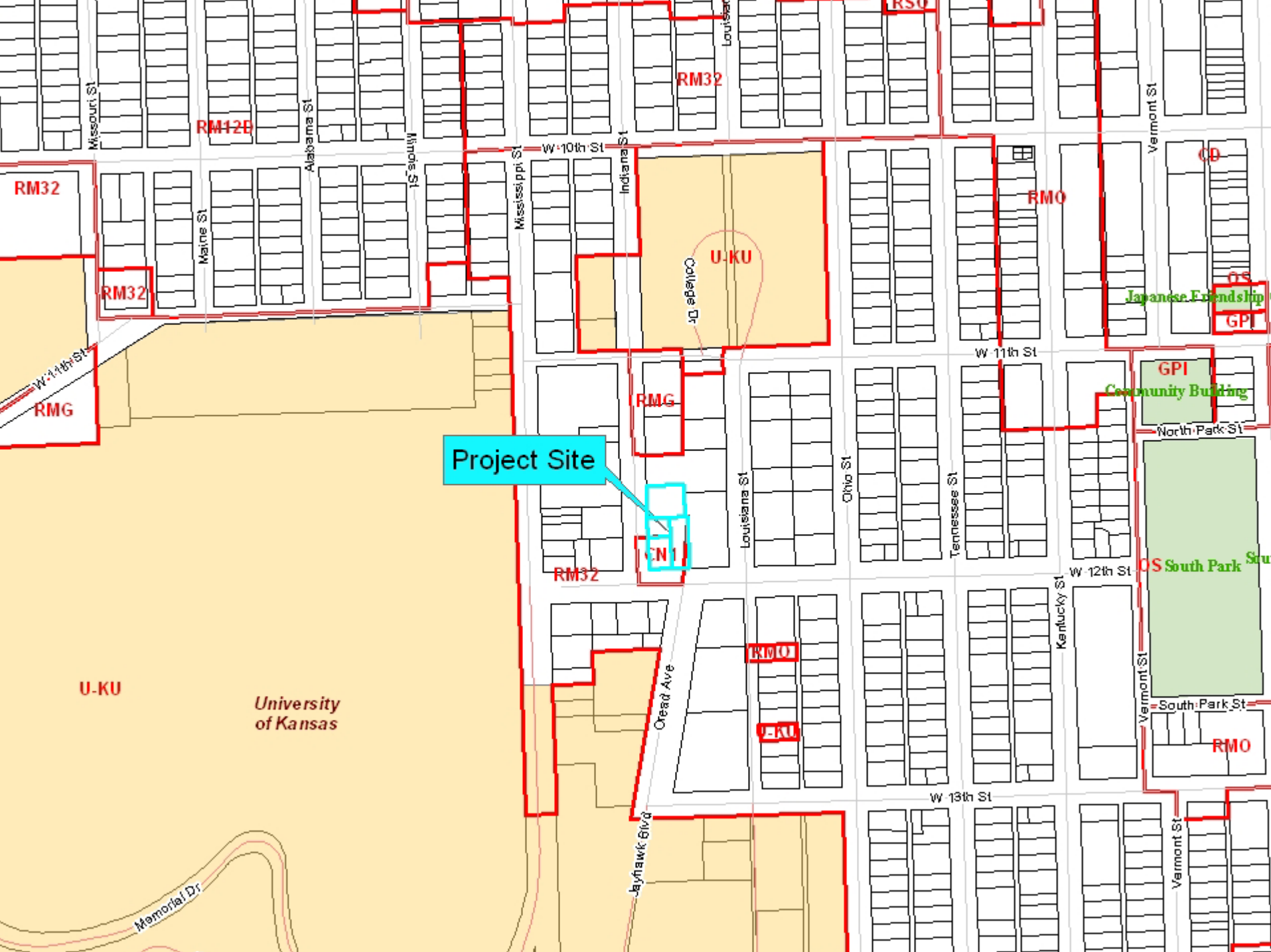


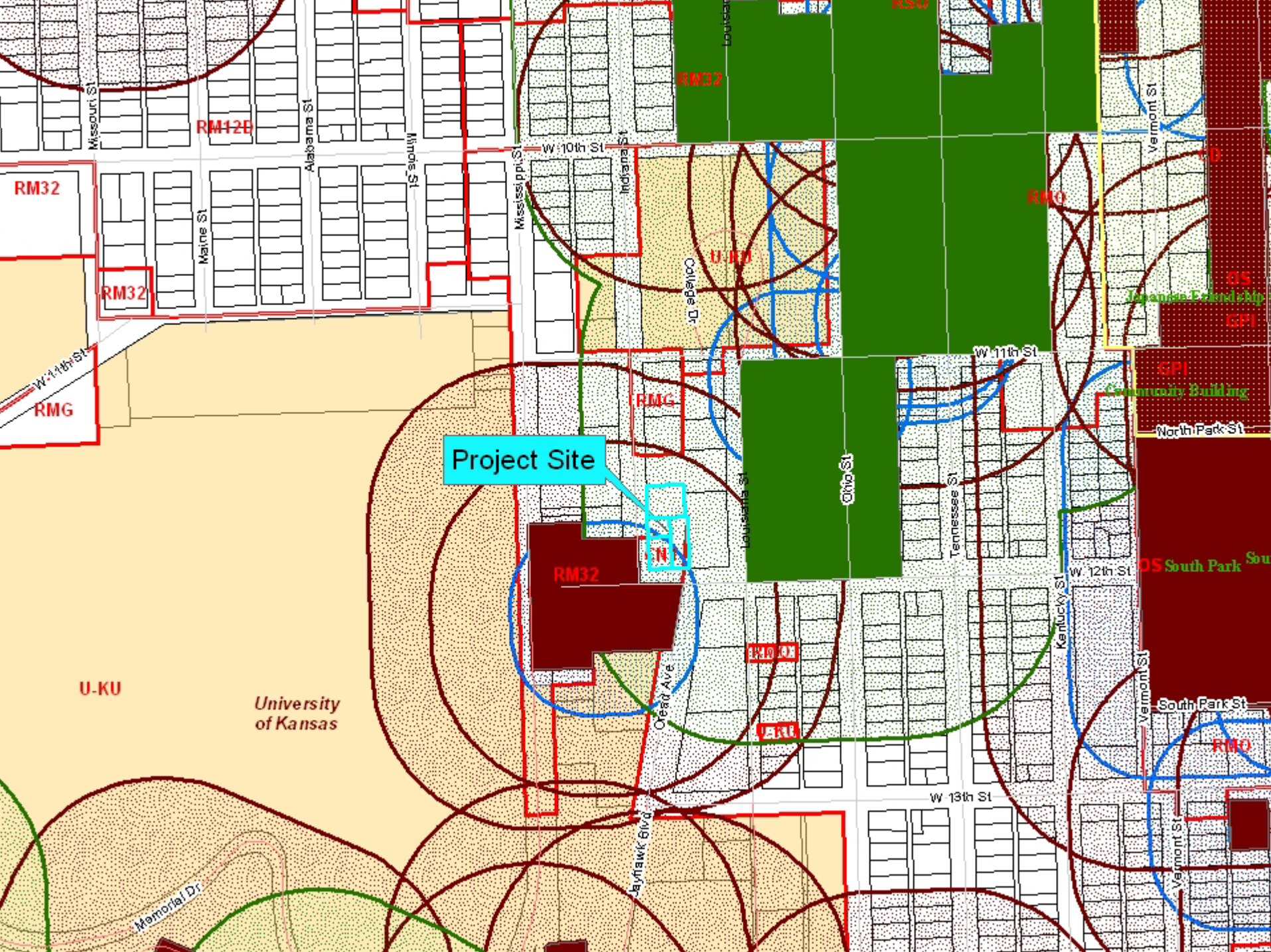
Lawrence City Commission

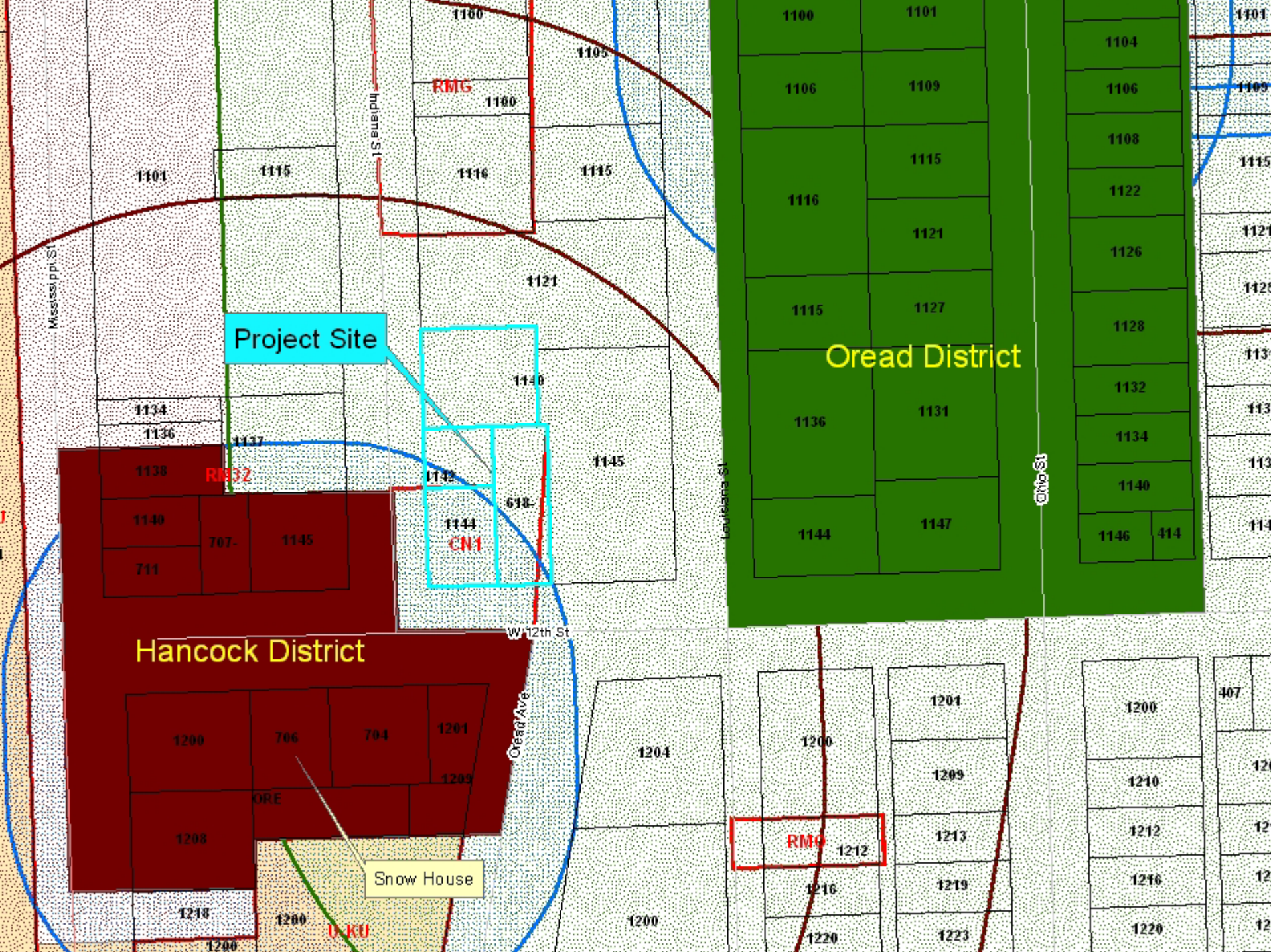
November 13, 2007

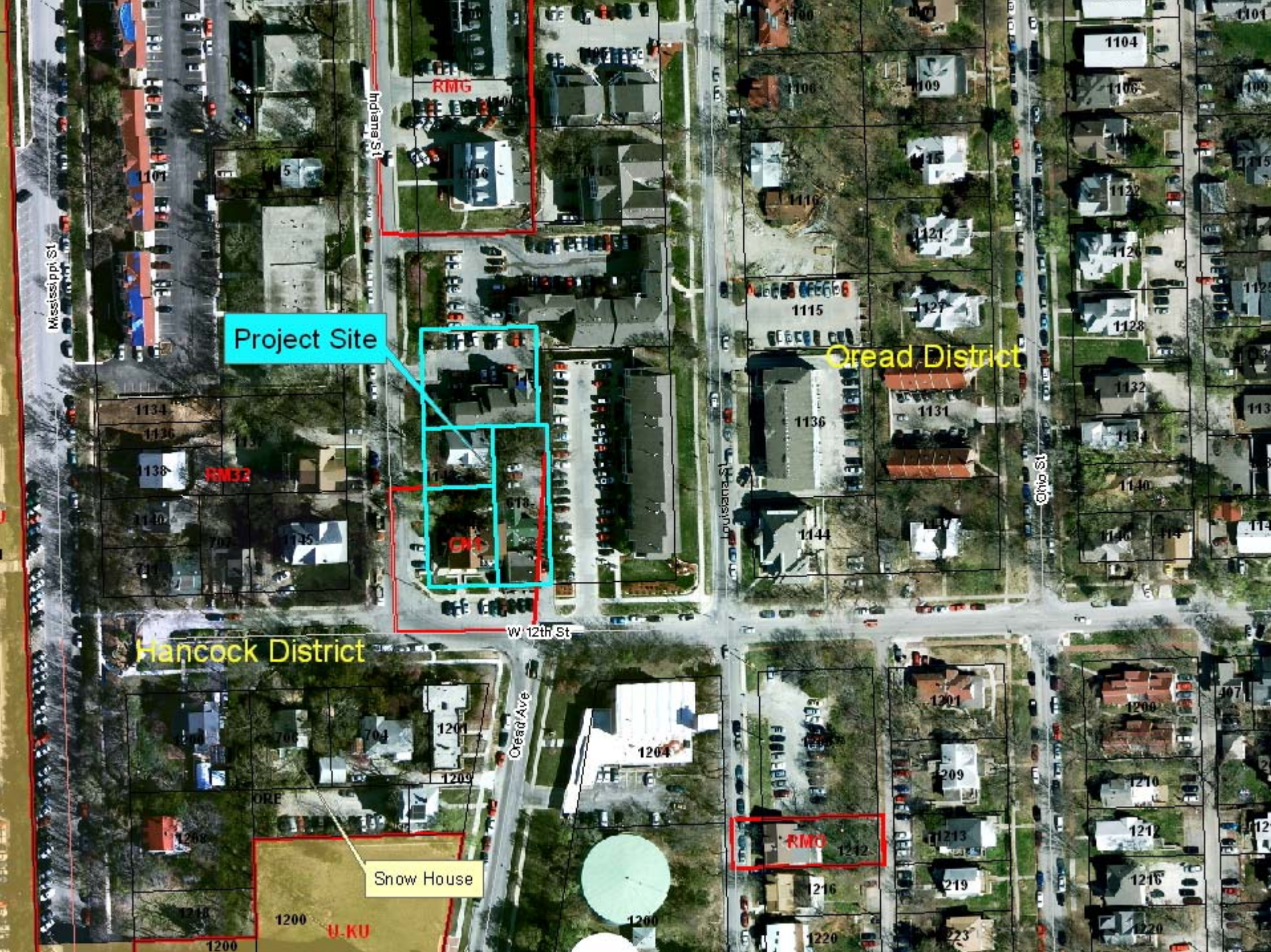
12th and Oread Street

- ❑ Demolition and New Construction
- ❑ The property is located in the environs of the Hancock Historic District, National Register of Historic Places and the Oread Historic District, Register of Historic Kansas Places. The property is also within the environs of the Jane A. Snow Residence (706 W 12th Street), National Register of Historic Places and Lawrence Register of Historic Places.









Mississippi St

Indiana St

Project Site

Oread District

Ohio St

Hancock District

W 12th St

Oread Ave

Snow House

U-KU

RMG



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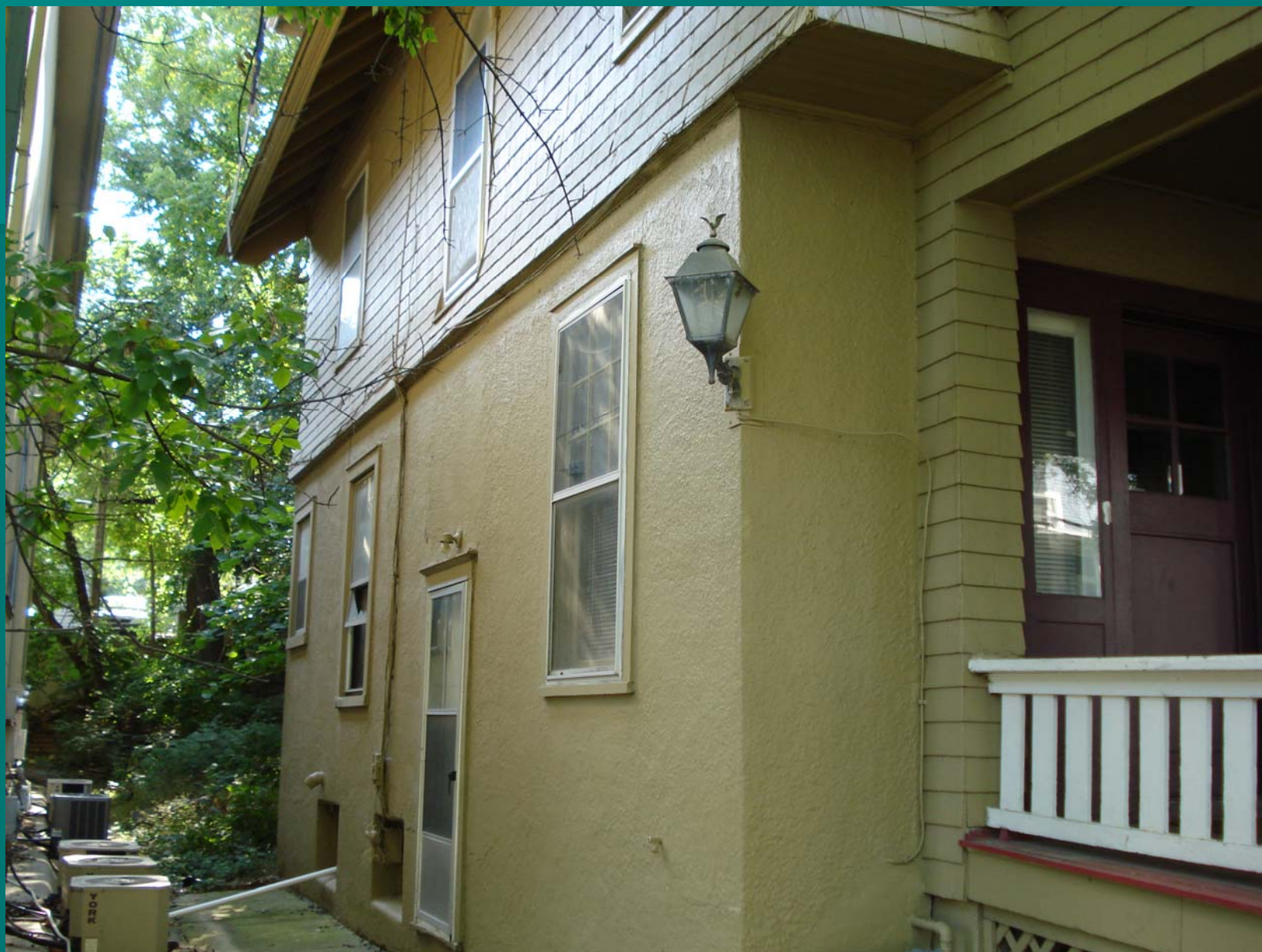




































HRC Review

- The proposed project requires review under K.S.A. 75-2724 and Chapter 22 of the Code of the City of Lawrence.
- The City of Lawrence has an agreement with the State Historic Preservation Officer to conduct State Law Reviews at the local level.
- The Historic Resources Commission conducts the state law reviews and the Chapter 22 reviews for the City.

Review by HRC

- The HRC must use the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* to review projects in the environs of National and Kansas listed properties.
- The HRC must use the guidelines in Chapter 22 for properties located in the environs of a Lawrence landmark.

HRC Determination

State Law Review

In accordance with the Standards and Guidelines for Evaluating the Effect of Projects on Environs, the standard of evaluation, the HRC found the proposed project does not meet Standards # 1, #2, #4 and #6, and will encroach upon, damage or destroy the listed historic properties and their environs.

- 1. The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided.*
- 2. The environs of a property should be used as it has historically been used or allow the inclusion of new uses that require minimal change to the environs' distinctive materials, features, and spatial relationships.*
- 4. Demolition of character-defining buildings, structures, landscape features, etc. in a historic property's environs should be avoided. When the severity of deterioration requires removal within the environs, compatible reconstruction shall occur.*
- 6. New additions, exterior alterations, infill construction, or related new construction should not destroy character-defining features or spatial relationships that characterize the environs of a property. The new work shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs.*

HRC Determination

Chapter 22 Certificate of Appropriateness

In accordance with the criteria established in Chapter 22 for the issuance of a Certificate of Appropriateness, the standard of evaluation, the HRC found the proposed project does not meet standards 1 and 9.

1. *Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment, or to use a property for its originally intended purpose;*
9. *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environs.*

Appeal

- Per K.S.A. 75-2724 and the Agreement between the Kansas State Historic Preservation Officer and the City of Lawrence, the applicant may appeal the decision of the HRC to the City Commission.
- The City Commission must hold a public hearing to determine if there is a feasible and prudent alternative to the proposed project. If, based on a consideration of all relevant factors, no feasible and prudent alternative is available, the City Commission shall determine if all possible planning to minimize the harm to the listed property associated with the project has been identified and undertaken.

Appeal

“Environs” means the historic property’s associated surroundings and the elements or conditions that serve to characterize a specific place, neighborhood, district, or area, which takes into account all relevant factors, including the following:

- (1) The use of the area;
- (2) the significance of the historical property;
- (3) the scope of the project;
- (4) surrounding buildings, structure, and foliage; and
- (5) the topography of the surrounding area.

A project need not be adjacent to a historic property for it to be in the historic property’s environs.

“Relevant factors” means pertinent information submitted by project proponents or project opponents in written form, including evidence supporting their positions.

“Feasible and prudent alternative”

means an alternative solution that can be reasonable accomplished and that is sensible or realistic. Factors that shall be considered when determining whether or not a feasible and prudent alternative exists include the following:

- (1) Technical issues;
- (2) design issues;
- (3) the project's relationship to the community-wide plan, if any; and
- (4) economic issues.

City Commission Action

State Law Review

- Public Hearing
- Determine if there is a feasible and prudent alternative to the proposed project.

If the Commission identifies a feasible and prudent alternative to the proposed project, the process stops here. The applicant may submit a revised project that reflects the alternative. There is no time limitation on the submittal of the revised project.

- If no feasible and prudent alternative is available, the City Commission shall determine if all possible planning to minimize the harm to the listed properties associated with the project has been identified and undertaken.

“Program includes all possible planning” means that the written evidence and materials submitted by the applicant to the City clearly identify all alternative solutions that have been investigated, compare the differences among the alternative solutions and their effects, and describe mitigation measures proposed by the project proponent that address an adverse effect determination of the HRC.

Appeal

The applicant is also appealing the determination of the HRC not to issue a Certificate of Appropriateness.

Chapter 22-504 (B)

Any person dissatisfied with a determination by the Commission concerning a certificate of appropriateness may file an appeal to the City Commission within fifteen (15) days of the date of notification of that determination. The City Commission must act on this request within thirty (30) days of receipt and must hold a public hearing on the appeal.

Chapter 22-702 (B)

A matter on appeal to the City Commission shall be heard de novo.

- Certificate of Appropriateness - A certificate issued by the Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within an historic district or in the environs thereof, based primarily on design considerations.
- A CoA is required because the project site is located in the environs of the Snow Residence.

Standards for CoA Review

22-505 STANDARDS FOR REVIEW.

- (A) An application for a certificate of appropriateness shall be evaluated on a sliding scale, depending upon the designation of the building, structure, site or object in question. The certificate shall be evaluated on the following criteria:
- (1) Most careful scrutiny and consideration shall be given to applications for designated landmarks;
 - (2) Slightly less scrutiny shall be applied to properties designated as key contributory within an historic district;
 - (3) Properties designated contributory and non-contributory within an historic district shall receive a decreasing scale of evaluation upon application;
 - (4) The least stringent evaluation is applied to the environs area of a landmark or historic district. There shall be a presumption that a certificate of appropriateness should be approved in this category unless the proposed construction or demolition would significantly encroach on, damage, or destroy the landmark or historic district. If the Commission denies a certificate of appropriateness in this category, and the owner(s) appeals to the City Commission, the burden to affirm the denial shall be upon the Commission, the City or other interested persons.

(B) In considering an application for a certificate of appropriateness, the Commission shall be guided by the following general standards in addition to any design criteria in this Chapter and in the ordinance designating the landmark or historic district:

(1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment, or to use a property for its originally intended purpose;

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible;

(3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged;

(4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;

(5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;

(6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures;

(7) The surface cleaning of structures shall be under-taken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken;

(8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project;

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environs.

City Commission Action Certificate of Appropriateness

- Public hearing
- Determination as to if the project meets the criteria established in Chapter 22 of the Code of the City of Lawrence
- If the Commission determines the project meets the established criteria, they can make the decision to issue a CoA for the proposed project.

City Commission Actions for the Appeal of the HRC Determinations for the 12th and Oread Project

- Public Hearing
- Determination based on all relevant factors that there is no feasible and prudent alternative to the proposed project
- Determination that all possible planning has been done to minimize harm to the listed properties
- Issuance of Certificate of Appropriateness