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Title: Memorializing the Council's August 19, 2015 decision granting the appeal of Exeter Group LLC a decision of the Heritage Preservation Commission regarding property at 2390-2400 University Avenue.

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10/21/2015	1	City Council	Adopted	Pass

Memorializing the Council's August 19, 2015 decision granting the appeal of Exeter Group LLC a decision of the Heritage Preservation Commission regarding property at 2390-2400 University Avenue.

WHEREAS, on or about June 4, 2015, Exeter Group LLC ("Exeter"), on behalf of property owner IAF 2400 University LLC, made application to the Heritage Preservation Commission (the "HPC") in HPC File No. 15-035, to review the design of a proposal to construct a five-story, market rate apartment building and to undertake the limited rehabilitation of a property commonly known as 2390 - 2400 University Avenue/735 Raymond Avenue (the "Project") which is located within the City's designated University-Raymond Commercial Historic District ("District"); and

WHEREAS, the Project site is also known as the General Motors Truck Company Building (the "Building"). The one-story high, flat roofed Building was constructed in 1928. The Building is also "L" shaped in that it has facades on both University and Raymond avenues. On its University Avenue façade the Building appears to have four "store fronts" while on the Raymond Avenue façade there appears to be two truck service doors. Five other doors on the Raymond Avenue façade have been "infilled" with bricks. Overall, the Building is categorized as a contributing to the District's historical and architectural character as being representative of the early trucking industry in the City; and

WHEREAS, the Project's five-story addition would be constructed into and above the Building's existing roofline and create a 75-foot high, "U" shaped structure of approximately 19,000 square feet per floor plus amenity spaces. The addition would be set back 77 feet from the Building's University Avenue facade; 8 feet from its Raymond Avenue façade; 30 feet from the adjacent Chittenden and Eastman buildings; and 18 feet from the adjacent Twin Cities Bank Building. Exeter states that the Building's University Avenue facades will remain available for commercial tenants; and

WHEREAS, on March 24, 2015, HPC staff met with Exeter at which time concern was expressed about the Project as a whole. Accordingly, HPC staff suggested certain design changes which could minimize the impact of the Project on the Building; and

WHEREAS, on May 14, 2015, the HPC conducted a “pre-application review” of the Project at which the HPC encouraged additional design element changes to the Project and discussed the overall impact of the size of the addition on the Raymond Avenue corridor; and

WHEREAS, on June 25, 2015, the HPC, having provided notice to affected property owners, duly conducted a public hearing where all interested parties were given an opportunity to be heard regarding the design of Exeter’s proposed Project. At the close of the hearing and based upon all the testimony and records, including the HPC’s Staff Report dated June 19, 2015, which had recommended denial of Exeter’s application, (and is attached hereto and incorporated herein by reference), the HPC duly moved to deny Exeter’s Project application “as submitted” based upon Findings 1-14, as set forth under Section G of the Staff Report, which were summarized essentially under paragraph H of the Staff Report as follows:

“[T]he massing of the addition is not subordinate to the historic building, there were few changes made to the addition in response to the pre-application review and there was little or no rehabilitation or use identified for the University Avenue store fronts, the rehab for the Raymond elevation did not provide enough detail to ensure that original openings are being restored and that the new doors and canopy reflect and restore the buildings original industrial character”; and

WHEREAS, in a Letter of Denial dated June 29, 2015, the HPC’s decision denying the Project’s design application was duly conveyed to Exeter; and

WHEREAS, on or about July 8, 2015, and pursuant to Leg. Code § 73.06(h), Exeter, on behalf of IAF University 2400 LLC, duly filed an appeal from the HPC’s decision in which Exeter alleged various errors by the HPC and requested a public hearing before the City Council for the purpose of reconsidering the HPC’s decision; and

WHEREAS, on August 5, 2015, the City Council duly conducted a public hearing on Exeter’s appeal where all interested parties were given an opportunity to be heard and, upon closing the hearing and based upon all the testimony presented, including the application, the report of staff, and all the records on file, the Council moved to continue the date for making a decision on Exeter’s appeal to August 19, 2015, to determine whether any alternative design for the Raymond Avenue setback and rehabilitation of the historic Raymond Avenue façade could be considered; and

WHEREAS, on August 19, 2015, the City Council again took up the matter and it was reported that on August 12, 2015, Exeter had proposed certain changes to its June 25, 2015 application that had been denied by the HPC, especially with respect to the Project’s appearance and setback as viewed from its Raymond Avenue facade and the rehabilitation of the Raymond Avenue elevation; and,

WHEREAS, the Council, being apprised of Exeter's August 12, 2015 design changes, hereby finds, with these changes, that the Project more closely meets the intent of Leg. Code § 74.06.3's guidelines for design review; NOW,

THEREFORE, BE IT RESOLVED, that the HPC's June 25, 2015, decision denying Exeter's application was in error and, further, based upon Exeter's August 12, 2015 revised Project design, the HPC's decision to deny Exeter's design review application for the Project is hereby reversed based upon the Council's following:

Under Leg. Code § 74.06.3(b)(1)'s guideline for minimal change to the defining characteristics of the building, its site and environment, the Council finds that Exeter's original addition proposal, setback 77 feet from the front of the historic building's principal facade along University Avenue, could reasonably be viewed as a separate building. The proposed addition will be built significantly to the rear of the Building's University Avenue facade, and Exeter's August 12th revised design moves a portion of the addition further away from the Building's Raymond Avenue facade. The Council finds that the addition's setbacks essentially preserve the Building's one-story historic form and character. The setbacks result in minimal changes to the Building's two facades and they minimally impact the surrounding Historic District given the Building's location adjacent to existing three- and seven-story historic buildings. A five-story addition constructed at the rear of the University Avenue facade does not change the existing environment of the one-story historic Building which wraps around the three-story Twin Cities Bank building.

Under Leg. Code § 74.06.3(b)(2)'s guideline for retaining historic character, the Council finds that Exeter's original proposal did not alter the Building's one-story facade along University Avenue. In addition, Exeter's August 12th design revision restores an additional original opening in the Building's Raymond Avenue facade with a replica window that previously been shown to remain infilled with bricks.

Under Leg. Code § 74.06.3(b) (9)'s guideline that new additions not destroy historic materials that characterize a property and that new additions be differentiated from the old so as to protect the historic integrity of a property and its environment, the Council finds that Exeter's original proposal placed the addition to the rear of the historic Building's University Avenue facade such that it could appear to be a separate building. In that context, the mass of the new addition is not incompatible with either the Building's one-story historic context or the adjacent three- and seven-story historic buildings. The Council further finds that the materials proposed for the exterior of the new addition are differentiated from those used in the historic Building.

Under Leg. Code § 74.06.3(b)(10)'s guideline regarding future removal of a new addition which seeks to insure that the essential form and integrity of a historic property not be impaired; the HPC's finding that much of the core of the building would be destroyed and *possibly* exterior elevations as well if the addition were removed to be speculative. If Exeter proceeds with its development plan, it is unlikely that the addition will be removed in the reasonably foreseeable future. And, if the addition were removed, it is reasonably likely that the Building's facades along University and Raymond Avenues can be retained.

AND, BE IT FURTHER RESOLVED, for the reasons noted above, that Exeter's appeal be and is hereby

granted:

AND, BE IT FURTHER RESOLVED, that Exeter's design application is hereby approved subject to the condition that Exeter's design shall conform to the additional plan submitted on August 12, 2015, together with the following additional conditions:

1. The addition setback along Raymond Avenue will be moved to a consistent 12' plane from the Building's existing exterior wall with the southerly most 61'-8" of the new addition so that the setback progresses from 12' to a 34' setback. This change improves the impact of the new addition on the Raymond Avenue viewshed.
2. The University Avenue setback shall be a consistent 77' plane.
3. The westerly unit stack shall be shifted 5' to the western building edge.
4. Exeter will install a replica window in the Raymond Avenue opening previously shown to remain bricked in.
5. Exeter will extend the glass to the entry door of the housing lobby.
6. Exeter will go back to the HPC for any University Ave street level commercial space changes once new occupants are identified.
7. Exeter will explore with HPC staff the possibility of amending the visual impact of the "magic pack" units on the University and Raymond Street elevations of the new addition in order to reduce the visual impact of the units.
8. Regarding conditions 4 and 5, Exeter will consult with HPC staff and continue to consult with staff with respect only to the patterns and colors of building materials pursuant to Leg. Code § 74.06.03(e) (1) (e) guidelines.

AND, BE IT FINALLY RESOVLED, that the Council secretary shall immediately mail a copy of this resolution to Exeter, the Heritage Preservation Commission, the Zoning Administrator, the Planning Administrator, and the Building Official.