to be attached to the docking station. The wayfinding panel is 90" tall, 36" wide, and 17" deep. It is not illuminated.
- 9* If the wayfinding panel is not included, a pangolin is installed. A pangolin is similar in height and width to an individual dock, which is low to the ground. It appears as a rectangular metal box adjacent to the docking bays and is visually unobtrusive.

- 10* Mr. Eric Lamb testified that even without the larger sign the pangolin is needed to house the electronic portion of the dock. Signage will be provided on top of the pangolin in the form of a graphic with user instructions.
- 11* The panel, pangolin, and docking station are grey and black metal.
- 12* The wayfinding panel has a glass pane on each side. At the top of the wayfinding panel is a black metal sign that indicates the name of the station in white lettering. One side of the panel features wayfinding information. Mr. Lamb testified that the program is a public-private partnership and the obverse side of the sign may have commercial advertising in the future.
- 13* The sign faces are proposed to be located perpendicular to the right-of-way so that they do not directly face the street.
- 14* Six white plastic flexible posts are proposed to be located around the docking station. Only five posts are indicated on the site plan.
- 15* Insufficient evidence was provided to support the installation of a wayfinding sign of the proposed size and scale.
- 16* It is consistent with historic tradition in early Raleigh neighborhoods to provide new transportation options. The docking facility promotes the use of bicycles, which are traditional and non-motorized forms of transportation.
- 17* The docking station's placement in the first available parking space adjacent to a commercial structure preserves pedestrian access to sidewalks and does not disrupt pedestrian traffic.
- 18* The docking station is contemporary and presents a contemporary appearance. It does not attempt to create a false historical appearance.
- 19* The parking space is of contemporary asphalt construction and not of historic materials. No historic materials would be removed or damaged with the placement of the facility.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee makes the following Conclusions of Law:

1. The installation of a bikeshare docking station with pangolin with signage on its top is not incongruous according to *Guidelines* 1.1.1, 1.3.9, 1.8.5, 1.8.7.
2. The installation of a wayfinding sign is incongruous according to *Guidelines* 1.1.6, 1.1.7, 1.1.14, 1.3.9, 1.3.11, 1.8.2.
3. The Committee is hearing this case under the authority of Section 5.4.1.B.2. of the Raleigh Unified Development Ordinance (UDO).
4. The sole issue for the Committee's determination in this matter is whether the proposed work is not incongruous with the special character of the Historic Overlay District in light of the applicable *Guidelines* and other applicable provisions of the UDO.

DECISION

Based upon the forgoing, the Committee Finds, Concludes, and Rules that COA Application COA-0187-2018 be Approved subject to the following condition:

1. That the wayfinding panel as proposed not be installed, and the pangolin be provided in lieu of the wayfinding panel.

OTHER BUSINESS

1. Administrative Review of Conditions
 - a. COA-0157-2018, 405 E Franklin Street, Oakwood Historic Overlay District – After discussions between the Committee and applicants, the Committee approved the revised tree protection plan with one amendment; that the mulched area described as ‘provide 4-6” wood chips and temporary plywood inside critical root zone where equipment will need to enter the site’ and represented on the site plan by cross hatching be extended farther north along the southeast side of the tree protection fencing shown on the drawing as 20’-7” in length. Mr. Thiem made the motion for approval. The motion was seconded by Mr. Davis; passed 5/0.
2. Committee Discussion
 - a. Meeting Post-Mortem

ADJOURNMENT

The meeting was adjourned at 6:35 p.m.

Nick Fountain, Chair
Certificate of Appropriateness Committee,
Raleigh Historic Development Commission

Minutes Submitted by:
Melissa Robb, Preservation Planner
Collette Kinane, Preservation Planner