



CITY OF KETCHUM, IDAHO

SPECIAL HISTORIC PRESERVATION COMMISSION MEETING

Tuesday, October 15, 2024, 4:30 PM

191 5th Street West, Ketchum, Idaho 83340

AGENDA

PUBLIC PARTICIPATION INFORMATION

Public information on this meeting is posted outside City Hall.

We welcome you to watch Commission Meetings via live stream.

You will find this option on our website at www.ketchumidaho.org/meetings.

If you would like to comment on a public hearing agenda item, please select the best option for your participation:

- Join us via Zoom (*please mute your device until called upon*)
<https://ketchumidaho-org.zoom.us/j/85311655455>

Join the Webinar:

Webinar ID:853 1165 5455

- Address the Council in person at City Hall.
- Submit your comments in writing at participate@ketchumidaho.org (*by noon the day of the meeting*)

This agenda is subject to revisions. All revisions will be underlined.

CALL TO ORDER:

ROLL CALL:

COMMUNICATIONS FROM COMMISSIONERS:

CONSENT AGENDA:

ALL ACTION ITEMS - The Commission is asked to approve the following listed items by a single vote, except for any items that a commissioner asks to be removed from the Consent Agenda and considered separately.

1. ACTION ITEM: Approval of the September 3, 2024 Minutes
2. ACTION ITEM: Review and approve proposed 2025 Historic Preservation Commission meeting schedule

PUBLIC HEARING:

NEW BUSINESS:

3. Recommendation to review and discuss updates to approval criteria of applications as part of the Cohesive Ketchum: Land Use Regulations Update

ADJOURNMENT:



CITY OF KETCHUM
MEETING MINUTES OF THE
HISTORIC PRESERVATION COMMISSION
Wednesday September 4, 2024

CALL TO ORDER:

Clyde Holt called to order at 4:30 p.m. *(00:00:10 in video)*

Roll Call:

Wendolyn Holland *via zoom

Jakub Galczynski

Melissa Rivelo *via zoom – arrived at *00:09:55 in video*

Clyde Holt

Matthew McGraw

Also Present:

Morgan Landers – Director of Planning and Building

Adam Crutcher – Associate Planner

Genoa Beiser – Zoning Technician

Heather Nicolai – Assistant to Planning & Building Director

COMMUNICATIONS FROM THE COMMISSIONERS: None

CONSENT AGENDA: *(00:01:10 in video)*

1. ACTION ITEM: Approval of the June 12, 2024 Minutes

Motion made by Clyde Holt to approve the August 6, 2024 Minutes; Seconded by Jakub Galczynski. *(00:01:25 in video)*

MOVER: Clyde Holt

SECONDER: Jakub Galczynski

AYES: Clyde Holt, Wendolyn Holland, Jakub Galczynski, & Matthew McGraw

NAYS: None

RESULT: UNANIMOUSLY ADOPTED

PUBLIC HEARING:

None

NEW BUSINESS: *(00:01:36 in video)*

2. Discussed the possibility of cancelling or rescheduling the October HPC meeting.
 - Commission questions, comments, and direction for Staff and Staff Responses
(00:01:56 in video)
3. Review and discuss the draft of Bylaws for the Historic Preservation Commission
 - Commission questions, comments, and direction for Staff and Staff Responses
(00:04:47 in video)
4. Staff highlights & Updates (00:59:05 in video)

ADJOURNMENT: (00:59:35 in video)

Motion to adjourn the meeting at 5:30 p.m.

MOVER: Matthew McGraw

SECONDER: Jakub Galczynski

AYES: Clyde Holt, Melissa Ravelo, Wendolyn Holland, Jakub Galczynski, & Matthew McGraw

NAYS: None

RESULT: UNANIMOUSLY ADOPTED

Clyde Holt
Historic Preservation Commission Chairperson

Morgan Landers, Director Planning and Building
City of Ketchum

RESOLUTION NO. 24-020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, ESTABLISHING THE DATES FOR ALL REGULAR HISTORIC PRESERVATION COMMISSION MEETINGS FOR 2025.

WHEREAS, regular meetings of the Historic Preservation Commission shall be held on the first Tuesday of the month at 4:30 PM at Ketchum City Hall unless such date is a holiday, in which case the meeting shall be held on the following day; and,

WHEREAS, pursuant to Idaho Code § 67-2343(1), any public agency that holds meetings at regular intervals of at least once per calendar month scheduled in advance over the course of the year may satisfy this meeting notice by giving meeting notices at least once each year of its regular meeting schedule; and,

WHEREAS, the City Council has determined that listing all regular and special meetings of the Historic Preservation Commission to be held in 2025 would be beneficial to the residents of and visitors to the City of Ketchum.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO that the regular and special meetings of the Historic Preservation Commission for 2025 are as follows:

Wednesday, January 7, 2025
Tuesday, February 4, 2025
Tuesday, March 4, 2025
Tuesday, April 1, 2025
Tuesday, May 6, 2025
Tuesday, June 3, 2025

Tuesday, July 1, 2025
Tuesday, August 5, 2025
Wednesday, September 3, 2025
Tuesday, October 7, 2025
Tuesday, November 4, 2025
Tuesday, December 2, 2025

This Resolution will be in full force and effect upon its adoption this 4th day of November, 2024.

CITY OF KETCHUM, IDAHO

Mayor Neil Bradshaw

ATTEST:

Trent Donat
City Clerk



STAFF MEMORANDUM

To: Planning & Zoning Commission
From: Adam Crutcher – Associate Planner
Date: October 15, 2024
Re: Land Use Regulations Update – Administration & Procedures

The August 6th meeting had the Historic Preservation Commission (HPC) review approval criteria for alterations & demolitions. At this meeting, staff presented a memo from Clarion Associates (Attachment A) that was prepared for the City of Fort Collins, CO, regarding review criteria of alterations or demolitions. The memo identified municipalities across the United States which have separate criteria for alterations, demolitions, and for the construction of new structures adjacent to historic structures. At this meeting, staff received feedback that the HPC was supportive of moving to separate criteria for alterations and demolitions of historic structures. Clarion has provided an initial draft at creating criteria for both requests to alter and to demolish historic structures for the HPCs review. Staff reviewed the criteria and believed the following warrant HPC discussion and feedback:

Alteration Criteria (pg. 259-260)

- Review criteria “A” & “B” for alterations seem duplicative
- Some verbiage in alteration & demolition criteria should be modified to be in layman’s terms (e.x. “conjectural features”)
- The way criteria “C” is written, alterations and additions would need to closely match the existing structure. Some historic preservation programs allow for more modern architectural styles for additions to differentiate them from the existing structure. Staff would like to discuss the philosophy around architectural styles and materials for additions and alterations.

Demolition Criteria (pg. 261)

- Due to previous discussions surrounding relocation of structures with HPC, staff does not support review criteria “C”
- Staff doesn’t recommend including criteria “D” as it relates to mitigation efforts for demolition of buildings. Typically mitigation efforts are only focused in commemorative efforts (i.e. plaques).
- Staff recommends review criteria “E” be moved to alterations section

Next Steps: Staff will take feedback from the HPC and fold it into the draft reorganized code. The HPC will see this revised format once again before the document is taken to the Planning & Zoning Commission for review.

ATTACHMENTS:

- A. Draft Historic Preservation Criteria
- B. Historic Preservation Criteria Memo

Attachment A:
Draft Historic Preservation
Criteria

16.07.060. Historic Preservation¹⁶⁴

A. Purpose

The purpose of this section is to promote the educational, cultural, economic and general welfare of the public of the City of Ketchum through the identification, evaluation, designation and protection of buildings, sites, areas, structures and objects which reflect significant elements of the City's, the state's, and the nation's historic, architectural, archaeological and cultural heritage.

B. Applicability

1. The regulations and procedures set forth in this section shall apply to any structure listed on the adopted historic building/site list. All other buildings over 50 years of age shall follow the process for demolition of buildings per section 15.16.040 of the Ketchum Municipal Code.¹⁶⁵
2. Except as provided in §16.07.060.C.2.c, no person shall make, or otherwise cause to be made, any demolition or alterations to structures on the historic building/site list without approval by the Historic Preservation Commission (HPC). The following types of modifications require HPC review:
 - a. Partial or total demolition of any portion of the structure; or
 - b. Exterior alterations, including windows or siding replacement, or
 - c. Additions to any structure.
3. This section shall not apply to dangerous building conditions that would imperil the health or safety of the public as determined by the Building Official and the Administrator¹⁶⁶.

C. Alteration to Historic Structure Procedure

1. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

2. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

a. Public Notice and Public Hearings

The application shall be scheduled for at least one public hearing before the HPC and shall be noticed within 60 days of the application being deemed complete.

b. Enforcement and Maintenance

- (1) If any alteration is made without approval of an alteration application, the City may issue a stop work order for all construction activity, withhold inspections and final

¹⁶⁴ Current Chapter 17.20. Content of 17.20.060, Relief from regulations, relocated across associated sections in Code.

¹⁶⁵ Removed "except that no demolition permit shall be issued for any structure over 50 years old until a complete building permit application for a replacement project on the property and required fees have been accepted by the City" because it is applicable to all buildings regardless of age.

¹⁶⁶ Replaced "Director of Planning and Building."

approvals, withhold approval of additional City permits, and take any other available action, or any combination of the aforementioned, until the applicant has applied for and received approval for the alteration. If the alteration is not approved, the property owner shall restore the structure to its original condition prior to any alteration occurring.

- (2) Normal repair and maintenance of structures on the historic building/site list is permitted. Nothing in this section shall be construed to prohibit the alteration of any structure necessary as a part of normal repair and maintenance when such alteration will not change the exterior appearance or materials or the interior support structure of the building, including the character or appearance of the land itself.

c. Remedy of Dangerous Building Conditions

- (1) If the Building Official finds a historic structure constitutes dangerous building conditions that would imperil the health or safety of the public, it shall first be determined by the Building Official if the structure is capable of being made safe by repairs in which said repairs shall be made by the owner of the structure.
- (2) If the Building Official finds the structure is not capable of being made safe by repairs, then the Building Official may order the structure to be demolished.
- (3) Nothing contained herein shall be construed as making it unlawful for any person to comply with the Building Official's authority as stated in this section.

d. Subsequent Development Permits

Except as provided in §16.07.060.C.2.c, above, no permit shall be issued authorizing any alteration to a structure listed on the historic building/site list until the HPC approves the request for alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal.

e. Effect of Approval

Approval of each individual alteration application is unique to that property and does not constitute a precedent for other properties.

f. Expiration of Approval

- (1) The term of the application shall be 12 months from the date that findings of fact, conclusions of law, and decision are adopted by the Commission.
- (2) Application must be made for a building permit with the Ketchum Planning and Building Department during the 12-month term. Once a building permit has been issued, the alteration approval shall be valid for the duration of the building permit.
- (3) Unless an extension is granted as set forth below, failure to file a complete building permit application for a project pursuant to these provisions shall cause said approval to be null and void.

g. Extension of Approval

- (1) For approvals pertaining to "civic" buildings, the Administrator may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired alteration approval.
- (2) For approvals pertaining to all other buildings, the City may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired alteration approval. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the HPC. Whether or not an extension is warranted shall be based on the following considerations:
 - (A) Whether there have been significant amendments to ordinances which will apply to the subject alteration approval;
 - (B) Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project;
 - (C) Whether hazardous situations have developed or have been discovered in the project area; or
 - (D) Whether community facilities and services required for the project are now inadequate.
- (3) If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension. No extensions shall be granted for an expired design review approval.

3. Review Criteria¹⁶⁷

In reviewing a request for alteration of a historic structure, the HPC shall determine if the application complies with the following:

- a. The proposed work preserves, enhances or restores and does not damage or destroy the exterior architectural features of the historic structure;
- b. The proposed work does not adversely affect the special character or special historical, architectural or aesthetic interest or value of the structure;
- c. The architectural style, arrangement, texture, color, arrangement of color and materials used on existing and proposed structures are compatible with the character of the existing structure;
- d. The historic property remains recognizable as a physical record of its time, place, and use. The alteration will not create a false sense of historical development by adding conjectural features or elements from other historic properties or time periods;
- e. Changes to the property that have acquired historic significance in their own right are retained and preserved to the extent possible; and

¹⁶⁷ New. Paragraphs (4)-(6) are Secretary of the Interior's Standards for Rehabilitation.

- f. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

D. Demolition of Historic Structure Procedure

1. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

2. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

a. Public Notice and Public Hearings

The application shall be scheduled for at least one public hearing before the HPC and shall be noticed within 60 days of the application being deemed complete.

b. Effect of Approval

- (1) Approval of each individual demolition application is unique to that property and does not constitute a precedent for other properties.
- (2) Except as provided in §16.07.060.C.2.c, no permit shall be issued authorizing any demolition to a structure listed on the historic building/site list until the HPC approves the request for alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal.

c. Expiration of Approval

- (1) The term of the application shall be 12 months from the date that findings of fact, conclusions of law, and decision are adopted by the Commission.
- (2) Application must be made for a building permit with the Ketchum Planning and Building Department during the 12-month term. Once a building permit has been issued, the demolition approval shall be valid for the duration of the building permit.
- (3) Unless an extension is granted as set forth below, failure to file a complete building permit application for a project pursuant to these provisions shall cause said approval to be null and void.

d. Extension of Approval

- (1) For approvals pertaining to "civic" buildings, the Administrator may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired demolition approval.
- (2) For approvals pertaining to all other buildings, the City may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired demolition approval. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the HPC.

Whether or not an extension is warranted shall be based on the following considerations:

- (A) Whether there have been significant amendments to ordinances which will apply to the subject alteration approval;
 - (B) Whether significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project;
 - (C) Whether hazardous situations have developed or have been discovered in the project area; or
 - (D) Whether community facilities and services required for the project are now inadequate.
- (3) If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension. No extensions shall be granted for an expired demolition approval.

3. Review Criteria¹⁶⁸

In reviewing a request for demolition of a historic structure, the HPC shall determine if the application complies with the following:

- a. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.
- b. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.
- c. The structure cannot be practically moved to another site in the city.
- d. The proposal mitigates the following:
 - (1) Any impacts that occur to the visual character of the neighborhood.
 - (2) Any impact on the historic importance or architectural integrity of the structure located on the property and adjacent properties.
- e. In the case of partial demolition, the applicant must establish that:
 - (1) The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and
 - (2) The applicant has mitigated, to the greatest extent possible, any impacts on the historic importance and/or architectural integrity of the structure located on the property.

¹⁶⁸ New.

Attachment B:
Historic Preservation
Criteria Memo

Review Standards Generally in Peer Cities

General Standards

Many of the peer city ordinances we reviewed use similar language and address similar topics in their criteria for reviewing alterations, new construction, and demolition of designated resources. Boulder's ordinance provides an example of typical review standards:

Boulder, Colorado

9-11-18. - Standards for Landmark Alteration Certificate Applications.

- (b) Neither the landmarks board nor the city council shall approve a landmark alteration certificate unless it meets the following conditions:
- (1) The proposed work preserves, enhances or restores and does not damage or destroy the exterior architectural features of the landmark or the subject property within a historic district;
 - (2) The proposed work does not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site or the district;
 - (3) The architectural style, arrangement, texture, color, arrangement of color and materials used on existing and proposed structures are compatible with the character of the existing landmark and its site or the historic district; and
 - (4) With respect to a proposal to demolish a building in a historic district, the proposed new construction to replace the building meets the requirements of paragraphs (b)(2) and (b)(3) of this section.

These conditions more clearly present the requirements of an application: Materials and architectural styles must be compatible, historic character cannot be adversely affected, and exterior architectural features cannot be damaged. While these are still somewhat broad, Boulder supplements these conditions with adopted design guidelines for each historic district as well as general city-wide guidelines.

Secretary of the Interior's Standards

Like Fort Collins, most of the cities we studied either reference or incorporate the Secretary of the Interior's Standards for Rehabilitation (SOI) in their requirements for the review of certificates of appropriateness. (For reference, the standards can be found below.) Eugene, which grants approvals only administratively, uses seven of the SOI standards for rehabilitation for their review, as well as two additional standards requiring compliance with other Eugene-specific development standards or design guidelines. In Boise's standards, an abundance of different documents are referenced including the SOI standards, plans, design guidelines, and even architectural history books. Madison notably uses the SOI standards only when reviewing applications for landmark properties, but uses individually adopted standards & guidelines for applications in historic districts. Norman and Provo both use the SOI standards as well as additional adopted design guidelines.¹

¹ Eugene [9.8175](#); Boise [11-03-04](#); Madison [41.18](#); Norman [22:429.3](#); Provo [16.06.010](#)

Secretary of the Interior's Standards for Rehabilitation

- 1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Tying back to federal standards is useful to ensure consistency with federal and state reviews, such as for properties that are being reviewed by the State Historic Preservation Office for tax credit projects. While the SOI standards are a valuable tool in reviewing alterations and demolitions of designated resources, supplementing them with local guidelines or specific ordinance language is highly recommended. We understand that recently the State Historic Preservation Office has identified some landmark modifications (specifically additions) that have been approved by Fort Collins that have negatively impacted that landmark's eligibility.

Generally improving the Fort Collins standards to act as requirements rather than "considerations" could better ensure that alterations are consistent with the SOI standards. Additionally, establishing additional Fort Collins-specific standards to supplement the SOI standards would allow the review process to better implement the SOI intent in a more tailored manner. For instance, if general residential design standards were adopted, they could specify the appropriate size of an addition in relation to the existing structure, how the addition should be attached, and how visible an addition may be from the public right-of-way.

Hardship Standards

A few of the communities we reviewed have additional findings or processes to follow when an applicant can prove some level of "hardship" that would be caused by not granting the approval. For example, both Berkeley and Provo allow their commissions to approve applications that do not meet their general standards

but where the applicants claim that there would be unreasonable hardship if the application is not approved. Cambridge has a separate approval process called a “Certificate of Hardship” when failing to approve an “otherwise inappropriate project would involve substantial hardship” and would not cause “substantial detriment.”² Lincoln’s commission can issue a “Certificate of exception on the ground of insufficient return or hardship” using findings that are similar to typical zoning variance findings: if it finds that a reasonable return cannot be made without the proposed work, that there are unique circumstances, and that the hardship is the result of the application of the ordinance and not a result of the applicant.³

This hardship finding can provide some level of flexibility for applicants. However, the ordinance should clearly state that the burden of proof is on the applicant to prove a hardship. Additionally, changes should also still generally reflect the intent of the ordinance.

Review Standards for Demolition in Peer Cities

Some cities, like Gainesville, will not release a demolition permit until a building permit for a replacement building has been obtained. Boulder requires that new construction replacing whatever is demolished must meet the criteria for approval as well.⁴ Madison has established particular standards for granting a certificate of appropriateness for demolition as shown below.

² Cambridge Historical Commission, [Application for Certificate](#)

³ Berkeley [3.24.270](#); Provo [16.05.070](#); Cambridge [2.78.210](#); Lincoln [27.57.150](#)

⁴ Gainesville [30-112](#); Boulder [9-11-18](#)

41.18 Standards for Granting a Certificate of Appropriateness.

(2) *Demolition or Removal.* In determining whether to approve a certificate of appropriateness for any demolition or removal of any landmark or structure within a historic district, the Landmarks Commission shall consider all of the following, and may give decisive weight to any or all of the following:

- (a) Whether the structure is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State.
- (b) Whether a landmark's designation has been rescinded.
- (c) Whether the structure, although not itself a landmark structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State.
- (d) Whether demolition or removal of the subject property would be contrary to the policy and purpose of this ordinance and/or to the objectives of the historic preservation plan for the applicable historic district as duly adopted by the Common Council.
- (e) Whether the structure is of such old and unusual or uncommon design, method of construction, or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.
- (f) Whether retention of the structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage.
- (g) The condition of the property, provided that any deterioration of the property which is self-created or which is the result of a failure to maintain the property as required by this chapter cannot qualify as a basis for the issuance of a certificate of appropriateness for demolition or removal.
- (h) Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the historic resources of the historic district in which the subject property is located, or if outside a historic district, compatible with the mass and scale of buildings within two hundred (200) feet of the boundary of the landmark site.

Reviews of demolition are often greatly assisted by additional standards, as the general standards used for the review of alterations or new construction may not sufficiently guide decisions. These additional standards could consider whether the resource is the last example of a certain style or architect's work, assessments of the condition of the property, or the economic usefulness of the property. Review criteria specific to demolition could also specify that documentation, a common mitigating condition of demolition, is required.

Review Standards for Compatible Infill in Peer Cities

Almost every city we studied has either adopted design guidelines or integrated specific requirements into their ordinance for evaluating compatibility. Boulder and Norman have both adopted design guidelines for each of their historic districts, as well as general guidelines for all districts and landmarks. All of the design guidelines documents from Boulder specify that the guidelines are intended to be an aid for design, not a checklist for compliance. Lincoln has specific design guidelines for each landmark and district that are adopted concurrently with their designations and guide future alterations. Several cities, like Denton and Madison have actually codified design requirements for each particular district in their ordinances.⁵

One issue that comes up in many cities is the difficulty in determining what standards of review are advisory versus mandatory. For example, in Eugene, one of the criteria for approval is that the proposal is consistent with the design guidelines, although the design guidelines are “*Advisory Design Guidelines for Historic Residential Properties.*” Design guideline documents often also do not adequately distinguish between guidelines that “should” be met versus those that “shall” be required. Another example is from Provo, which has codified “*Special Guidelines for New Construction in Historic Districts.*” These guidelines cover topics like height, scale, window proportion, roof shape, and architectural details. Per the ordinance, the commission is required to use the guidelines to determine the appropriateness of applications for new construction. However, each of these suggest that these features “*should* be compatible” with surrounding structures. It is therefore not clear whether these are simply intended to guide the discussion or to what degree a project must comply with the guidelines in order to be approved.⁶

Berkeley does not have adopted design guidelines for particular historic districts, although the city has adopted general downtown design guidelines with specific guidelines for landmark buildings. Berkeley has a fairly general additional finding for the review of new construction in historic districts that ensures that work will not “adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including *facade, setback and height*; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district.”⁷

In addition to their *Historic Preservation Rehabilitation and Design Guidelines* mentioned earlier in this report, Gainesville has codified “visual compatibility standards” to guide certificate of appropriateness decisions. The use of “shall” makes them clearly mandatory, but they are general enough to be applicable to different districts with many different architectural styles:

⁵ Boulder [Design Guidelines for Individual Landmarks and Historic Districts](#); Norman [Historic Preservation](#); Lincoln [Historic Preservation](#); Denton [35-275](#); Madison [41.22](#)

⁶ Eugene [Advisory Design Guidelines for Historic Residential Properties](#); Provo [16.06.020](#)

⁷ Berkeley [3.24.260](#)

Sec. 30-112. - Historic preservation/conservation.

(6) Criteria.

- a. *Generally.* The decision on all certificates of appropriateness, except those for demolition or relocation, shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the following visual compatibility standards:
 1. *Height.* Height shall be visually compatible with adjacent buildings.
 2. *Proportion of building, structure or object's front facade.* The width of building, structure or object to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
 3. *Proportion of openings within the facility.* The relationship of the width of the windows in a building, structure or object shall be visually compatible with buildings and places to which the building, structure or object is visually related.
 4. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front facade of a building, structure or object shall be visually compatible with buildings and places to which it is visually related.
 5. *Rhythm of buildings, structures, objects or parking lots on streets.* The relationship of the buildings, structures, objects or parking lots to open space between it and adjoining buildings and places shall be visually compatible to the buildings and places to which it is visually related.
 6. *Rhythm of entrance and porch projection.* The relationship of entrances and projections to sidewalks of a building, structure, object or parking lot shall be visually compatible to the buildings and places to which it is visually related.
 7. *Relationship of materials, texture and color.* The relationship of materials, texture and color of a parking lot or of the facade of a building, structure or object shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 8. *Roof shapes.* The roof shape of the building, structure or object shall be visually compatible with the buildings to which it is visually related.
 9. *Walls of continuity.* Appurtenances of a building, structure, object or parking lot such as walls, fences and landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building, structure, object or parking lot to the building and places to which it is visually related.
 10. *Scale of building.* The size of the building, structure, object or parking lot; the building mass of the building, structure, object or parking lot in relation to open space; and the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
 11. *Directional expression of front elevation.* A building, structure, object or parking lot shall be visually compatible with the buildings and places to which it is visually related in its directional character.

The Santa Barbara ordinance includes a "Project Compatibility Analysis" which establishes additional criteria for consideration by their Historic Landmarks Commission. Topics range from compliance with the municipal code, adopted design guidelines, compatibility with the architectural character of the city and

neighborhood, appropriate height and scale, and sensitivity to adjacent landmarks. In addition, Santa Barbara recently adopted Infill Design Guidelines in their *General Design Guidelines and Meeting Procedures* document that are intended to “ensure that infill development complements existing buildings, preserves neighborhood character, and is well integrated into the neighborhood with a cohesive and well-thought out design.” The guidelines list possible design techniques and approaches to achieve the objectives in the Project Compatibility criteria in the ordinance.⁸

Gainesville’s visual compatibility standards are an excellent example, as they are clear, relatively objective standards that are codified. These standards are supplemented by design guidelines for some districts in the city, where even more tailored standards are necessary to determine compatibility.

Definitions of Compatible

Although the term “compatible” is often used in preservation ordinances, very few of the ordinances we reviewed (only Madison and Norman) defined this term.⁹ Some of the cities, like Santa Barbara below, defined compatibility within a separate design guidelines document. These definitions provide some level of specificity in determining compatibility by providing several examples of features to consider.

Santa Barbara, California

Historic Landmarks Commission General Design Guidelines & Meeting Procedures

“For the purposes of design review, “compatibility” is defined as a project’s ability to integrate harmoniously with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and the immediate neighborhood. A study of the ten (10) closest properties, and additional properties as needed, can be used in evaluating neighborhood compatibility.”

The following should be considered in achieving compatibility:

- A. Contextual setting (streetscape, surrounding structures, street trees, parks)
- B. Patterns of development in the particular area
- C. Architectural style
- D. Size, mass, bulk, height, and scale
- E. Proximity to, and interface with, historic resources, historic districts, historic sites, or natural features
- F. Design intent and overall concept of the project and land use designation of the site

⁸ Santa Barbara 22.22.145 and *Historic Landmarks Commission General Design Guidelines & Meeting Procedures*

⁹ Madison 41.02; Norman 22:429.3