



MEETING AGENDA

Duluth Heritage Preservation Commission, Special Meeting
To view the meeting, visit <http://duluthmn.gov/live-meeting>

Monday, April 12, 2021, 12:00 PM
(Note: Special Date, Time, and Location)

1. Call to Order/Determination of Quorum

2. Public Hearings

-Historic Construction/Demolition Permit for 319 and 321 East Superior Street

3. Consideration of Minutes (March 8, 2021)

4. Communications

-Press Release for Information Meeting on Wed, April 14, 5:00 pm, for Reuse of Historic Old Central High School

5. Report of Final Disposition of Matters Previously Before the Commission (None at This Time)

6. Reports of Officers, Staff and Committees

-Planning Commission Items of Note

7. Consideration of Matters Regarding Commission Action

8. Other Business

-Change to the Zoning Code (UDC) Related to Local Historic Preservation
-Update on RFP for Historic Downtown Design Guidelines


9. Adjournment (Next Regular Scheduled Meeting (Monday, May 10, 2021))

NOTICE: The Heritage Preservation Commission will be holding its April 12, 2021 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Board will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to planning@duluthmn.gov prior to the meeting. Please include "HPC Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

Date: April 6, 2021
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: Pending Items on the April 2021 HPC

Public Hearing, Historic Construction/Demolition Permit

This item is an official public hearing item, so following commissioner discussion, there will be an opportunity for members of the public to address HPC and share their comments on the proposal. If there are a number of people wishing to speak, the HPC may want to consider limiting each speaker to no more than three to five minutes.

Communication

There is a note in the HPC Packet about an informational meeting on Wednesday, April 14, at 5:00 pm (over webex). The City is helping to host the event to allow the developer, Saturday Properties, to share their reuse plans with interested citizens.

Proposed UDC Text Change Regarding Local Preservation Review

In coordination with the City Attorney's office, staff is reviewing UDC provisions associated with historic preservation. The current language in the UDC has standards relates to historic districts and historic landmarks. The language is intended to be applicable for locally designated historic landmarks and the two locally designated historic districts. To reduce ambiguity, staff recommend an amendment to the applicable UDC section to clarify that the intent of local historic preservation efforts and the work of the Heritage Preservation Commission is on locally designated landmarks and districts. Included with the HPC packet is a draft ordinance, highlighting/reinforcing the phrases "local" and "locally designated".

Update on RFP for Historic District Preservation Design Standards

Proposals are due end of day Thursday, April 8, 2021. Staff will have an update for the members of the HPC at the Monday meeting.

Other Minor Items

City staff are expecting to receive a Historic Construction/Demolition application for reuse of the Former St. Louis County Jail, for review at the May 10, 2021, HPC meeting. It is part of the Duluth Civic Center District (Courthouse, Jail, City Hall, Federal Building), approved in 1995 (Ord 9262, File 92-193).

At the March HPC Meeting, the sunseting of the State Historic Tax Credit was discussed. HPC President Fortney sent a letter supporting the exertion of the Historic Tax Credits on behalf of the HPC.



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Date: April 6, 2021
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: PL 21-032 Historic Construction/Demolition Permit for 319-333 East Superior Street

A zoning application to allow the demolition of the two structures at 319 and 321 East Superior Street is coming before the HPC at their April 12, 2021, regular meeting. Included with this memo is a copy of the demolition plan, images from the site (color images are from late March 2021, and the black and white images are from late 2019). There was a very recent EAW related to this zoning application, a copy of which can be found at the link below. A copy of the record of decision is also included with the staff memo.

<https://duluthmn.gov/planning-development/environmental/environmental-assessment-worksheets/>

As a condition of approval of the historic demolition permit, the project proposer will photo document the interiors of both structures and will remove some front façade pieces off to use in the new project courtyard.

This item is an official public hearing item, so following commissioner discussion there will be an opportunity for members of the public to address HPC and share their comments on the proposal. If there are a number of people wishing to speak, the HPC may want to consider limiting each speaker to no more than three to five minutes.

From the UDC:

50-37.14 Historic construction/demolition permit.

This Section applies to applications for construction or demolition within a historic district or on a historic property listed in Section 50-18.3 where the city must confirm whether the application complies with the standards in Section 50-18.3 and with all other applicable provisions of this Chapter and state law.

A. Application.

An application for a historic construction/demolition permit shall be filed pursuant to Section 50-37.1.B;

B. Procedure.

The application shall be reviewed by the heritage preservation commission. The commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a decision to adopt, adopt with modifications, or deny the application based on the criteria in subsection C below;

C. Criteria.

The commission shall approve the application, or approve it with modifications, if the commission determines that the application complies with all applicable provisions of this Chapter and state law and that the work to be performed shall not adversely affect the historic preservation landmark or district based on adopted historic preservation guidelines.

**CITY OF DULUTH, MINNESOTA
DULUTH CITY PLANNING COMMISSION**

FINDINGS OF FACT AND RECORD OF DECISION

Date: April 1, 2021
RE: Decision on the Need for an Environmental Impact Statement
Project: 319-333 Superior St E Duluth MN

RESPONSIBLE GOVERNMENTAL UNIT

Duluth City Planning Commission
Attn: Adam Fulton, Deputy Director
Planning and Economic Development
Land Use Supervisor
(Planning Commission Secretary)
411 West First Street, Room 160
Duluth, MN 55802
218-730-5580
planning@duluthmn.gov

FINAL ACTION

Based on the Environmental Assessment Worksheet and related documentation for the above Project, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU) for this environmental review, concluded the following at their March 30, 2021 special meeting:

1. The Environmental Assessment Worksheet and related documentation for 319-333 Superior St E Duluth MN Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.
2. The record demonstrates that implementation of this Project does not have the potential for significant environmental effects. Therefore, the Duluth City Planning Commission makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement (EIS) for this Project.

FINDINGS OF FACT AND RECORD OF DECISION

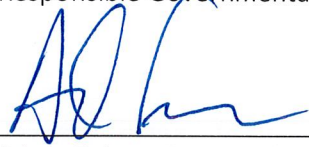
The Duluth City Planning Commission is the Responsible Governmental Unit (RGU) for environmental review of the proposed 319-333 Superior St E Duluth MN. The preparation of the Environmental Assessment Worksheet (EAW) was in accordance with the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) for a mandatory EAW: Historical Places (MN Rules 4410.4300 Subp. 31).

The EAW was reviewed at a special meeting of the Duluth City Planning Commission on March 30, 2021 and found to be complete for distribution. The EAW was filed with the EQB and circulated for review and comment to the EQB's EAW Distribution List. The notice was published in the EQB Monitor on February 23, 2021 announcing a 30-day comment period that ended on March 25, 2021. Legal ads were published in the Duluth News Tribune on February 19, February 26, and March 6, 2021 in addition to a news release issued February 23, 2021 informing the public that the EAW was available on the City of Duluth's web page or in paper form upon request. The legal ad and news release directed people with comments to file them with the City of Duluth Planning and Economic Development Department or to attend a public hearing on the matter.

The Duluth City Planning Commission held a public hearing on Tuesday, March 9, 2021, at 5:00 p.m. where no comments were received on the EAW document.

At its March 30, 2021 special meeting the Duluth City Planning Commission reviewed the EAW document and considered written comments and responses to comments before making a negative declaration on the need for an EIS.

Responsible Governmental Unit decision (listed above) attested to by:



Adam Fulton, Deputy Director of Planning and Economic Development

4/1/21
Date



MEMORANDUM

DATE: March 26, 2021

TO: Duluth City Planning Commission

FROM: Steven Robertson, Senior Planner

RE: Decision on 319-333 E Superior Street, Duluth MN EAW (PL 21-008)

At the March 30, 2021 special meeting, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU), will make a decision on whether an Environmental Impact Statement (EIS) is required for the 319-333 E Superior Street, Duluth MN Project. An EIS shall be ordered for projects that have the potential for significant environmental effects according to MN Rules, Part 4410.1700, Subp. 1.

According to the Rule, the RGU (Planning Commission) shall base its decision regarding the need for an EIS on the information gathered during the Environmental Assessment Worksheet (EAW) process and the comments received on the EAW (MN Rules, Part 4410.1700, Subp. 3). In deciding whether a project has the potential for significant environmental effects, the RGU shall compare the impacts that may be reasonably expected to occur from the project with the following criteria (MN Rules, Part 4410.1700, Subp. 6 & 7):

- a) Type, extent, and reversibility of environmental effects;
- b) Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- c) The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- d) The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Documents to be considered in the decision on the need for the EIS include:

- The EAW document posted at <https://duluthmn.gov/planning-development/environmental/environmental-assessment-worksheets/> (paper copies available by request)
- Comments received during the 30-day comment period (included in the Record of Decision)
- Responses to comments and draft Findings of Fact and Record of Decision prepared by staff (attached)



RECORD OF DECISION

319-333 E SUPERIOR STREET, DULUTH
MN EAW
DULUTH, MN

MARCH 26, 2021

Prepared for:
City of Duluth
411 West First Street
Duluth, MN 55802

WSB PROJECT NO.017127-000





Planning & Development Division
Planning & Economic Development Department

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CITY OF DULUTH, MINNESOTA

DULUTH CITY PLANNING COMMISSION

FINDINGS OF FACT AND RECORD OF DECISION

~ DRAFT FOR PLANNING COMMISSION CONSIDERATION ~

Date: March 26, 2021
RE: Decision on the Need for an Environmental Impact Statement
Project: 319-333 E Superior St, Duluth MN

BACKGROUND

Pursuant to Minnesota Rule 4410.4300, the City of Duluth has prepared an Environmental Assessment Worksheet (EAW) for the proposed 319-333 E Superior St, Duluth MN project (Project). This Findings of Fact and Record of Decision addresses the State of Minnesota environmental review requirements as established in Minnesota Rule 4410.1700. Northstar Development Interests, LLC is the project proposer and City of Duluth is the Responsible Governmental Unit (RGU).

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A Notice of Availability for the initial EAW was published in the EQB Monitor on February 23, 2021. Notices of Availability were published on the City of Duluth Website on February 23, 2021 and a notice was published in the Duluth News Tribune on February 19, February 26, and March 6, 2021. A public hearing was held on March 9, 2021.

The public comment period ended March 25, 2021. Comments were received from the MPCA, Duluth Fire Department, and seven members of the public. All comments were considered in determining the potential for significant environmental impacts.

BRIEF PROJECT DESCRIPTION

The project involves the demolition of three buildings in downtown Duluth at the southwest corner of Superior St E and N 4th Ave E that will be replaced by a 15-story mixed-use complex. The complex will house retail space on the first and second floors and 200 apartments including three townhome units. The new facility will provide parking for the three townhome units and a loading zone. Additional parking spaces have been secured in a parking ramp on an adjoining property.

COMMENTS RECEIVED, RESPONSES, AND OTHER DOCUMENTS REVIEWED

During the 30-day comment period from February 23, 2021 to March 25, 2021, seven written comments were received from the public (via email) and two agency/organization letters were received:

1. Karen Kromer, MPCA, March 23, 2021
2. Sandy McComb, Duluth Fire Department, February 16, 2021
3. Debora Almirall, Citizen, February 23, 2021
4. Dave Updegraff, Citizen, February 25, 2021
5. Rhett Abrahamson, Citizen, February 26, 2021
6. Mavis Gagne, Citizen, March 3, 2021
7. Chris Wilcox, Citizen, March 4, 2021
8. Respect Starts Here and Dr. Eric Ringsred, Citizen, March 25, 2021
9. Christine Dearing, Citizen, March 25, 2021

The RGU held a public hearing on Tuesday March 9, 2021, 5:00 p.m. No comments were received.

Table 1 provides the EAW comments and responses to each.

TABLE 1. Environmental Assessment Worksheet Record of Decision for the 319-333 E Superior Street Project

Response to Public Comments

March 2021

Comment Number	EAW Content/Section Number	Comment	Response
<i>MPCA Comments – Karen Kromer, Project Manager, Environmental Review Unit</i>			
1.	Permits and Approvals (Item 8)	If the redevelopment disturbs less than 1 acre of land and is not part of a larger common plan of development taking place on a different timeline, the National Pollutant Discharge Elimination System/State Disposal System General Construction Stormwater permit is not required. However, since the site is located near Lake Superior, the Project proposer is encouraged to implement improvements, such as use of green stormwater infrastructure practices, to reduce stormwater runoff contributing to Lake Superior. Please direct questions regarding Construction Stormwater Permit requirements to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us .	Comment noted.
2.	Contamination/Hazardous Materials/Wastes (Item 12)	As noted in the EAW, there are several properties near the Project area with actual or potential soil and/or groundwater contamination. State law requires that persons properly manage contaminated soil and water they uncover or disturb - even if they are not the party responsible for the contamination. Developers considering construction on or near contaminated properties should begin working early in their planning process with the MPCA’s Brownfields Program to receive necessary technical assistance in managing contamination. For some properties, special construction might be needed to prevent the further spreading of the contamination and/or prevent vapors from entering buildings or utility corridors. Information regarding the Brownfields Program can be found at: https://www.pca.state.mn.us/waste/brownfields . If contamination is found, it must be reported immediately to the state duty officer at 651-649-5451 or 800-422-0798.	Developers have been encouraged to begin working early in their planning process with the MPCA’s Brownfields Program to receive necessary technical assistance in managing contamination.
3.	Noise (Item 17)	The MPCA appreciates the Project proposer’s attention to construction noise in the area. Given	Comment noted

Comment Number	EAW Content/Section Number	Comment	Response
		<p>the Project’s proximity to Interstate 35 (I-35), however, it would be reasonable for the Project proposer to conduct a noise study (monitoring) at the site to understand any potential noise impacts from I-35 on inhabitants of the newly-constructed residences. Doing so could help identify mitigation techniques that could be used in building construction to successfully attenuate any noise attributable to traffic on I-35, so that residents inside their homes are not impacted by the traffic noise. For noise related questions, please contact Fawkes Char at 651-757-2327 or Fawkes.Char@state.mn.us.</p>	
Email Submission Comments – Sandy McComb, Division of Life Safety, Fire Marshall			
1.	General	<p>The above referenced property has been identified as a vacant building due to one or more of the following criteria:</p> <ul style="list-style-type: none"> • Unoccupied/Unsecure for 30 days or more <p>Please complete and return the enclosed Vacant Building Registration Form with payment of fee within 10 days. Unpaid fees shall be levied and collected as a special assessment against the property as provided for under Section 10-3 of the Duluth City Code.</p>	<p>Comment noted. The owner will be required to submit any required documents to the City as part of development review and permitting.</p>
Email Submission Comments – Debora Almirall, Citizen			
1.	General	<p>Hello - Thank you very much to comment on this proposed project. Duluth does need housing, but we do not need more expensive, upscale housing. I would be in favor of this project should the rents be categorized as "affordable" according to HUD guidelines. I am certainly not in favor of another expensive apartment project going up, particularly if it will receive tax increment financing or tax credits and not pay its fare share. Unfortunately, the city has had a number of projects which received tax breaks for developers who did not need a tax break and we have no place for regular people to live. Look around downtown, there are plenty of vacant spaces which could be renovated to serve this purpose should it be needed. There are already many upscale housing projects, Endi, Bluestone(where another building is coming online shortly), Kenwood, Stoneridge,etc. which are not yet full. It would also be good to have a grocery store in the downtown area, but maybe</p>	<p>Comment noted</p>

Comment Number	EAW Content/Section Number	Comment	Response
		<p>one could be put into the bottom of the nearly empty maurices building or one of the other empty spaces of which there are many. If it is an upscale grocery, Fitger's already has the marketplace which is right across the street. I would hate to see that one close due to another one so close. Again, thank you for the opportunity to comment. I would rather see the city take this money and put it towards some regular housing in the east hillside. Thanks!</p>	
Email Submission – Dave Updegraff, Citizen			
1.	General	<p>I applaud the City of Duluth for this project. Derelict old buildings are pointedly not historical or cultural landmarks. I am also encouraged by the housing density and lack of wasteful surface parking spaces. Obviously in a better world some provisions for low income access to the units would be ideal, so hopefully some compromise can be made there. There is just so much.. so very much, old, terribly substandard and energy-wasteful housing in Duluth, that any project like this is a step in the right direction.</p>	Comment noted.
Email Submissions – Rhett Abrahamson, Citizen			
1.	General	<p>Hello, What has the DHPC done to aid and prevent the two contributing historic buildings from being demolished, as part of this monstrosity of a proposed project? The indication of “continuing education of the citizens of the city with respect to the historic and architectural heritage of the city” does not seem to apply here? Why has the DHPC not advocated against the loss of these two buildings?</p>	<p>The historical review of the existing building has been included in the EAW. Additional review of the project will occur during the permitting phase of the proposed project.</p>
Email Submissions – Mavis Gagne, Citizen			
1.	General	<p>I think we need a long-term plan to conserve the view of Lake Superior. It seems as if this could be at risk. Davis California has set a restriction on buildings and industry that supports the downtown small business, conserving the downtown from the mega businesses. Can we protect the view for our citizens? Are their empty spaces and buildings that could be developed? Could you restrict the height? Our greatest asset, Lake Superior is precious to all.</p>	<p>The City of Duluth has described a viewshed planning process in the 2006 Comprehensive Land Use Plan. An updated process for evaluating important views would support the establishment of parameters regulating the development types and heights across Duluth (<i>Imagine Duluth 2035</i>). Through this process, important vistas have been</p>

Comment Number	EAW Content/Section Number	Comment	Response
			identified, including views from Skyline Parkway. This project will not impact the views from Skyline Parkway.
Email Submissions – Chris Wilcox, Citizen			
1.	General	I am wondering if the 319-333 E. Superior Street project would cause property taxes to rise? What would the expenses look like? Personally, I don't have the money to live there and if property taxes were to rise, I am opposed to this type of housing coming into our city. I would say we need more lower-income housing instead.	Comment is not related to the content of an EAW. No response required.
Respect Starts Here and Dr. Eric Ringsred, Citizen			
1.	Necessity for this project	<p>In the EAW we see some general commentary that this project somehow fills a need for housing in Duluth. I would challenge that idea, and request a serious evaluation of the housing supply in Duluth, and the project's effect on the housing market in Duluth.</p> <p>One constantly hears about the need for more housing in Duluth. This flies in the face of common sense and logic. Duluth has gained many housing units over the past 5 years, this should be documented. And the units proposed for the renovation of Old Central High School only 5 blocks away from this proposed project. We are not gaining population. The universities have lost enrollment. Children are increasingly staying longer at home with parents into adulthood. One sees numerous "for rent" signs all over town, where we did not see these 5 or 10 years ago. If there is a housing surplus, as we suspect there is, this project will weaken the rental market overall, there will be more empty units, and less ability by landlords to maintain those existing units. The result is neighborhood deterioration and blight.</p> <p>These issues will need to be reviewed in an Environmental Impact Statement.</p>	Comment noted.
2.	Impact on Historic Resources	This project destroys the Hacienda Building and the Oriental Grocery Building, which are considered protected resources under state and federal law. There is no evaluation as to whether this project can be built on another site; nor of other alternatives such as construction over the top of these 2 historic buildings.	Both the Hacienda Building and the Oriental Grocery Building are privately owned properties. Although they have been identified as "contributing resources" to the <i>National Register of</i>

Comment Number	EAW Content/Section Number	Comment	Response
			<i>Historic Places</i> (NRHP) listed Duluth Commercial Historic District, neither is individually eligible. Protection of contributing resources does not come with NRHP listing. The EAW provides an overview of the history and condition of the structures as well as proposed impact to the structures.
3.		<p>The destruction of the Hacienda Building and Oriental Grocery Building is a “significant environmental effect” which will require an Environmental Impact Statement. The purpose of an EAW under Minnesota law is to determine whether there is “potential for significant environmental effects” of a proposed project.</p> <p>“The responsible governmental unit's decision on the need for an environmental impact statement must be based on the environmental assessment worksheet and the comments received during the comment period, and must be made within 15 days after the close of the comment period.” Minn. Stat. 116D.04 Subd. 2(d)</p>	Comment noted. The purpose of the EAW process is to determine if an Environmental Impact Statement is needed.
4.	Environmental Standards for this Project to Move Forward	Subd. 6.Prohibitions. No state action significantly affecting the quality of the environment shall be allowed, nor shall any permit for natural resources management and development be granted, where such action or permit has caused or is likely to cause pollution, impairment, or destruction of the air, water, land or other natural resources located within the state, so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its air, water, land and other natural resources from pollution, impairment, or destruction. Economic considerations alone shall not justify such conduct.	Comment noted.
Email Submission – Christine Dearing, Citizen			
1.	General	Governor Walz and Attorney General Keith Ellison are currently suing the oil industry over the environmental effects of carbon emissions in the	Greenhouse gas emissions is described under Section 16 of the EAW.

Comment Number	EAW Content/Section Number	Comment	Response
		<p>State of Minnesota. Please see: https://climateinvestigations.org/climate-lawsuit-state-of-minnesota-v-exxonmobil-koch-industries-api-june-2020%E2%80%9F%BB%BF/</p> <p>The City of Duluth over this past year has established an office of “sustainability”. According to their web site, Duluth has a goal of 80% reduction of Greenhouse gasses by 2050. Have they been consulted on this project? Carbon emissions are the ultimate “sustainability” issue. This issue requires thoughtful analysis in a full Environmental Impact Statement.</p> <p>The Northstar Tower project at \$75 million of construction would incur a huge carbon footprint. I don’t see anything about this in the EAW; and nothing about mitigation. This issue is far more important than the environmental issues that are discussed in the EAW. There needs to be some quantification of CO2 emissions into our planet’s atmosphere to allow informed decision making, and to approve this project moving forward.</p> <p>The calculator at Green Footstep http://www.greenfootstep.org/ is an example of one tool that can be used in determining a building project’s greenhouse gas emissions from site development, construction, and operation. Using this Calculator yields the following estimated results for the Northstar Tower Project:</p> <p>1) Construction CO2 : 200 x 150 sq. ft. per floor x 15 floors = 450,000 sq. ft. = 50,000 sq. meters x .404 metric tons per sq. meter = 20,200 metric tons = 44,440,000 lbs. CO2 emissions</p> <p>2) Operational CO2 50,000 sq. meters x .096 metric tons per sq. meter per year = 4,809 metric tons per year = 10,580,000lbs CO2 per year or 211,600,000lbs over the next 20 years</p> <p>3) Transportation Transportation estimated on p. 27 of EAW = 2270 weekday trips x 1 gallon fuel per trip x 20 lbs. CO2</p>	<p>The EQB is currently updating their recommendations for the inclusion of greenhouse gas (GHG) emissions into the EAW process. The recommendations on the proposed rule state an EIS be triggered with a threshold of 100,000 tons per year of CO₂e released by the project. It is not expected for this project to exceed the recommended threshold in the proposed rules under consideration of the EQB.</p>

Comment Number	EAW Content/Section Number	Comment	Response
		<p>emissions per gallon = 45,400 lbs./week (20.63 metric tons/week) = 2,360,997 lbs./year (1,073 metric tons/</p> <p>This project clearly has “the potential for significant environmental effects” which is the threshold for preparing an Environmental Impact Statement.</p> <p>116D.04 ENVIRONMENTAL IMPACT STATEMENTS. Subd. 6.Prohibitions. No state action significantly affecting the quality of the environment shall be allowed, nor shall any permit for natural resources management and development be granted, where such action or permit has caused or is likely to cause pollution, impairment, or destruction of the air, water, land or other natural resources located within the state, so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its air, water, land and other natural resources from pollution, impairment, or destruction. Economic considerations alone shall not justify such conduct.</p>	

ENVIRONMENTAL ISSUES SUMMARY

Based upon the information contained in the EAW and provided in written comments received and in response to those comments, the City of Duluth has considered the following summary of environmental issues identified for the 319-333 E Superior Street Project:

1. Removal of two resources from the Duluth Commercial Historic District

Demolition of the Hacienda del Sol and Duluth Oriental Grocery would remove two contributing resources from the Duluth Commercial Historic District. However, setting and feeling of the district has been compromised with the 2006 construction of the adjacent 11-story Sheraton Hotel. The current vacancy of the Hacienda del Sol and Duluth Oriental Grocery place safety risks on the landowners and City and create a potential fire hazard for the historic district. Incorporation or reuse of the existing structures is not practical. The creation of a mixed-use complex will open access to the downtown historic district, create much needed housing and commercial space and promote the cultural opportunities within the existing district.

The project has the potential to affect the adjacent and nearby contributing resources. Protective measures could be implemented to provide adequate protection to adjacent historic buildings.

Additional mitigation measures may include:

- Interpretation and signage acknowledging the non-extant properties.
- Salvage opportunities for historic components prior to or during demolition.
- Recordation of the Hacienda del Sol and Duluth Oriental Grocery buildings following the Minnesota Historic Property Record (MHPR) guidelines for Level I or Level II Documentation.

2. Obstruction of views of Lake Superior

The project site is located three blocks from Lake Superior and the lake can be viewed from the site. The proposed 15-story building may obstruct views of the lake from further uphill despite significant elevation change. The neighboring property to the southwest of the project site is an 11-story hotel and condominium complex that nearly matches the height of the proposed building and new construction adjacent to the northeast of the project will be an 18 story medical facility. New construction of tall structures in this general area will naturally obstruct some views of the lake. The City of Duluth has described a viewshed planning process in the 2006 Comprehensive Land Use Plan. An updated process for evaluating important views would support the establishment of parameters regulating the development types and heights across Duluth (*Imagine Duluth 2035*). Official viewsheds, evaluation, and implementation actions have not been created, however, important vistas have been identified, including views from Skyline Parkway. The nearest section of Skyline Parkway is located approximately 0.7 miles to the north and northwest of the project site and views are not expected to be impacted by the project development. Elevation at the project site is approximately 660 feet above sea level (ASL) and Skyline Parkway is over 1000 feet ASL.

3. Increased Traffic

Both traffic and noise/dust will be temporarily impacted during construction activities and be restored once construction is complete. Road and alleyway closures will be coordinated among nearby projects to limit impacts to traffic. Concurrent schedules will also limit the timeframe where noise and dust will be produced, limiting impacts to sensitive receptors.

COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA UNDER MN RULES:

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the RGU (in this case, the Duluth City Planning Commission) must compare the impacts that may be reasonably expected to occur from the project with the four criteria by which potential impacts must be evaluated (Minn. Rules, Part 4410.1700, Subp. 7.A through 7.D)

A. Type, extent, and reversibility of environmental impacts:

Based upon information provided in the EAW and the Responses to Comments, including the comments and responses received by the MPCA, Duluth Fire Department, and members of the general public, the City of Duluth concludes that the potential environmental effects of the project, will be limited and can be addressed through the permitting process.

B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project:

The 319-333 E Superior Street project would not contribute to any negative cumulative potential effects when viewed in connection with other projects slated for implementation, or previously implemented in or near the project site.

C. The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project:

Mitigation of any adverse environmental impacts from the project will be achieved through design and inclusion of best management practices (BMPs) and through regulations currently in place, including permit approvals, enforcement of regulations or other programs as listed here:

Table 5. Required Permits

Unit of Government	Type of Application	Status
State		
Pollution Control Agency	NPDES/SDS Construction Stormwater Permit	To be obtained, if needed
	Section 401 Certification	To be obtained, if needed
	Pre-demolition checklist and notification	To be completed
	Response Action Plan	To be obtained

Unit of Government	Type of Application	Status
	Sanitary Sewer Extension	To be obtained, if needed
Department of Health	Watermain Extension Plan Review	To be obtained, if needed
Local		
City of Duluth	Right of way permit	To be obtained
	Zoning approvals	To be obtained
	NPDES Excavation/sewer/backfill/utility connection permit	To be obtained
	Building Permit	To be obtained
	Demolition Permit	To be obtained
	Erosion and sediment control permit (ESCP)	To be obtained
	Shoreland Permit	To be obtained

D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer including other EIS's:

No use of any other EA's, EIS's, or other public agency documents would be needed to anticipate/control environmental effects. Environmental effects from the project would be controlled using Minnesota specific best management practices (when appropriate) during construction.

DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Minnesota Rules 4410.0300 Subp. 3. Purpose states (in part)

Environmental documents shall not be used to justify a decision, nor shall indications of adverse environmental effects necessarily require that a project be disapproved. Environmental documents shall be used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality.

Minnesota Rules 4410.0300 Subp. 4. Objectives further sets forth:

The process created by parts 4410.0200 to 4410.6500 is designed to:

- A. provide usable information to the project proposer, governmental decision makers and the public concerning the primary environmental effects of a proposed project;*

- B. provide the public with systematic access to decision makers, which will help to maintain public awareness of environmental concerns and encourage accountability in public and private decision making;*
- C. delegate authority and responsibility for environmental review to the governmental unit most closely involved in the project;*
- D. reduce delay and uncertainty in the environmental review process; and*
- E. eliminate duplication.*

Based on the Environmental Assessment Worksheet and related documentation for this Project, the planning staff recommend that the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU) for this environmental review, makes the following conclusions:

1. The Environmental Assessment Worksheet and related documentation for the 319-333 E Superior Street Project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.
2. The record demonstrates that implementation of this Project does not have the potential for significant environmental effects. Therefore, the Duluth City Planning Commission makes a Negative Declaration and does not require the preparation of an environmental impact statement (EIS) for this Project.

Recommended Motion: Motion to adopt the Record of Decision regarding the Environmental Assessment Worksheet for 319-333 East Superior Street, making a finding of no potential for significant environmental effects; a Negative Declaration and that preparation of an Environmental Impact Statement is not required; and adopting and incorporating the entirety of the City of Duluth Planning File PL21-008 as findings supporting the determination.



ESTABLISHED 1922

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OLD-0-9





HACENDA DEL SOL - ESTABLISHED 1967



HACIENDA DEL SOL · ESTABLISHED 1982





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NO
STREET
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Heritage Preservation Commission
March 8, 2021 Meeting Minutes
Web-Ex Meeting Format

Due to the COVID-19 emergency, the HPC members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency.

1. Call to Order and Roll Call

President Jessica Fortney called to order the meeting of the Heritage Preservation Commission (HPC) at 12:11 p.m. on Monday, March 8, 2021.

Attendance: (Via WebEx video conferencing – all votes conducted via roll call)

Attending: Ken Buehler, Stacey DeRoche, Jessica Fortney, Brandon Hartung, and Sarah Wisdorf

Absent: Mike Poupore

Staff Present: Steven Robertson and Cindy Stafford

2. Public Hearings

PL 21-013 Historic Construction Permit and Certificate of Appropriateness for the Redevelopment of Historic Old Central High School (with SPHO Comments as of 2/11/21); President Fortney gave an overview. Steven Robertson noted the applicants are in attendance, and will make a presentation and welcome questions. Mike Gordon of AWH Architects addressed the commission. They are very familiar with historic tax credit projects, which consists of 70% of their business. They will be converting the building to housing, and will not be altering the exterior. The building's loading dock is slated for removal, but it is non-historic, and was built in 1973. They are retaining as much of the interior historic fabric as possible. New elevators will be installed. They are passionate about working with old buildings and welcome questions. Stacey DeRoche asked how State Historic Preservation Office's (SHPO) concerns are being addressed regarding the elevators and the auditorium. Gordon noted they are providing SHPO with more information. The building needs to be code compliant. They plan to retain the main auditorium. Revised plans will be forwarded to SHPO by this Friday. Robertson noted page 41 of the staff packet. The items in red (including the stairs) will be removed. The stairs will be rebuilt for safety reasons. Ken Buehler asked how far along is the overall project. Gordon stated this is a big project, but in general feels it is moving along nicely. They are happy to be working with Saturday Properties. Kim VanDynHoven of Saturday Properties noted the financing is progressing well. Buehler asked how many tenants will the building house. Gordon stated there will be 125 units, so it depends on how many people live in each unit. Chair Fortney noted she appreciated the mortar analysis and feels it is important to have the mortar and masonry done correctly. She also likes the window detail and the retaining of the terrazzo floors. Gordon noted the windows will be replaced according to SHPO guidelines. Chair Fortney referred to the new elevators, and confirmed there would be no protrusion through the roof. Gordon noted the elevators will have four stops and the over-run will go into the attic space. There will be no protrusion through the roof. Deputy Director Adam Fulton thanked the HPC Commissioners, and noted this is a really important project for the city of Duluth. It is a city defining structure which has great potential for success. He values HPC's role in development.

Public Comment: There were no speakers. Robertson noted there was no communication from the public via email either.

Commissioners: Buehler enjoyed reading the 1993 Historic Designation literature. As long as the developers address SHPO's concerns, he feels this is a game changer for downtown Duluth, and is a gorgeous building. Chair Fortney thanks the applicants and the commissioners.

MOTION/Second: Buehler/DeRoche approve the historic construction permit and the Certificate of Appropriateness for the Redevelopment of Historic Old Central High School

VOTE: (5-0)

3. Consideration of Minutes

February 8, 2021

MOTION/Second: Fortney/Buehler approve the minutes

VOTE: (5-0)

4. Communications - Nothing new.

5. Report of Final Disposition of Matters Previously Before the Commission

EAW 319-333 E Superior Street Redevelopment - Robertson gave an overview and noted the HPC has one more opportunity to submit a comment. The planning commission is accepting verbal comment tomorrow night. He noted no action from the HPC is needed at this time.

6. Reports of Officers, Staff and Committees

Planning Commission - Commissioner Sarah Wisdorf gave an overview, and noted the PC will be discussing the EAW tomorrow and welcomes HPC comments. Chair Fortney noted page 19 and the list of historic properties, which it is recognized as such. She noted the mitigation strategies in the proposal. Robertson stated if the EAW is deemed sufficient, the HPC may see the demo permit approval come to them in April. Chair Fortney asked if the item will be open to the public at that time. Robertson affirmed.

7. Consideration of Matters Regarding Commission Action – No items.

8. Other Business

Robertson noted there will be a Comp Plan progress presentation at tomorrow's planning commission meeting. He noted there is pending legislation to extend the state historic tax credits. Robertson is working on obtaining a direct contact. The HPC can comment individually, or as a group. Wisdorf thought it would be beneficial to have an official HPC statement. She thinks they should move forward with a letter of support. Buehler agrees. Chair Fortney stated she can work on a letter of support to present at their next meeting.

MOTION/Second: Wisdorf/Hartung the HPC is in support of the state extending their historic tax credits and authorize President Fortney to create a letter on behalf of the HPC to voice their support

VOTE: (5-0)

9. Adjournment

Adjournment at 12:53 p.m. (Next meeting scheduled for Monday, 4/12/2021)

Respectfully,

Adam Fulton – Deputy Director
Department of Planning and Economic Development

FOR IMMEDIATE RELEASE



City of Duluth Communications Office

Mayor Emily Larson
411 West First Street • Duluth, Minnesota 55802 • www.duluthmn.gov

*For more information contact Kate Van Daele,
Public Information Officer at 218-730-5309*

DATE: 4/5/2021

SUBJECT: City and developer to host public meeting on the reuse and revitalization of Historic Old Central High School

BY: Kate Van Daele, Public Information Officer

City and developer to host public meeting on the reuse and revitalization of Historic Old Central High School

[Duluth, MN] Saturday Properties, along with staff from the City of Duluth, will host a virtual meeting on Wednesday, April 14, from 5:00 to 6:30 p.m. to share plans for the reuse of the Historic Old Central High School at 200 North 1st Avenue East. The virtual meeting will include a short presentation from Saturday Properties, the site developer, and their contracted architect AWH on the site's plans to be revitalized from the historic high school into multifamily apartments.

Saturday Properties will renovate the historic structure to house approximately 125 rental units, primarily market-rate rental. The additional proposed housing in this area will take advantage of the excellent access to nearby commercial businesses, local employers, and recreational amenities.

The reuse of the structure will preserve the unique architectural character of this important local landmark. Saturday Properties will maintain and restore the Historic Old Central High School, ensuring its longevity for years to come. For more information on the project, visit www.zenithdchs.com.

To join the meeting, please visit <https://duluthmn.gov/live-meeting>. Once at the web address, click on the section for Planning & Development Public Meetings.

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Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Date: April 5, 2021
To: Heritage Preservation Commission and Planning Commission
From: Steven Robertson, Senior Planner
RE: Proposed UDC Text Amendments Related to Historic Preservation

In coordination with the City Attorney's office, staff is reviewing UDC provisions associated with historic preservation. The current language in the UDC has standards relates to historic districts and historic landmarks. The language is intended to be applicable for locally designated historic landmarks and the two locally designated historic districts. To reduce ambiguity, staff recommend an amendment to the applicable UDC section to clarify that the intent of local historic preservation efforts and the work of the Heritage Preservation Commission is on locally designated landmarks and districts.

..Title

AN ORDINANCE AMENDING SECTIONS 50-18.3, 50-36.3, 50-37.14, 50-41.8 AND 50-41.12 RELATED TO HISTORIC PRESERVATION

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-18.3 of the Duluth City Code, 1959, as amended, be amended as follows:

50-18.3 Historic Resources Overlay (HR-O).

A. Purpose.

The purpose of this Section 50-18.3 is to preserve, protect and promote any areas, places, buildings, structures, lands, districts and other objects having a special historical, community or aesthetic interest or value through a process of local designation. The provisions of this section are not intended to apply to historic districts or landmarks designated under authority of federal or state law. The Historic Resources Overlay:

1. Safeguards the heritage of the city by preserving properties that reflect elements of the city's cultural, social, economic, political, engineering, visual or architectural history;
2. Protects and enhances the city's appeal and attraction to residents, visitors and tourists, while enhancing its economic viability through the protection and promotion of its unique character as related to its history and heritage;
3. Enhances the visual and aesthetic character, diversity and interest of the city;
4. Fosters civic pride in the beauty and notable accomplishments of the past;
5. Promotes the preservation and continued use of historic properties for the education and general welfare of the people of the city;

B. Designation of local historic resources.

1. Through the process for designating historic resources in Section 50-37.8, or its predecessor ordinance previously codified as Chapter 28A of the City Code, the heritage preservation commission has designated:
 - (a) Two locally designed historic preservation districts: the Duluth Civic Center Historic District, and the Duluth State Normal School Historic District, whose boundaries are shown on Exhibits 50-18.3-1 and 50-18.3-2; and
 - (b) Those locally designated historic preservation landmarks on file with the secretary of the planning commission;
2. The heritage preservation commission and planning commission may from time to time recommend, and the council may approve, additional locally designated historic preservation districts or locally designated landmarks pursuant to Section 50-37.8;

C. Review of construction/demolition activities.

Within those locally designated local historic preservation districts shown on Exhibit 50-18.3-1 and with regard to those locally designated historic preservation landmarks on file with the secretary of the planning commission:

1. Construction and demolition activities, including all street and utility activities, shall be approved pursuant to Section 50-37.14;

2. The issuance of city permits to do any of the following shall be approved pursuant to Section 50-37.14:
 - (c) Remodel, repair or alter in any manner that will change the exterior appearance;
 - (d) New construction, including parking facilities;
 - (e) Move a building;
 - (f) Change the nature or appearance of a designated historic preservation landmark or district, including landscape features;
 - (g) Demolition in whole or in part;

D. Emergency repair.

In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the building official may approve the repair of only those items needed to ensure safety. Such repairs shall be limited to those necessary to correct the safety emergency. In the case of a permit issued pursuant to this subsection D, the building official shall require that the repairs be made in conformance with the U.S. secretary of interior's recommended standards for heritage preservation projects and adopted historic preservation guidelines for the landmark or district to the extent possible. In addition, the building official shall immediately notify the historic preservation commission of the action and specify the facts or conditions constituting the emergency situation;

E. Building code enforcement.

This Section 50-18.3 is also intended to encourage the sensitive rehabilitation, restoration, stabilization and preservation of historic buildings throughout the city. These rehabilitation and preservation efforts should provide for the upgrading and maintenance of the safety features of the building or structure to provide a practical level of safety to the public and surrounding properties. While ensuring this increased level of public safety, the enforcement authorities are encouraged to be open to acceptable alternative solutions and alternative compliance concepts, where practical, that will permit the continued use of existing buildings and structures without creating overly restrictive financial burdens on owners or occupants. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.

Section 2. That Section 50-36.3 of the Duluth City Code, 1959, as amended, be amended as follows:

50.36.3 Heritage preservation commission.

B. Creation.

Pursuant to Minnesota Statute 471.193, there is hereby created and established a city of Duluth heritage preservation commission, hereinafter called the "commission." The commission shall have the responsibility of recommending to the city council the adoption of ordinances designating areas, places, building structures, works of art or other objects having special historical, cultural or architectural interest for the community as historical preservation landmarks or districts;

C. Membership and terms.

The commission shall consist of seven voting members, all of whom are to be citizens of the city, five of whom will be appointed by the mayor with the approval of the council; one will be appointed by the county historical society, and one will be appointed by the planning commission. Members shall be persons who have demonstrated an interest in the historical, cultural or architectural development of the city or who own

property within a historic preservation district. At least two of the five members appointed by the mayor shall be preservation-related professionals;

Appointments shall be for a term of three years. In the event of a vacancy, the vacancy for the unexpired term shall be filled in the same manner as the appointment was originally made. Members shall serve without compensation and shall continue to hold office until their successors have been appointed and confirmed;

D. Powers.

The heritage preservation commission shall have the following powers:

1. Recommendation of **locally designated** historic preservation ~~landmarkssites~~ and districts to the city council;
2. Approve, approve with conditions or deny applications for historic construction and demolition permits pursuant to Section 50-37.14;
3. Recommend historic preservation guidelines specific to a **locally designated historic preservation** landmark or **locally designated historic preservation** district;
4. Make an annual report to the state historic preservation officer by October 31 of each year;
5. Conduct continuing survey of all areas, places, buildings, structures or similar objects in the city that the commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as historic preservation landmarks or districts;
6. Work for the continuing education of the citizens of the city with respect to the historic and architectural heritage of the city and keep current and public an official list of designated historic preservation landmarks and districts;
7. The commission may retain the services, on a permanent or part-time basis, of technical experts and other persons as may be required to perform the commission's duties;
8. The commission shall have authority to solicit gifts and contributions to be made to the city and to assist in the preparation of applications for grant funds to be made to the city for the purpose of historic preservation;
9. The commission may recommend to the planning commission and council that certain properties eligible for designation as **locally designated** historic preservation landmarks or **locally designated historic preservation** districts be acquired by gift, by negotiation or other legal means;
10. Upon final designation of a **locally designated** historic preservation landmark or **locally designated historic preservation** district, adopt historic preservation guidelines specific to the landmark or district. Such guidelines shall detail allowable architectural and/or site modifications, essential features to be retained and any other criteria by which future proposals for modifications shall be judged. The United States secretary of the interior standards for treatment of historic properties shall be among the standards used to create such a program. These guidelines are intended to provide assurance to owners of properties within historic preservation landmarks or districts that any permit review process will be based on clear and objective standards rather than the taste of individual commission members;
11. The commission may nominate a historic preservation landmark or district to the national register of historic places, but only with the consent of the council.

Section 3. That Section 50-37.14 of the Duluth City Code, 1959, as amended, be amended as follows:

50-37.14 Historic construction/demolition permit.

This Section only applies to applications for construction or demolition within a **locally designated historic preservation** district or on a **local historic** property listed in Section 50-18.3 where the city must confirm whether the application complies with the standards in Section 50-18.3 and with all other applicable provisions of this Chapter and state law.

E. Application.

An application for a historic construction/demolition permit shall be filed pursuant to Section 50-37.1.B;

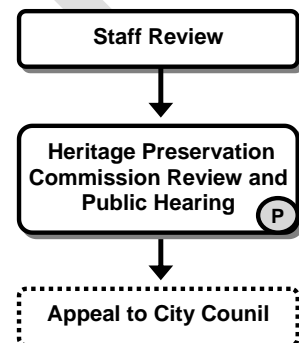
F. Procedure.

The application shall be reviewed by the heritage preservation commission. The commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a decision to adopt, adopt with modifications, or deny the application based on the criteria in subsection C below;

G. Criteria.

The commission shall approve the application, or approve it with modifications, if the commission determines that the application complies with all applicable provisions of this Chapter and state law and that the work to be performed shall not adversely affect the historic preservation landmark or district based on adopted historic preservation guidelines.

Historic Construction / Demolition Permit



(P) Indicates Public Hearing Required

Section 4. That Section 50-41.8 of the Duluth City Code, 1959, as amended, be amended as follows:

50-41.8 Definitions: H

Habitable room. Any room used or intended to be used for sleeping, cooking, living or eating purposes, excluding such enclosed spaces as closets, pantries, bath or toilet facilities, service rooms, corridors, laundries, unfinished attics, foyers, storage space, utility rooms or similar spaces.

Habitable unit. Any habitable room or group of habitable rooms that provide sleeping facilities alone or in combination with required cooking, eating or living facilities.

Hardship. The property in question cannot be put to reasonable use under existing regulations and the plight of the landowner is due to circumstances unique to the property and not created by the landowner. Economic considerations alone shall not constitute a hardship.

Hazardous waste. Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste material in solid, semisolid, liquid or contained gaseous form that because of its quality, concentration, or chemical, physical or infectious characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include: source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Height of building. The vertical distance at the center of the principal front of a building, measured from the grade on that front to the highest point of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable or of a mean height level between eaves and hip or gambrel roof.

Height of tower or structure. The vertical distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Height of wall or fence. The vertical distance measured from finished grade on the highest side of the fence or wall to the top of the fence or wall.

~~Historic preservation district. A contiguous collection or group of lands, parcels, sites, structures, buildings or objects that is determined to be historically, culturally or architecturally significant as a whole and has been locally designated as a historic preservation district pursuant to Section 50-18.3 of this Chapter.~~

Historic preservation guidelines. The established criteria by which any proposed changes, including architectural or site modifications to a locally designated historic preservation district or locally designated historic landmark shall be judged.

~~Historic preservation landmark. Any individual property, parcel, place, building, structure, work of art or other object that has been determined to be historically, culturally or architecturally significant and has been locally designated as a local historic preservation landmark pursuant to Section 50-18.3 of this Chapter.~~

Hosting platform. Any entity, website, smartphone application or other intermediary used to facilitate reservations of vacation dwelling units, accessory vacation dwelling units, or accessory home shares within the city.

Hotel or motel. A building or series of buildings operated as a commercial establishment providing accommodations to the transient traveling public in habitable units for compensation, and including both short-stay and extended stay facilities, and that may offer customarily incidental services. A hotel must have a minimum of five separate habitable units, and must have a reception desk staffed at all times.

Hospital. An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding a nursing home and excluding institutions where persons suffering from permanent types of illness, injury, deformity or deficiency or age are given care and treatment on a prolonged or permanent basis.

Section 5. That Section 50-41.12 of the Duluth City Code, 1959, as amended, be amended as follows:

50-41.12. Definitions: L.

Land development. A human-made change to, or construction on, the land surface that changes its runoff characteristics.

Land disturbing activity. Land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of or downstream of the city, including clearing, grading, excavating, transporting and filling of land. Land disturbing activity does not include:

- A. Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- B. Construction, installation and maintenance of electric, telephone and cable television utility lines or individual service connection to these utilities;
- C. Installation of septic tank lines or drainage fields unless included in an overall plan for a land disturbance activity relating to construction of a building to be served by the septic tank system;
- D. Tilling, planting or harvesting of agricultural, horticultural or silviculture crops;
- E. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles;
- F. Emergency work to protect life, limb or property and emergency repairs, except if the land disturbing activity would have required an approved erosion and sediment control plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Section 50-18.1.E.

Landing area. The area of the airport used for the landing, taking off, or taxiing of aircraft.

Land owner. The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Landscape plan. An accurate scale drawing that indicates the major natural features of a site and all proposed buildings, structures and site improvements in sufficient detail to allow the evaluation of impacts on natural systems and other aspects of the development.

Laundromat. An establishment providing home type (large institutional or commercial type) washing, drying or ironing machines for use on the premises.

Link. For purposes of the connectivity index described in Section 50-23.3, links are stretches of road that connect "nodes" as defined below. Street stub-outs are considered as links, but temporary dead-end streets internal to a development, private streets in gated sections or alleys shall not be counted as links. Every road segment that connects a node in the development to the external street network shall be counted as a link in the index calculation.

Loading space. A space within the principal building or on the same lot as the principal, providing for the off street standing, loading or unloading of trucks and trailers.

Locally designated historic preservation district. A contiguous collection or group of lands, parcels, sites, structures, buildings or objects that have been locally determined to be historically, culturally or architecturally significant as a whole and has been locally designated as a historic preservation district pursuant to Section 50-18.3 of this Chapter.

Locally designed historic preservation landmark. Any individual property, parcel, place, building, structure, work of art or other object that has been locally determined to be historically, culturally or architecturally significant and has been locally designated as a local historic preservation landmark pursuant to Section 50-18.3 of this Chapter

Local watershed. All the water that drains to a natural waterway located primarily within the city.

Lot. Land occupied or intended for occupancy by a use permitted in this Chapter, including one main building together with its accessory buildings, and the yards and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place. For the purposes of this Chapter, the term "lot" may include two or more lots of record that are contiguous or separated only by a public easement not exceeding 25 feet in width, are owned by the same owner and where none of the parcels can be severed or legally sold, conveyed or used without the other parcels by virtues of a legally binding agreement that runs with the land and is recorded in the office of the county recorder. If at any time any parcel that had been recognized as part of any lot by reason of such proximity, ownership and agreement are severed, legally sold, conveyed or used separately from the other parcel or

parcels making up said lot, the parcel so severed, legally sold, conveyed or used shall henceforth not be considered part of the lot, any uses relying on its status as part of the lot shall become nonconforming and the provision of Section 50-39 shall not be applicable to any such use.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, double frontage. A lot having a frontage on two streets as distinguished from a corner lot.

Lot, flag. A lot so shaped and designed that the main building site is setback from the street and that portion of the lot providing access has a width less than 25 percent of the lot width at its greatest point.

Lot, front. The area of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot unless structures exist on the lot. In that case, the frontage shall be established by the orientation of the buildings, or of the principle entrance if building orientation does not clearly indicate lot frontage. For corner lots, where no other method determines conclusively the front of a lot, the city engineer shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

Lot frontage. Frontage shall be the dimension of the lot line at the street, except where the lot line at the street is not straight, in which case the frontage shall be the dimension across the lot at the required front yard line.

Lot of record. A parcel of land that is part of a subdivision, the map of which has been recorded by the county recorder or a parcel of land described by metes and bounds the description of which has been recorded by the county recorder.

Lots on the block face. When a dimensional standard is calculated based on a dimension measured for "lots on the block face" the measurement shall apply only to (a) developed lots on the same side of the street between the next two intervening side streets, and (b) lots that face developed streets (not to streets shown on a plat or map that have not been constructed). For purposes of this measurement, all contiguous lots in common ownership shall be considered as a single lot (not as separate platted lots).

Low density residential lot. A single lot located in an area that is zoned for one-family or two-family residences and in which the predominant land use is such type of residences.

Low density residential structure. A one-family or two-family home.

Lowest floor. The lowermost floor of the lowest enclosed area, including basement and crawl space.

Section 6. That this ordinance shall be effective thirty (30) days after its passage and publication.

STATEMENT OF PURPOSE: