



# City of Lawrence

PLANNING & DEVELOPMENT SERVICES

## LAWRENCE HISTORIC RESOURCES COMMISSION ACTION SUMMARY FOR **JUNE 21, 2018**

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**Commissioners Present:** Bailey, Buchanan, Erby, Evans, Fry, Hernly, Veatch  
**Staff Present:** Dolar, Zollner

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### **ITEM NO. 1: COMMUNICATIONS**

- A. All communications received were included in the agenda packet.
- B. There were no ex-parte communications.
- C. There were no abstentions.
- D. There were no Committee Reports.

### **ITEM NO. 2: CONSENT AGENDA**

- A. May 17, 2018 Action Summary
- B. Administrative Approvals
  - 1. DR-18-00078 733 New Hampshire Street; Sign Permit; State Law Review, Certificate of Appropriateness and Downtown Design Guidelines Review
  - 2. DR-18-00185 1345 West Campus Road; Commercial Remodel; State Law Review
  - 3. DR-18-00194 713 Louisiana Street; I/I Permit; State Law Review
  - 4. DR-18-00195 1510 Wedgewood Drive; Residential Remodel; Certificate of Appropriateness
  - 5. DR-18-00200 710 Massachusetts Street; Commercial Remodel; State Law Review
  - 6. DR-18-00201 106 North Park Street; Commercial Remodel; Downtown Design Guidelines Review, State Law Review and Certificate of Appropriateness
  - 7. DR-18-00202 822 Massachusetts Street; Mechanical Permit; State Law Review
  - 8. DR-18-00219 11 E 8<sup>th</sup> Street; Mechanical Permit; State Law Review
  - 9. DR-18-00220 808 Massachusetts Street; Mechanical Permit; State Law Review
  - 10. DR-18-00227 1312 New Hampshire Street; I/I Permit; State Law Review

### **ACTION TAKEN**

Motioned by Commissioner Fry, seconded by Commissioner Evans, to approve the May 17, 2018 Action Summary.

Motion carried 5-0-1, Commissioner Bailey abstained.

Motioned by Commissioner Bailey, seconded by Commissioner Fry, to confirm the administrative approvals.

Unanimously approved 6-0.

**ITEM NO. 3: PUBLIC COMMENT**

Ms. KT Walsh mentioned that the Juneteenth Freedom Festival will be held on Friday at Holcom Park. She also expressed some concerns about the East 9<sup>th</sup> Street Project, specifically about what was included or left out of the bid for the project, including details about salvaging bricks and preservation of the trolley tracks.

**ITEM NO. 4:** DR-17-00401 505 Tennessee Street; Residential Remodel; State Law Review. The property is a contributing structure to the Pinckney I Historic District, National Register of Historic Places. (The Historic Resources Commission approved the Certificate of Appropriateness for this project on October 19, 2017.) Submitted by Struct/Restruct, LLC on behalf of Robert A. Beck and Amy M. Pettle, property owners of record.

**STAFF PRESENTATION**

Ms. Zollner explained the ARC memo and reviewed the project.

Commissioners agreed they were happy with the solution.

**NO PUBLIC COMMENT**

**ACTION TAKEN**

Motioned by Commissioner Bailey, seconded by Commissioner Evans, to approve the amended project and require any alterations to the project return to the Historic Resources Commission for review.

Unanimously approved 6-0.

**ITEM NO. 5:** DR-18-00181 707 Vermont Street; Mural; Certificate of Appropriateness and Downtown Design Guidelines Review. The property is located in the Downtown Conservation Overlay District and is located in the environs of Fire Station No. 1, the House Building, and Miller's Hall, Lawrence Register of Historic Places.

*Commissioner Hernly arrived during the presentation of the item.*

**STAFF PRESENTATION**

Ms. Lynne Zollner presented the item.

Commissioner Bailey asked if they'll be cleaning the concrete before painting.

Ms. Zollner said yes, the application states it would be cleaned, primed, and painted.

Commissioner Bailey wanted to clarify a point in the staff report, that under the Downtown Design Guidelines (15.2) the board formed concrete is considered a character-defining feature.

Ms. Zollner said it is a character defining feature, but the Downtown Design Guidelines are meant to preserve the overall historic character of Downtown and the library is not a historic structure. She explained that a mild preparation process and painting alone will not damage the concrete; however, the removal of the paint could result in damage.

Commissioner Bailey said there appears to be a hose and some lettering on the proposed wall.

Ms. Zollner explained that there is an electrical fixture and the names of those who made donations for the library lawn.

Commissioner Buchanan asked what will happen to the name plate.

Ms. Zollner said that isn't within their purview.

### **APPLICANT PRESENTATION**

Ms. Marylin Hinojosa, Lead Artist, said the design team is committed to painting directly on the wall, noting that people typically paint concrete to protect it. She explained that their vision is to share Lawrence history with future generations, to inspire curiosity about little-known histories through the visual representation of amazing women. She added that panels would be not only an unforeseen expense but would also be more difficult and invasive.

Ms. Connie Fitzpatrick, Project Organizer, asked the Commission to please consider a special circumstance for the proposed mural. She explained that the mural will contain histories not represented at the Watkins Museum of History, and have a letter of support from them. She said Brenda Nunez is a lifelong resident of Lawrence and spoke at City Commission about the Jim Crow era and her experience not being able to sit down downtown or other spaces, but the library was an exception.

Commissioner Bailey asked if they had received an estimate for panels.

Ms. Hinojosa said they haven't looked into it because they felt it would be invasive and could even be removed, displaced, or sold. They do not feel panels are appropriate for this mural and would like it to be a permanent structure. She added that the only damage could arise from the removal of the mural, which is not the intent.

### **PUBLIC COMMENT**

Ms. KT Walsh said she is a professional community muralist and preservationist, with experience painting on concrete, and supports the proposed mural. She explained that the walls only need to be hosed down and no invasive tools are needed. She noted that it could be removed with non-toxic paint stripper and a soft baby brush, as well as dental picks to remove any remaining paint. She said the wood grain element will be part of the mural and only enhance the texture. She said the existing metal staples are already rusting and running down the wall, but will be better maintained by muralists to prevent rust stains. She argued that the mural is removable, but as a sign of respect, it needs to go on the library wall and remain permanent. She added there is only one person of color that works at the library.

Ms. Trisha Karlin, 726 Ohio Street, said there are seven persons of color working at the library.

Ms. Kelly Nightengale, Girls Rock Lawrence, said they're a nonprofit summer camp for kids (girls, trans, and non-binary youth ages 12-18). She said their organization strongly supports the mural

and is excited about the inclusion of women of color at a civic space, and the beautification of the library building.

A member of the public, who lives at 1136 Ohio Street, said he has a fine arts degree from the San Francisco Art Institute. He said it's important to remember the existing murals on historic buildings along Massachusetts Street. He compared history to layers of memory, and the mural will add to that history written in Lawrence, so this discussion is about the decision to formally document that history of women of color.

Mr. Nicholas Ward, local muralist and filmmaker, said he wanted to address the Commission in technical terms of the mural. He explained that he was hired by the Conservation Center in Chicago to restore 14 murals on concrete in South Dakota, and only cotton balls, q-tips, water, and non-permeating chemicals were used to remove areas of the mural, with no effect on the concrete.

Mr. Christopher Beckland said the mural is a sign of respect for women of color within the community. He added that the panel system mentioned seems significantly more permanent and invasive than the proposed application.

Mr. Dan Phelps, 334 Illinois Street, talked about his personal experience with a relative who has experienced prejudice, and his views of Lawrence as a welcoming community. He stressed the importance of the mural for these reasons.

A member of the public said there is no difference between form and content for this particular project.

### **COMMISSION DISCUSSION**

Commissioner Evans suggested they deal with the Certificate of Appropriateness first.

Commissioner Bailey agreed. He said there is no line of sight for the three listed properties.

### **ACTION TAKEN**

Motioned by Commissioner Bailey, seconded by Commissioner Evans, to issue the Certificate of Appropriateness and find that the proposed project will not significantly encroach on, damage, or destroy the landmarks or their environs.

Unanimously approved 7-0.

### **COMMISSION DISCUSSION**

Commissioner Erby said the applicants should be allowed to paint directly on the library and felt they should not view the paint as irreversibly damaging; rather, they should consider the mural as a character defining feature of the structure. She said the building is new enough that it should be considered in its current state as unfinished, and the mural would complete the building.

Commissioner Veatch said the Downtown Design Guidelines address character defining features. He noted that this is a 2015 building, so staff's consideration was to protect the historic fabric or pattern.

Commissioner Erby said she doesn't understand the discussion about the removal of the mural.

Commissioner Veatch explained that removal has the potential to damage the concrete in the future.

Commissioner Erby said it's a moot point if the mural is considered character defining and is not removed.

Commissioner Veatch said it's an architect designed city owned building, and the design was to have board formed concrete, not a mural.

Commissioner Bailey said he doesn't feel the board formed concrete is a character defining feature. He asked if a mural on this building would reach historic significance at some point.

Commissioner Buchanan said it would in 40 years.

Commissioner Veatch noted that if the mural is valuable to the community then it would likely be considered a character defining feature.

Commissioner Erby agreed.

Commissioner Buchanan referenced a section in the Downtown Design Guidelines (10.8) that says existing masonry walls shall not be painted.

Commissioner Fry said there are other buildings with murals on them.

Commissioner Veatch said murals are generally part of the culture downtown, but if you put a mural on a contributing structure to the district, that would be a different scenario.

Commissioner Hernly said sections 10.7 and 10.8 of the Downtown Design Guidelines seem to contradict, which state that the concrete should not be covered up (like with panels) but also should not be painted. He noted that it is a city owned building and the Historic Resources Commission (HRC) won't decide whether paint or panels is appropriate, that is up to the City Commission.

Commissioner Evans said there are two key issues: the location of the mural and the content. He felt the City should give serious consideration to a mural on the Library in terms of possible damage and the defining character of the Library, because the board formed concrete goes all the way around and establishes a base for what happens above. He urged the City to engage other people in the process of choosing the location of the mural.

Commissioner Bailey went to back to discussion of the design criteria and the language that encourages public art but other criteria that explicitly discourages painting.

Commissioner Buchanan felt the location and canvas for the mural should be strongly considered, and agreed with Commissioner Evans that the conversation should continue.

Commissioner Bailey said that could be a conversation for another body at another time, and reminded commissioners that the HRC has received a staff recommendation for approval.

Ms. Zollner said the recommendation is for approval under the Downtown Design Guidelines with a statement to the City Commission if the HRC feels the application of the mural will harm the building.

Commissioner Evans said it's not the HRC's task to say yes or no, so the recommendation to the City Commission is important. He felt the decision needed to be made at the City level and by an inclusive group.

Commissioner Bailey said their task is to forward a recommendation, and he usually agrees with staff's findings, but felt it was worth noting that language in the Downtown Design Guidelines (10.8) is very specific.

Commissioner Veatch questioned whether the spirit of that guideline applies to this project on a 4-year old building.

Commissioner Erby agreed. She said this is a brand new building that could be considered unfinished and the community would like to finish it with a mural.

Commissioner Veatch said it is rare that the HRC addresses something contemporary.

Commissioner Bailey agreed that this project may not apply to the spirit of the intended code language.

Commissioner Buchanan argued that there is other language in the guidelines to suggest that the architectural details of the building should not be significantly altered.

Commissioner Veatch asked Commissioner Buchanan if she felt it was appropriate to apply that guideline to any building or only those that are historic.

Commissioner Buchanan said that 40 years from now the building will be historic.

Commissioner Veatch said he doesn't feel it's the intent of the guidelines to apply them to a non-historic building.

Commissioner Evans said he feels it meets the guidelines.

Commissioner Fry agreed.

Commissioner Hernly asked if the discussion would be different if the mural was proposed as a continuation of the design when the building was constructed. He said he's inclined to view the mural as a continuation of the building because it is so new.

Commissioner Bailey asked for thoughts regarding the additional recommendation to the City Commission.

Commissioner Buchanan said she wouldn't be in favor of approving the mural without the recommendation or at least acknowledging that the mural will damage the architectural integrity of the building.

Commissioner Bailey asked if Commissioner Buchanan feels the board formed concrete is a character defining feature.

Commissioner Buchanan said absolutely, and as a finished building.

Commissioner Fry asked how she could support approval if she doesn't feel it meets the guidelines.

Commissioner Bailey noted that the review for this project has been lengthy and not everything may have been considered all at one time.

Ms. Zollner explained that staff's recommendation is for approval and that that the project does meet the intent of the Downtown Design Guidelines. She said there was a lot of research and review that went into the staff report, so the additional recommendation to the City Commission was to bring attention to the potential harm to an architecturally significant building in the downtown area.

Commissioner Hernly noted the word "potential" is important, and that he couldn't say that the mural would irreversibly damage the building, and whether there might be a better paint removal method in the future.

Commissioner Veatch agreed that the word "potential" is key, and only if the mural is removed in an inappropriate way.

Commissioner Hernly said that is a good point.

Commissioner Buchanan felt that if the building was historic it would be a completely different conversation. She questioned whether the building would even be eligible for listing as a historic structure with the proposed mural.

Commissioner Veatch said he can see her perspective but he doesn't agree with it.

Commissioner Erby said also does not agree. She said she feels they are still in the moment of the design completion and conceptualization and the community has decided that this will be a character defining feature now and in the future.

Commissioner Evans talked about the architectural details of the building and whether the mural would be a compliment. He said it's not clear what the community wants, only this group.

Commissioner Bailey said that is outside of the Commission's purview.

Commissioner Hernly said they might find out that the community wants the whole concrete base painted with murals.

Commissioner Evans asked what might happen if white supremacists wanted to paint a mural on the other side.

Commissioner Bailey said that is outside of the Commission's purview.

### **ACTION TAKEN**

Motioned by Commissioner Bailey, seconded by Commissioner Veatch, to approve the proposed project using the Downtown Design Guidelines and determine that it meets the development and design standards.

Unanimously approved 7-0.

Motioned by Commissioner Bailey to forward a recommendation that there is potential to irreversibly damage the character defining board formed concrete if it were to ever be removed.

### **COMMISSION DISCUSSION**

Commissioner Erby suggested they include language about the appropriate method of removal.

Commissioner Bailey said the applicants and members of public will likely be present to provide those details, noting they were using the word "potential".

Commissioner Erby did not feel that proposed language was strong enough.

Commissioner Veatch suggested they use the language "inappropriate removal".

Commissioner Bailey withdrew his motion.

### **ACTION TAKEN**

Motioned by Commissioner Veatch, seconded by Commissioner Fry, to forward a recommendation to the City Commission that the proposed application method has the potential to irreversibly damage the character defining board formed concrete element of the city owned library building if the mural is ever inappropriately removed.

Motion carried 6-2, Commissioner Buchanan and Commissioner Evans dissented.

### **COMMISSION DISCUSSION**

Commissioner Evans felt the application of the mural might cause damage.

Commissioner Hernly asked if he felt that the paint will physically damage the concrete or if the mural damages the character of the building.

Commissioner Evans said he thinks it is both.

Commissioner Bailey said he's welcome to make a new motion.

Commissioner Buchanan talked about the design guidelines and what elements of structures are character defining. She felt that it would be inappropriate to cover up the board formed concrete because it is character defining.

Commissioner Veatch argued that it is not a historic structure.

Commissioner Buchanan said it isn't yet. She did not feel that taking away from the integrity of an iconic city owned structure would be the most compelling or appropriate way to document stories in history.

Commissioner Fry said that is not the HRC's task.

Commissioner Buchanan agreed that it is not, but their recommendation should reflect the concern that the mural is architecturally inappropriate.



Commissioner Erby noted that they are a historic architecture commission, not just an architecture commission, so it's not within their purview to say that the mural will take away from the architectural integrity of a non-historic building.

Commissioner Bailey said that's true unless the board formed concrete is considered a character defining feature under the Downtown Design Guidelines.

Commissioner Evans reiterated his previous concerns and would like a city group to look further at the proposed project.

Commissioner Veatch said he doesn't want their recommendation to inaccurately reflect the overall perspective of the Commission, noting that a motion had already been passed.

**ACTION TAKEN**

Motioned by Commissioner Evans, seconded by Commissioner Buchanan, to forward to the City Commission a finding that the proposed application method for the project has the potential to irreversibly damage the character defining board formed concrete element for the city owned library building, and that there are concerns about whether the painting will negatively affect the board formed concrete, and consideration should be given as to whether the mural is in character with the existing building. Commissioner Evans reiterated the staff recommendation- Buchanan seconded.

Motion not passed 3-4, Commissioners Bailey, Erby, Fry, and Veatch dissented.

Commissioner Evans said it is a concern for him.

**ITEM NO. 6: MISCELLANEOUS MATTERS**

- A. There were no Zoning Amendments, Special Use Permits, or Zoning Variances received for comment since May 17, 2018.
- B. There were no demolition permits received for comment since May 17, 2018.
- C. Miscellaneous matters from City staff and Commission members.

Ms. Zollner explained that staff is recommending approval of a change proposed to the previously approved project at 615 Tennessee Street (DR-18-00111), but the change was more than an administrative level for this project and the Commission should make the determination.

Commissioner Hernly asked how far back the wall is offset.

Ms. Zollner said about a foot.

Mr. Lance Adams, applicant, explained the proposed changes to the project.

**ACTION TAKEN**

Motioned by Commissioner Hernly, seconded by Commissioner Buchanan, to approve the design changes.

Unanimously approved 7-0.

Motioned by Commissioner Bailey, seconded by Commissioner Hernly, to adjourn the meeting.

**Meeting adjourned 7:54 PM.**