



Planning & Development Services

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Planning Division Staff Report

File Number	DRH08-00231
Applicant	Matt Hanrahan
Property Address	1815 North 10 th Street
Public Hearing Date	July 28, 2008
Heard by	Historic Preservation Commission
Analyst	Julie Archambeault
Checked By	Sarah Schafer

Public Notification

Radius notices mailed to adjacent properties: **March 12, 2008**
Staff posted notice on site on: **March 9, 2008**

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1. Project Data and Facts

Applicant/Status	Matt Hanrahan / Owner
Architect/Representative	Corrin Olson
Location of Property	1815 North 10 th Street
Size of Property	14,950 sq. ft.
Present Zoning and Land Use	R-1CH (Multiple Family Residential)
Historic District	North End
Date of Construction	1899
Style	Queen Anne
Status	Non-Contributing
Square Footage of Existing House	5,100 sq. ft.

Description of Applicant's Request

The applicant is seeking a Certificate of Appropriateness to demolish the multi-family dwelling and construct a three story, multi-family dwelling and change the zone of the property from R-1CH (Single Family Residential with Historic Overlay) to R-3H (Multi-Family Residential with Historic Overlay).

2. Land Use

Description and Character of Surrounding Area

The subject lot takes up half the block. The other half of this side of the block is taken up by a house of similar construction era and size, but which still retains many of its original Queen Anne elements. The other side of the street has five lots of varying sizes. The south corner lot faces Brumback Street. Of the seven lots on this block, only two are not contributing. The subject lot and 920 Brumback are non-contributing due to alterations and 1818 North 10th is an intrusion because of its modern construction. All of the properties have received some alteration.

Site Characteristics

The site takes up a quarter of the block and is comprised of lawn with a stone curb and one, 2 ½ story building. The building was constructed as a high style Queen Anne structure with a large-wrap around porch. However, by 1949, the wrap-around porch was gone, its corner was boxed in and the house was split into 8 apartments. There are several large trees on the site.

Special Considerations

None

History of Previous Actions

1966-Repair fire damage, replace a portion of the roof
1981-Replace porch and steps
1975-Repair fire damage to hallway and apartment 2

3. Project Proposal

Site Design

Land Use	Existing	Proposed
Percentage of the site devoted to building coverage:	15%	32%
Percentage of the site devoted to paving:	0%	10%
Percentage of the site devoted to landscaping:	85%	48%
TOTAL	100%	100%

Setbacks

Yard	Required	Proposed for Building	Proposed for Garage
Front (southwest)	15' (bldg.) 20' (garage)	35'	35'
Side Street (southeast)	15' (bldg.) 15' (garage)	22'	22'
Side (northwest)	5' (bldg.) 5' (garage)	35'	35'
Rear (northeast)	15' (bldg.) 9' (garage)	15'	15'

Fencing

None

Structure(s) Design

Number and Proposed Use of Buildings	One residential, multi-family building exists. This building will be replaced with one residential, multi-family building.
Maximum Building Height	35' - existing; 37' - proposed
Number of Stories	2 ½ - existing; 3 - proposed

4. Ordinance / Standards

Section	
11-04-04.01	General Standards
2-18-09	Historic Preservation Ordinance
4.1	Guidelines for Residential Historic Districts
	Secretary of the Interior's Standards for the Treatment of Historic Structures

5. Analysis/Findings

Section 2-18-9 C Demolition or Relocation

After the designation by ordinance of an historical district, or historical district - residential, no building or structure which is a part of such district shall be demolished or moved until after an application for Certificate of Appropriateness relating to the demolition or moving of such building or structure has been submitted to and approved by the Commission. A Certificate of Appropriateness must be issued prior to the issuance of any building or other permit required by the City for the demolition or moving of any building or structure which is part of an historical district or historical district - residential. A Certificate of Appropriateness shall be required regardless of whether other licenses or permits are required for the moving or demolition of such building or structure.

1. *Findings. In order for the Commission to approve a demolition or relocation request at least three (3) out of the five (5) following Findings must be met:*

a. *That the building, project, site or structure is not classified as contributory to the District.*

The site is not classified as contributory to the District. The applicant has met this Finding.

b. *That the building, object, site or structure cannot reasonably meet National, State or Local criteria for designation as an historical or architectural landmark.*

The site has been altered and no longer resembles its Queen Anne origins. Because of these alterations, it lacks the architectural and historical significance to reasonably meet National, State or Local criteria for designation as an historical or architectural landmark. The applicant has met this Finding.

c. *That demolition of the building, object, site or structure would not adversely affect the character of the District and/or the adjacent properties.*

The house is a prominent feature in the Historic District. Its alterations occurred in the historic era and, although it does not possess the architectural or historic qualifications to reach landmark status, the house retains architectural features from both its Queen Anne construction and its 1930s/40s reconstruction. Also,

the subject house and the house next door of similar size, lot size and age form an important pattern in this neighborhood. Because of this, its demolition will adversely affect the character of the District or the adjacent properties. The applicant has not met this Finding.

- d. *That the owner has reasonably demonstrated that rehabilitation of the building, object, site or structure would not be economically feasible.*

This alternative has not been explored. The applicant has not met this Finding.

- e. *That plans have been submitted to redevelop the property if the demolition proceeds and such plans will have a positive effect on the District and/or adjacent properties.*

Plans have been submitted to replace the existing house with a multi-family building of a modern design. However, the modern design incorporates traditional features that will ensure its congruousness with the district. The applicant has met this Finding.

The applicant has met three out of five Findings.

Section 2-18-9 (A) (1) (c) Confirmation of Classification

As part of the application process for a Certificate of Appropriateness, the Planning Staff shall confirm the contributing or non-contributing classification of the property based on the criteria set forth in the definitions of Section 2-18-02.

- A. A property is contributing if
1. it was present during the period of significance, AND
 2. it is possesses historic integrity reflecting its character at that time
 - i. Location
 - ii. Design
 - iii. Setting
 - iv. Materials
 - v. Workmanship
 - vi. Feeling-The property expresses of the aesthetic or historic sense of its time.
 - vii. Association-The property retains its direct link with
 3. it is capable of yielding important information about the period OR
 4. it individually meets the National Register eligibility criteria
- B. A property is noncontributing if
1. it was not present during the period of significance,
 2. due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time OR
 3. it is incapable of yielding important information about the period OR
 4. it does not individually meet the National Register eligibility criteria

Although the structure was built in the era of significance for the North End, it was significantly altered shortly thereafter and lost most of its Queen Anne elements. Due to these alterations, it is no longer contributing.

Discussion

The project has many positive elements. Parking will be located underneath the building, keeping the lot coverage low, the parking unobtrusive and the amount of lawn high. Although the lot coverage will be slightly more than double what it is now, it will be very close to the 30% recommended in the Boise City Guidelines for Residential Historic Districts. Also, although the proposed property is significantly larger than most of the adjacent properties, the property has historically had a house that was larger than those around it, and the size of the parcel supports a building that size.

There are elements of this design that are traditional. Many of the windows are 1/1, there is a central entrance and there are balconies on the second and third floors. Typically, entrances on the historic buildings in the North End are either flush with the façade or project from the front façade. Also, the entry is usually only one story tall. The design of the subject building reflects this type of entrance with a projecting overhang over the front door. This keeps the entry one story and conveys a human scale.

The general massing is rectangular, as is the building that currently exists on the site, but the features of the building are vertical, keeping the building from appearing too horizontal. Most of the buildings on the block are similar in appearance, having a solid, low, rectangular massing with vertical features.

The zone change, however, is problematic. While the building has housed eight apartments for at least 50 years, removal of this building will remove the grandfather rights for eight units on this parcel. Current zoning code prohibits any more than two units in one building. Therefore, the applicant requests changing this parcel from R-1CH to R-3 where 7-20 units are allowed in one building. Unfortunately, changing the zone of one parcel would characterize spot zoning which is discouraged by the Boise City Comprehensive Plan. Rezoning a property must pass several tests. According to City policy, a rezone should only be allowed if it benefits the public or general welfare. It cannot be approved if it only benefits the individual property owner. Also, the rezone must support the purpose and objectives of zoning and insure the health, safety and welfare of the public. It must comply with the Boise Comprehensive Plan, provide and maintain existing and future capabilities of existing public utilities and maintain compatibility of the property with the surrounding zoning and development. It must fulfill a demonstrated need for the type of use which is requested.

It is difficult to tell whether this rezone is necessary to benefit the public welfare and whether it fulfills the demonstrated need for the type of use which is requested. Protecting the historic integrity of the neighborhood will benefit the public welfare. Ensuring that this property will continue to support only one building, whether it be a large single family residence, a new multi-family building or the existing multi-family building, is essential to this historic integrity. This property is one of the largest parcels in the North End and the presence of this parcel with its single large building, helps define the block. Continuing this pattern is of benefit to the public

welfare through the preservation of the historic integrity of the block. And the pattern of the large building on the large lot here is a demonstrated need. However, without an economic feasibility study showing that the current building is beyond repair, it has not been demonstrated that the destruction of the building and the rezoning of the property will fulfill this demonstrated need.

Also, if the property were to be rezoned, a development agreement governing future development would be necessary. Rezoning to the R-3 zone without a development agreement would allow future property owners to put up to 20 units on that property, which, in this neighborhood, would be a detriment to the public. Therefore, should the rezoning be allowed, a development agreement would be necessary to ensure that the property continue to function as it has historically and continue to benefit the public. Staff further recommends that the development agreement include the site plan, floor plans and elevations of the proposal approved by the Historic Preservation Commission to ensure no other development is allowed.

The purpose and objectives of this zoning are to preserve this large parcel as one parcel and provide one building on the parcel. The applicant has stated that the existing building is beyond repair and must be demolished, losing the grandfather rights that currently allow eight units on the parcel. The applicant has also stated that the only way to make the property economically feasible is as a multi-family property, whether that is through splitting the parcel into separate single family units or constructing one multi-family building. The purpose and objectives of the rezone are to allow the historic integrity of the neighborhood to remain intact by allowing one building with eight units to be constructed on this site after the current building and its grandfather rights are gone.

It must comply with the Boise Comprehensive Plan, provide and maintain existing and future capabilities of existing public utilities and maintain compatibility of the property with the surrounding zoning and development. This rezone, with a development agreement, will merely continue the use that has been present at the site for almost 70 years. It will maintain compatibility with the surrounding zoning and development by retaining the unique nature of this specific property.

6. Conclusion and Recommended Conditions

Pursuant to Boise City Code 2-18-9 A and B of Boise Municipal Code, the request to demolish the multi-family dwelling and construct a three story, multi-family dwelling and change the zone of the property from R-1CH (Single Family Residential with Historic Overlay) to R-3H (Multi-Family Residential with Historic Overlay) is congruous with the historical, architectural, archeological, educational or cultural aspects of the Historic District because:

The Secretary of the Interior's Standards for the Treatment of Historic Properties (1995 Edition), the Boise City Design Guidelines for Residential Districts, the North End Plan and the Boise City Comprehensive Plan are references often utilized by the Historic Preservation Commission to determine whether a change is congruous with the historic and architectural qualities of the Historic District.

1. In order for the Commission to approve a demolition or relocation request at least three out of the five Findings must be met. (2-18-9C) Three of the five Findings have been met. The building is not contributing, it cannot meet landmark status, and the submitted plans will have a positive effect on the District and the adjacent properties.
2. The Commission's decision in regard to Certificates of Appropriateness for alterations, as described in 2-18-09 (A), shall be based on six findings as applicable to that property. (2-18-11 01)
 - A. BCC Section 2-18-11.01 A states that the request shall be consistent with the Design Guidelines for Boise City's Historic Districts. This application is not in a commercial district. This finding is not applicable
 - B. BCC Section 2-18-11.01 B states the request shall be consistent with the Boise City Design Guidelines for Residential Historic Districts. This application complies with the following guidelines.
 - a. Have a building form which is unique in the district but relates to the neighboring buildings and to the neighborhood through its overall massing. (5.2.4.) The building, like the current building, is unique in size and style, but relates to the neighboring buildings through its overall massing and details.
 - b. Orient the primary façade of a new building parallel to the street. (5.3.1.) The primary façade and entrance of the building are oriented parallel to the street.
 - c. Enhance the primary entrance through steps, functional porches, stoops, porticos or other design features appropriate to the architectural style of the building. (5.3.3.) The primary entrance is enhanced through a projecting roof and a set of steps.
 - d. Maintain proportional lot coverage as found on the neighboring properties of the same block; maximum lot coverage of all buildings should not exceed 30% of the total lot area; minimum open space should be 40% of the total lot area. Any exceptions to these percentages will be closely scrutinized. (5.3.4.) The project will raise the lot coverage to 32%. However, this small overage is very close to the recommended 30% and is congruous.
 - e. Ensure that the predominant texture of the new building is consistent with the texture of historic materials in the district. (5.6.2.) The predominant textures of the building, hardiboard siding and stucco, are consistent with the texture of historic materials in the district.
 - f. Use double or single-hung sash windows. Provide windows of overall proportions similar those used on buildings on surrounding sites within the block. (5.7.1.) Most of the windows are 1/1 sash windows of proportions similar to those used on buildings on surrounding sites within the block.
 - C. BCC Section 2-18-11.01 C states the request shall be consistent with The Secretary of the Interior's Standards for Rehabilitation, or other standards as applicable (preservation, restoration or reconstruction.) This application is consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties. This application complies with the following guidelines.

- a. “Designing new exterior additions to historic buildings or adjacent new construction which is compatible with the historic character of the site and which preserves the historic relationship between the building or buildings and the landscape. (pg.105) The new construction is compatible with the historic character of the site-it uses a modern design with some traditional features. It also preserves the historic relationship between the building and the landscape.
 - b. Retain the historic relationship between buildings and the landscape. (102) The new building will be placed in the center of the large parcel, with a similar relationship to the landscape as the old building.
 - c. It is not recommended to place parking facilities directly adjacent to historic buildings where automobiles may cause damage to the buildings or landscape features, or be intrusive to the building site. (105) The parking will be located under the building, out of view.
 - d. “Designing required new parking so that it is as unobtrusive as possible, thus minimizing the effect on the historic character of the setting. (pg. 108) The parking will be located under the building, out of view.
- D. BCC Section 2-18-11.01 D states the request shall support the goals, objectives and policies of the Boise City Comprehensive Plan and the plans referenced therein. The application is in compliance with the following goals and objectives of the Comprehensive Plan and the North End Plan.
- a. The proposed use or design of the property should reflect the character of the adjacent neighborhood and be compatible with it. (p. 17) The proposed use of the property reflects the character of the neighborhood and is compatible with it.
 - b. The unique character of the neighborhood should be maintained, including architectural style, sitting on the lots, orientation of the units and landscaping characteristics. (p. 18) This project will maintain the unique character of this neighborhood.
 - c. Protect, enhance and preserve Boise’s designated historic Landmarks, properties and districts. Goal 2, page 5-16 This project will protect, enhance and preserve the North End district by continuing the unique nature of this large lot and this neighborhood.
- E. BCC Section 2-18-11.01 E states that based on the adopted design guidelines the request will not be incongruous with the historical, architectural, archaeological, educational or cultural aspects of the district. The project is congruous with the historical, architectural, archaeological, education or cultural aspects of the district because it complies with the Secretary of the Interior’s Standards for Rehabilitation, the Design Guidelines for Residential Historic Districts and the North End Plan.
- F. BCC Section 2-18-11.01 F states that the request must comply with the dimensional standards and other applicable requirements of Title XI (Zoning Ordinance) including, but not limited to setbacks, height restricts and parking requirements unless the Commission finds that modifying the standards is necessary to protect the overall characteristics of the district and to comply with the adopted design guidelines. This

application complies with all of the dimensional requirements of the underlying zone as laid out in Title XI without the request for any variances.

3. A contributing building, site, structure or object adds to the historic architectural qualities, historic associations, or archeological values for which a property is significant because (a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or (b) it individually meets the National Register eligibility criteria.
4. The Commission's decision in regard to Certificates of Appropriateness for a change in zoning classification or a change in use as described in 2-18-09 (C) above shall be based on the following findings:
 - A. BCC Section 2-18-11.03(1) states that the request shall support the Boise City Comprehensive Plan goals, objectives and policies contained within Chapter 5/Parks, Recreation and Cultural Resources, and the applicable neighborhood plans.
 - a. The proposed use or design of the property should reflect the character of the adjacent neighborhood and be compatible with it. (p. 17) The request reflects the character of the adjacent neighborhood by continuing to keep one building on this large lot.
 - b. The unique character of the neighborhood should be maintained, including architectural style, sitting on the lots, orientation of the units and landscaping characteristics. (p. 18) This request will maintain the unique character of this neighborhood by ensuring that the large lot, a unique feature of the neighborhood and the district, is kept whole.
 - c. Protect, enhance and preserve Boise's designated historic Landmarks, properties and districts. Goal 2, page 5-16 This project will protect, enhance and preserve the North End district by continuing the unique nature of this large lot and this neighborhood.
 - B. BCC Section 2-18-11.03(2) states that the request will be congruous with the historical, architectural, archeological, educational or cultural significance of the district. The project is congruous with the historical, architectural, archaeological, education or cultural aspects of the district because it complies with the Secretary of the Interior's Standards for Rehabilitation, the Design Guidelines for Residential Historic Districts and the North End Plan.

Site Specific Conditions of Approval

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received July 1, 2008.
 - a. A development agreement will be finalized prior to the obtaining of building permits.

Standard Conditions of Approval

2. The applicant shall comply with the Boise City Fire Code.
3. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
4. No change in the planned use of the property by the applicant shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.
5. Any change in the planned use of the property by the applicant shall require the applicant to comply with all rules, regulations, ordinances, plans or other regulatory and legal restrictions in force at the time the applicant or successors in interest advise the City of intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
6. If the applicant does not act on the Certificate of Appropriateness through the commencement of construction, or extended pursuant to the Boise City Code, within eighteen months, it will become null and void without further notification from this department.
7. The applicant shall be required to obtain a Building Permit prior to the start of construction.

Construction Site Requirements

8. The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.
 - a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.
 - b) Measures shall be taken to manage construction debris and trash on the construction site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures shall include, but are not limited to:
 - Provide suitable containers for solid waste generated by construction activity;

- Wet demolition of existing buildings;
 - Watering of driving surfaces and earth moving activities;
 - Installation of wind screening around property and each open floor above grade; and
 - Daily broom cleaning of above grade floors, adjacent streets and sidewalks.
- c) To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
- d) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.
- e) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.
- f) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
- g) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.