BOISE CITY HISTORIC PRESERVATION COMMISSION
HEARING MINUTES
SEPTEMBER 28, 2020

I. CALL TO ORDER

PRESENT: Rupp, Koski, Richter, Brown,
REMOTE: Pape
ABSENT: Montoto, Moroney, Weaver

II. MINUTES ACCEPTANCE

1. Historic Preservation Commission Minutes / August 31, 2020

RESULT: APPROVED [UNANIMOUS]
MOVER: Ericka Rupp, Commissioner
SECONDER: Noah Richter, Commissioner
AYES: Rupp, Koski, Richter, Brown, Pape
ABSENT: Cindy Montoto, Jillian Moroney, Danielle Weaver

IV. NEW BUSINESS

1. DRH20-00282 / Todd Heist
Location: 714 E. McKinley
Ratification of Findings for denial of a Certificate of Appropriateness request to construct an addition to the rear of the house and to construct a two-story garage with accessory dwelling unit in a R-2H (Medium Density Residential with Historic overlay) zone. (This item was denied at the August 31, 2020 hearing.)

RESULT: APPROVED [UNANIMOUS]
MOVER: Ericka Rupp, Commissioner
SECONDER: Ashley L. Brown, Commissioner
AYES: Rupp, Koski, Richter, Brown, Pape
ABSENT: Cindy Montoto, Jillian Moroney, Danielle Weaver
2. **DRH20-00281 / Kerry King**

Location: 1711 N. 17th Street

Certificate of Appropriateness request to add dormers on the front and rear roof elevations of a contributing single-family structure and to construct a basement. Solar tubes are also proposed for the rear roof elevation. The property is located in a R-1CH (Single-family Residential with Historic overlay) zone.

**Ted Vanegas (City of Boise):** This is an aerial of the house and a site plan. The site plan won’t change much with this application as most of the work is going to either in a basement or on the roof of the house. These are side elevations and front elevations.

A lot of this application could have normally been reviewed through a staff level review, but the Decision Matrix determines that any change to the front of a contributing house needs to be reviewed by the Commission. This is a change to the front of a contributing house.

You’ll see the rear dormer on the right and the front dormer here is a gable dormer on the front of the home. It is fairly modest and if you read through the guidelines, the guidelines do encourage the use of dormers. On little Minimal Traditional type houses like this they’re trying to open up some more living space. Basements and dormers are certainly encouraged. We’d rather see the dormer on a rear or side elevation of the roof, but in some cases like this the dormer is modest enough and can fit in well and not detract from the contributing structure.

This is a front view of the house on the left. The dormer again will go up in this roof area.

We did have a condition of approval that the applicant wanted to discuss. The condition of approval from staff was that the dormer have a roof that better matched the roof of the house and that it be a hipped roof rather than a gabled roof. The applicant provided these diagrams to me today. His intention is that the hipped roof would not allow for egress out of that bedroom space. There will be a new bedroom space upstairs which requires an egress by the building code. So, the hipped roof as you can see and as he draws it in shows a smaller window area and would not meet egress requirements by the Building Department. As well, the other argument is that the larger gabled dormer will allow more natural light into the space.

The applicant should be on-line or here in person to speak in further detail.

Staff does recommend approval of the application with the recommended conditions of approval in the project report including the condition of approval I just spoke of.

**Neighborhood Association Testimony**

*(Neighborhood Association testimony provided prior to applicant due to technical issues)*
Sherri Battazzo (North End Neighborhood Association / NENA): I am also here with Mark Baltes from NENA.

We just wanted to share in advance of the applicant that this request has come before the Commission back in 2004. At time we were much more sticklers about contributing structures, but in looking at what is being proposed and being empathic to the request around egress window the neighborhood association does support what the applicant is requesting for the gabled dormer on the front so that there is that egress added. While we prefer the Hip, we do accept what is being proposed. That’s all for the neighborhood association unless you have any other questions.

Applicant Testimony

Kerry King (Applicant): I would just like to reiterate what Ted was saying. I want to put the dormer with the gable in for fire access. It is going to be the only window in that roof up there. So, I need light and ventilation. I would ask the Commission to approve with the gable in.

Commissioner Rupp (Action Chair): The neighborhood association testified previously, and they spoke in favor of the conditions of approval and supported the application as such.

Sherri Battazzo: That’s correct. Yes, we support the application as such. Thank you.

Kerry King: Has nothing further at this time. I chose to go vertical instead of horizontal because of what I have here.

No Public Testimony

Public Portion Closed

Commissioner Rupp: As reviewing this application I am not opposed to the conditions of approval and would support this going forward.

Commissioner Koski: We’ve got a contributing house that we’re altering the front facing façade of and there are many, many things in our guidelines and in the Secretary of Interior Standards about doing that or not doing that. It states in our guidelines, 4.1, “Dormers that historically did not exist should be placed at the rear of the house as much from the street or public-right-of-way as possible". It goes on to state, “The introduction of new dormers when required for the habitation of unused attic space must be designed to minimize damage to the historic roof forms of the existing building”.

I appreciate the work the applicant has gone through to create additional living space. Looking at the design as the layout is drawn, egress would need to come out of the front dormer, not the back. I understand the quandary that they have of meeting egress in the space
while protecting the rest of the façade, but I’m really struggling with this. It is a very small building and I don’t know if Ted or staff can pull up the photo of the front of the building while I’m speaking. There you go. Adding a dormer to the front of that significantly alters it. So, I just want to say that I’m struggling with this one a lot. I’ll leave it at that.

**Commissioner Brown:** I had some comments on it too. Looking at the size and scale and the architecture of the property, I also am struggling with this one because adding a dormer to the front alters the design of the original structure. It also looks like replacement windows at some point too that are there so when you start adding all of these changes it really affects the integrity of the structure to the point that it is almost a non-contributing structure to the district. That’s my professional opinion. It is something we need to take into consideration when we’re making these changes. Especially what we think are small changes, but they have a really large impact on the structure and the sites.

**Commissioner Rupp:** The reason why I was in support of the applicant was recognizing that yes, that the changing of the dormer and the significance of the guidelines, but recognizing also that that rectangular piece, knowing that the bottom half of the house is trying to align that and how it aesthetically looked more pleasing, I think to have it the way that the applicant is proposing as well is the best use of the space of the home. And, recognizing that the neighborhood association was in support of that and that there were no other additional components that were not met by that. I can recognize and respect where you’re coming from and see that it potentially has some impact in the future. But making the decision on today and what I know I was not opposed to that. With that I’ll make my formal motion.

**COMMISSION RUPP MOVED TO APPROVE DRH20-00281 FOLLOWING ALL RECOMMENDATIONS AS OUTLINE BY STAFF.**

**MOTION FAILS.**

**Commissioner Richter:** I struggle with this one a lot as well. Mainly due to the fact that it is changing the front façade of the house. That’s the biggest glaring red flag of this whole application. I understand the intent of the applicant, but by changing the front façade that drastically moves it too far off the mark. It doesn’t fall within any sort of support of our guidelines as far as what we’re trying to achieve here. In my opinion I would have a really hard time supporting this application as set forth today.

**Commissioner Koski:** I don’t know if we can go back to questions for the applicant? I don’t think we can at this point and time but can the design...maybe I’ll go on Commissioner Richter’s knowledge base here. Could this be redesigned to have living space upstairs without that front porch and to have egress space out a back dormer more aligning with our guidelines? Just by rework of the floor plan of the second floor to put
the bedroom area in the back of the upstairs instead of the front. Do you think that is possible?

**Commissioner Richter:** I think it’s possible. You’re eliminating a ton of square footage by doing that...initially eliminating that dormer you’re eliminating a bunch of square footage so it would be a question for the applicant if that’s even a viable project for him at that point.

**Commissioner Koski:** Ted, would you be able to pull up the floor plan?

**Commissioner Richter:** Correct me if I’m wrong, but the bed and the bathroom are currently designed in the back of the house anyways and there’s a landing room that’s on the front?

**Commissioner Koski:** Right, the bathroom is straight out the back.

**Commissioner Richter:** That’s correct. You’d have to look at the roof structure and you’d have to see what the pitch is to see what the distance is from the top of the bottom quarter...if there is a bottom quart. To the bottom side of the roof rafter and what that dimension is once you get to the top of the stairs to see if you have enough head room there. If you were to basically eliminate that front portion of the landing room and just have the stairs come up and go directly to the bedroom, but then again you’re eliminating a bunch of square footage that I think it was trying to capture there. There might be a possibility to eliminate the dormer at that point.

**Commissioner Rupp:** Are you not liking the whole dormer or what if we did a motion where we approve based on staff’s conditions?

**Commissioner Richter:** You’re changing the front façade of the home too significantly to put a dormer on the front of the house. You’re changing the front façade significantly.

**Commissioner Rupp:** But the staff’s recommendations say that it is congruent with the neighborhood and it hits three out of the five...

**Commissioner Richter:** I’m sure it does, but it also changes the front façade pretty significantly.

**Commissioner Rupp:** Inaudible...I thought it looked good.

**Commissioner Richter:** Cool. I don’t think it looks bad either, but it’s changing the front façade of a contributing structure.

**Commissioner Koski:** Yeah.

**Commissioner Rupp:** But it meets all of the standards. It meets three out of the five.
Commissioner Richter: It’s still changing the front façade of a contributing structure.

Commissioner Brown: It doesn’t meet the standards for rehabilitation.

Commissioner Koski: The standards are for demolishing, not for addition.

COMMISSIONER KOSKI MOVED TO DENY DRH20-00281 BASED ON THE ALTERATION OF A FRONT FAÇADE ON A CONTRIBUTING HOME AND THE DESIGN GUIDELINES FOR EXISTING BUILDINGS OF, 4.1 “DORMERS THAT HISTORICALLY DID NOT EXIST SHOULD BE PLACED AT THE REAR OF THE HOUSE OUT OF VIEW FROM THE STREET OR THE PUBLIC RIGHT-OF-WAY AS MUCH AS POSSIBLE”.

COMMISSIONER RICHTER SECONDED.

MOTION CARRIES 4:1 WITH RUPP OPPOSED.

RESULT: DENIED [4 TO 1]
MOVER: Devin Koski, Commissioner
SECONDER: Noah Richter, Commissioner
AYES: Devin Koski, Noah Richter, Ashley L. Brown, Megan Pape
NAYS: Ericka Rupp
ABSENT: Cindy Montoto, Jillian Moroney, Danielle Weaver

3. DRH20-00388 / Amy Allgeyer
Location: 1007 E. Bannock Street Certificate of Appropriateness request to demolish a contributing single-family structure and to construct a partial two-story single-family structure in an R-2H (Medium Density Residential with Historic overlay) zone.

Ted Vanegas (City of Boise): There is an aerial of the property. It is a fairly large property in the East End comparatively.

A bit of history, in 2019 the Commission did approve construction of a partial front porch and the addition of a basement on the property. In 2020, an administrative approval was given for roof replacement due to structural deficiencies.

This is a couple photos of the house as it is now. We do have some reports from structural professionals in your packet. They generally are somewhat summarizing...state that the walls have little to no structural system in place. They are a buildup of sheathing and siding. Stud wall framing not used. The City’s Building and Inspection Manager was called out to inspect this site or one of his staff was, and his determination was in agreement with the applicant’s reports that the building did not have structural integrity and should be demolished.

These are the findings for demolition:
- The first one is, is it classified as contributing and it is so that’s not met.

- That the building, object, site or structure cannot reasonably meet National, State or Local criteria for designation as a historic property. This is a finding that in the past staff has heard is kind of disingenuous because the first finding asks whether the building is contributing or not and then on this finding we’ll often say, well the building is contributing so it has local criteria. This finding is something staff will probably need to work through further with the Commission and with Legal on whether that finding is intended to identify a local historic relevance beyond contributing status. For instance, if it is a local landmark or something like that. But, if not then you have two findings that are basically asking if the building is contributing or not. So, if it is contributing there’s two findings you cannot possibly meet.

- That the demolition of the building…I’ll reiterate on that. We’ve typically read that as the building is contributing in the local historic district therefore, it’s got local relevance. I marked that as not met with kind of a question mark.

- That the demolition of the building, object, site or structure would not adversely affect the character of the district. That’s not met because anytime you lose a contributing structure in a historic district it does adversely impact the character of the district.

- The owner has reasonably demonstrated that rehabilitation of the building, object or structure would not be economically feasible. They have provided their engineering reports and have determination from the City Building Inspectors, so we did have that one as met.

- That plans have been submitted to redevelop the property that will have in general, a positive effect on the district. Staff believes that one has been met.

We know the application may not have met the three out of five findings as discussed. The staff, due to the City Building Inspector’s determination, does recommend approval of the demolition.

Now we’ll move onto the new construction plans so if demolition is approved by the Commission these are the plans for new construction.

This is a comparative site plan with existing on the left and proposed on the right. Then the elevations, front and rear. As you can see there is a sort of wrap-around front porch on the front. Then the side elevations. Then some photos of the neighboring properties.

Public comment has been received both in support and in opposition to the application. Comments in support generally claim the house lacks historic and structural integrity and comments in opposition claim the
house is historic and contributing and therefore, deserves to be preserved in the historic district.

Staff recommends approval of DRH20-00388 with the recommended conditions of approval in the report.

Applicant Testimony

Amy Allgeyer (Applicant's Architect): The owners of this house received approval for a remodel and addition last year. Construction began in June of 2020 but came to halt when it was discovered that this existing home does not have stud walls as is typical. The original home which was built in 1912 was constructed with ¾ inch thick boards side by side running vertically from the foundation to the roof. Now, I've personally never seen this type of construction before, but after reading the public input from Kerry Davis I've learned that this is an older type of construction called Plank Frame. The article she provided defines plank framing as a method of building where various widths of very wide planks typically 9 to 26 inches in width and 1½ to 4 inches thick stand vertically to create the walls of the building. The large width of that plank is critical to the success of that type of framing.

On this house, the planks range in width from just 6 inches to 12 inches at the max. That’s quite a bit less than the 9 to 26 inches traditionally used. This does not provide the substantial width that you really need for that type of framing to be structurally functional. In plank framing, plank frames are generally 2 inches to 4 inches thick and they are either pinned to the exterior of a frame or they span between a sill and tub plate with varying types of connections. In this house the planks are ¾ inch thick. That’s half the minimum thickness of a traditional plank frame and there is no external frame and there is no top plate and no sill plate.

Plank framing depended on the very wide planks, diagonal bracing or in the case of 3 to 4-inch-thick planks they would put dowels between the vertical boards to provide a lateral connection across the face of the wall. In this house the planks aren’t thick enough to dowel between, there are no wide planks and there’s no diagonal bracing to provide any sort of lateral connection necessary for a successful plank frame construction. Additionally, these planks are facing out of the bottom of the plank into the rim joist which means all of the roof load travels down the plank and hangs on those nails. Here you can see the wall plank coming down past the floor structure past the rim board and there is no sill plate. It doesn’t bear on anything it is just nailed into this rim board. (Sharing photos) So, this wall plank comes down and there is no sill plate. You can see the rim board below.

This is the flooring and then this wall plank is just nailed into the rim board so all the roof load that is travelling down that wall plank is just hanging on that rim board. There is no direct vertical transfer of the roof load through the wall to the foundation. In many areas of the home the planks don’t even touch the foundation. Additionally, to prevent racking plank
framing relies on super tight joints between the planks to create a rigid wall. The planks in this house are not tightly abutted. Some gaps are as much as a ¼ to ⅜ of an inch wide and this creates yet another problem with lateral stability.

To sum up, in this house we have no external frame, no top or sill plate, no diagonal bracing or lateral doweled connections. We have poor resistance to racking because of the narrow planks and the gaps and the roof loads are hanging by the shear strength of the original nails. This is not a traditional plank frame home. All the strengths of plank wall framing, the wide planks, thicker wood stock, lateral bracing, and direct transfer of roof loads to the foundation do not exist in this structure. This was a layperson’s attempt to construct an inexpensive home and it is structurally unsound. It wasn’t stable when it was built and there is a reason the head of inspection has said this house needs to come down. This is a health and safety issue. Now at some point during this house’s history furring strips and lath and plaster were added to the interior face and another layer of siding was added to the exterior. This has greatly improved the lateral strength of these walls and this is what has helped this house remain standing through the years. That lath and plaster though has now been removed as part of the approved demolition, so it’s taken away the lateral connections that these walls have enjoyed for the past 50 years or so. The neighbors report that the house appears to be shifting. The exterior siding is starting to crack, and the front leaded glass window had to be removed because it was bowing out and the lead joints were starting to open up.

It has been pointed out the buildings of type in Boise and Idaho City have been brought up to code while retaining their historic character. If those examples were traditional plank framed homes, I believe it. They are much stronger than what we’re dealing with here. Additionally, we’re not just trying to bring this building up to code, we have to stabilize this wall, separate it from the rim joists which is the only tying it together horizontally. Jack it up and suspend it in the air while a new foundation is poured below. When we set this wall back down on the new foundation, we have to find some way for those ¾ inch planks to meet the building code to support the roof loads of the house and the additions. This is not just a matter of stabilizing an existing structure.

I would like to address some questions about the experience of our project team. Apparently, engineer, Tim Johnson’s comment that he has never seen this type of wall construction raised some concerns for Kerry Davis as to the breadth of his historic experience. She states the plank frame construction is not uncommon in a building of this era, but this statement is inadequate. The article she included in her letter says that plank framing was common throughout New England, Central Ohio and in adjacent parts of Ontario and Quebec. Those areas are nowhere near Idaho. The article also states the invention of the circular saw helped end plank framing in the mid 1800’s. The majority of Boise was built well after that. It is inappropriate to insinuate that Tim Johnson’s historic Boise home experience is insufficient because he hasn’t seen a construction type that
was common on the opposite side of the country, petered out 50 years before the East End’s earliest homes were built, and is listed in only one historic text.

As for Kolby Orcher’s experience I’ve worked with him on many, many homes in the historic districts over the past 15 years. More than any other engineer I’ve worked with and have several of my colleagues. I expect this Commission has seen Kolby come through here on project from time to time because he often provides expert testimony. I specifically worked with Kolby because he understands that historic homes have unique strengths that modern homes sometimes don’t which means we’re able to save more of an existing structure and do less sistering and shoring up. He has extensive experience with historic structures through his personal projects and it is incorrect to say his knowledge of historic construction is limited or insufficient.

As for me, I’ve worked in Boise’s historic districts for 15 years. I’ve pulled 120 Certificates of Appropriateness in the past 10 years alone. I’ve come before this Commission many times. I’ve worked with Jeff Neberman, Julie Archambeault, Sarah Schafer, Matt Halitsky, and now Ted. Any of whom can tell you I bring a lot of projects through the historic process. Have I seen every surprise a historic home has to offer? Of course not. But anyone who expects that in order to demonstrate proficiency with historic home construction is not going to find a single person to fit that bill. This design and engineering team has extensive experience with homes in Boise’s Historic Districts and the attack on our abilities was inaccurate and unnecessary.

Now with regard to the criteria for demolition. The home is contributing. We don’t meet that criteria. This house though is not individually eligible. The box indicating eligibility was not checked at the time the historic inventory was done. There have been no real changes to the home since 2002 when the inventory was done so there’s no reason to believe it has become eligible since then. Citing the home’s contributing status in the East End as proof of its eligibility to meet historic status is a circular argument. Its contributing status in the East End is a criteria in and of itself. It should not factor into the separate eligibility question. We therefore meet the criterion for being not eligible as assessed by Donna Hartman in her original unbiased inventory of the home in 2002.

Now, this home is contributing and losing a contributing structure does affect the character of the district. Out of hundreds of projects I’ve worked on this is only the second contributing home I’ve petitioned to take down. The only reason I believe demolition is the best option here is because the actual amount of historic material that we would lose is small. We already have approval to remove the roof, the floor, the foundation, and the rear portion of the existing structure. The front porch was enclosed after 1956 so those two walls are not historic. The bay window was not original to the home and was added sometime before 1949, but we don’t when. When we consider the construction that we know to be within the period of significance and the demolition we are
already approved for including locations of new windows, we are currently required to keep just 28 linear feet of the original wall. That is all that would be left of the original structure as it stands approved today. So, when we talk tonight about full demolition or demolishing a home, please understand that we're talking about 28 linear feet of a wall that is ¾ of an inch thick and substandard plank frame construction that can no longer be used structurally to carry the loads of this home. In order to save the 28 feet of wall we need to add some sort of temporary structure around it so we can jack the wall up to create the new foundation. When we set the wall back down, we need to create some sort of permanent structure, basically new walls inside of the planks to carry the planks themselves and then support the load to the new construction. The original siding, we were proposing to keep isn't actually the original siding. The siding, currently on the exterior of the home, is covering up the original siding. So, none of this original will be visible from the exterior. None of it will be visible from the interior and it will be doing absolutely no structural work whatsoever. We are talking about putting historic material that no longer performs its function into a safe box. That is not historic preservation, that is a museum exhibit and it is one that no one will ever see because so little historic material would remain. It would no longer be a functioning part of the home's structure or appearance. Two experienced engineers can see no way to salvage the walls other than to abandon them. The head of building inspections has indicated the house needs to come down.

We believe the demolition of these walls, while unfortunate, will not be a detriment to the district or the neighborhood. Additionally, three adjacent homeowners have written letters in support of this demolition, and, if anyone in the neighborhood were likely to be negatively affected by this demolition it most reasonably would be them. We therefore feel we have met this criterion. We believe the proposed design for the reasons outlined in our letter of explanation would have a positive effect on the district and adjacent properties. The homeowners on either side of this property have written letters in support for the proposed design and because of this we feel we have met this finding.

I haven’t touched on the financial aspects. The owners were aware coming into the historic district that building here and renovating a historic home carries a heftier price tag than other projects. They were fully accepting of the additional cost to jack up and save the existing walls, but now they are being told they are paying extra to jack walls up that they are going to have to replace anyway. In her letter of opposition, Barbara Dawson says that the cost of remediation should not be a consideration of this Commission, but it absolutely should. Of course, it should. In fact, of the five criteria for demolition one of them includes a criterion that relates to cost. It states the cost must be economically feasible. There has to be a rationale nexus between the cost of remediation and how much history we’re actually preserving. In this case, stabilizing, jacking up and encasing the original planks inside a new wall structure for 28 linear feet of existing wall cost 850-percent more than the cost of just building 28 feet of new stud wall. This Commission has been
extremely reluctant to set any hard guidelines as to what they consider feasible. But I would argue preserving planks that were substandard to begin with, no long function and can’t be seen at a cost of 850-percent more does not represent a rational nexus between cost and benefit. Given that, I argue that we meet this criterion. Beyond that, if the original planks are not visible or structurally functioning how are they keeping this structure historic. If the home has a new foundation, new floors, all new walls, and a new roof are we not creating a false sense of history by building a home that looks like the original, but isn’t?

We believe we have strong arguments for meeting four of the five criteria for demolition. We feel the proposed home fits in well on this block of fine larger homes and we have support of the immediate neighbors. I’m going to yield the remainder of my time to the owners and then stand for questions.

**Burk Archibald (Owner):** I would like to thank you for yielding the remainder of our virtual time for us to give a brief discussion. I need to take a moment to thank our team, Amy Allgeyer, Mark Jofee, Tim Johnson, and Kolby Orcher. They’ve been fantastic in this process. I would also like to thank the Boise City Building Inspection team and our of course Ted Vanegas, Sr. Historic Preservation Planner for fielding our many questions that we’ve had throughout this process. I’m certain Ted would like to change his e-mail address after this (inaudible) project. I would like to thank the East End Neighborhood Association members who stay engaged to try and preserve the features of this wonderful neighborhood. I also need to say thank you to our immediate neighbors who have been exceedingly patient and supported us with this project despite its many delays.

My wife Lisa and I have lived in Boise for 17 years. My wife is a native of Idaho who convinced me that Boise would be a great place to raise our children. Boise has exceeded our expectations professionally and personally and is a fantastic place to call home. For most of our 17 years here we have lived in the East Foothills. Both of our children attended Roosevelt Elementary just down the block and both graduated from Boise High School.

When we acquired the property at 1007 E. Bannock two years ago, we instantly fell in love with this quaint home in a quiet neighborhood on a beautiful tree lined street. We are grateful to enjoy the proximity to work, the Green Belt, the Boise river, foothill trail access, and most importantly the East End community. Before the purchase of our home we did extensive research. We talked to many friends and neighbors who have gone through this process before us. Despite their challenges we chose to proceed. We surrounded ourselves with dedicated professional who have updated and preserved numerous historic properties in the East and North End historic districts.

Over the last two years we have worked to gain approval for a very tasteful remodel and is in keeping with the historic guidelines and city
codes. We remodeled the accessory dwelling unit on the property in late 2019 so we would have a place to live during the main home remodel.

We sold our home in the East Foothills during the early months of the COVID-19 pandemic and moved to the property in question. We began approved work on the infrastructure replacing water lines, necessary sewer lines, geo-thermal, and electrical services to the property. We encountered a setback on the un-structurally sound roof as Amy has mentioned and were given approval to replace that in April of 2020. We began work in earnest on the main home to prepare it for the previously approved lift and remodel. We had every intention of proceeding with our previously approved plan when we encountered the insurmountable problems with the structure that Amy has outlined. We were saddened to learn from two independent licensed structural engineers and the City inspection team that the house is unsafe and needs to come down. As Amy has outlined there are not studs in these walls. They are supported by ¾ inch, 12-inch boards placed vertically side by side directly on the foundation with large gaps. There are no sill plates or headers, no grooves or notches as were used in some homes with the board and plank construction. To put it simply the home was supported primarily by lath and plaster and two layers of external siding. Since the removal of that lath and plaster required for lift and remodel, the house is now bowing, listing and leaning where it should not be.

Just last week we asked historical permission to remove the original leaded glass window that Amy mentioned before it became unusable.

We’d like to point out that each time we have encountered any issues on this property we have stopped all work and have revisited the issues with our team and sought the guidance of the historic preservation staff. (inaudible) the process every step of the way and we have worked tirelessly to ensure all of the options available to us have been thoroughly considered. (inaudible) with no other clear path forward to preserve this insufficiently constructed home. We went back to the drawing board to design a new home that we believe is congruous with the historical and architectural features of the East End neighborhood. (inaudible) with all the rules set forth in the guidelines of the historic district.

My wife and I yearn to be able to move forward with these plans so we can have a permanent place to call home. We respectfully urge you to approve demolition of the main home on our property and further approve our application for new construction set forth in this proposal. Thank you for your time.

Commissioner Koski: I do have a question for the applicant, Amy Allgeyer. When you started working on this project and some of these issues came into light, obviously you have a very nice attractive house that has stood the test of time there and you did stop which is great, but have you considered at that point revising the plans? Obviously, the owner of the property has a dream to construct what is originally designed, but when you work on a remodeled house or an old house like
this you run across things. So, was it ever considered to do a redesign to keep what is existing there and add on additionally?

**Amy Allgeyer:** That’s sort of the problem we’re running into. We’re not finding a way to keep what is there. Ted initially offered to allow us to take down those existing substandard plank frame walls and put up studs instead, but then we realized that that was going to be pretty much a total demolition and there wouldn’t be anything left and we can’t build back something that was originally historic because that creates a false sense of history which is why going forward after we talked to the engineers who said they don’t really see a path forward and after speaking to the building inspector who said it needs to come down, the owners opted to go and design a new home so we could at least bring that forward to get that criteria of demolition met.

**Commissioner Koski:** Thank you Amy. I guess this question may be for Ted. Do we have any pictures of what demolition has gone on so far outside of the ones that are in the packet? The outside pictures show plastic on the windows, but I don’t know how much interior demolition has been done.

**Ted Vanegas:** Just what’s in the packet. Maybe the applicant can share some further photos.

**Amy Allgeyer:** I don’t have any broad photos of the interior currently. I can tell you that no more of the lath and plaster has come off, but it has been cleaned up. There was a lot of debris on the floor and that has been swept away. In terms of exterior it hasn’t been changed any further. We haven’t touched those plank walls at all. They are still covered with four layers of wallpaper. Aside from the front leaded glass window I don’t think anything else has been removed. I was just there a few days ago and it pretty much looks like it stands in the photographs we submitted with the application.

**Neighborhood Association Testimony**

**Brittney Scigliano (East End Neighborhood Association /EENA):** I know we’ve had some delays. I won’t take the full 20 minutes so maybe we can get a little further ahead and on track. Quickly, Commissioner Richter, I would like to thank you for your service on the Commission. You will be greatly missed.

Tonight, I am here to ask you as Historic Preservation Commissioners to make a decision that will honor the original guidelines of the East End Historic District. When the district was created and adopted in the early 2000’s, nothing that was presented or adopted was unreasonable or unrealistic then or now. The intent of the district is to honor the form and character of some of our most defining characteristics. Predominantly the small Craftsman Bungalow and large side setbacks.
Back in May of 2019, EENA was supportive of the addition and plans for this proposed property at 1007 E. Bannock. In fact, as one of the main goals of our recently adopted Neighborhood Plan, Goal 1.3, which is to support new development when it fits within the historic district and urban character of the neighborhood compliments the form and function of its adjacent surroundings. The original proposal did just that. Since that time and as work has progressed the structural stability of the existing home has come into question. Demolition should always be considered an absolute last resort for reasons that include environmental stewardship, economic sustainability and cultural identity.

I would like to take this moment to thank Ms. Allgeyer and the Burk (?) and Lisa for following the process. We know that this is a significant setback. But the fact that you have followed the process shows your integrity and means a great deal to the neighborhood and the historic district. Thank you.

As a representative of the EENA Board and as partners with the City and HPC, I do have some questions regarding the new proposal. We would have preferred to address these earlier with the owners and architect, but we didn’t receive plans with enough time for a prior conversation. The original plans call for a much smaller footprint of over 450 feet. Additionally, larger setbacks over 10 feet in the front, 8 feet on the east side and a full basement as opposed to the half basement and the addition of a half-story. This is a significant change from the original design, and we are curious as to why. The loss of a contributing house is a blow to the historic district, and I know not one that they had intended to do. But, the loss of additional green space makes it a little more challenging to digest. While we don’t like to see demolition in the historic district, the replacement is much larger than the original plans. So, we’re curious as to the purpose for the half-story and partial basement as opposed to a single-story and full basement being more congruous with the neighborhood. What is the reason for moving up as opposed to continuing to go down?

The initial plan shows a lot size of 9,583 square feet. I’m going to throw a lot of numbers so I’m also going to go a little slow here. The initial plan shows the lot size at 9,583 square feet. The current plan shows 9,900 square feet. I’m a bit confused at how the lot has grown over 300 feet in the last 18 months or so. According to the Ada County Assessor the lot is 2.22 acres, which is indeed the 9,583 square feet. If the lot did not grow and my calculations of the proposed lot coverage of 3,080 square feet divided by the 9,583 then the percentage coverage is actually 35.2. I’m not a mathematician and I could be wrong, but if there can be clarification of at least on how the lot has grown over 300 feet, that would be helpful for further informed decisions.

Finally referring to our neighborhood plan again. Goal 1.5 is that we’ll strive to protect and preserve historic districts and other historic places and functions through regulator tools and partnerships. The Commission is that tool and our partner. We trust that you’ll take the information this
evening and make a decision that is fair and representative of the form, function and character of the East End Historic District. Thank you.

Public Testimony

Rob Tiedemann (217 N. Walnut / Boise): I’m a 40-year resident of the East End Neighborhood and past president of the EENA and one of the founding members of the board of directors. In regard to this project, and one of two I will testify to tonight, is my concern with the application for a residential Certificate of Appropriateness to demolish a historic home at 1007 E. Bannock and is as follows.

Issue number one of a factual nature is while inspections can differ in rigor and thoroughness the due diligence required for an older historic home being considered for an extensive remodel warrants a practical owner and their agents to gather all the information needed to determine if it is prudent to proceed. I’ve heard several times tonight that there’s been a problem in discovery of the structural nature of the building and that is the rationale for demolition. How is it that that was not discovered prior to the applicant being before you this evening? How was it a thorough inspection of the structure considered for an extensive remodel did not reveal these defects when some, especially those revealed at the start of demolition, were in plain sight.

My second concern is I heard from staff tonight that three of five required conditions for you to approve demolition have not been met. How is it that you could move forward and violate implementing rules and regulations of City Ordinance and allow for this to proceed.

I urge you to work with the Mayor and City Council to provide the resources to City staff to fully deploy and of course the Historic Preservation Ordinance and support their work with your decision making. Your rejection of this request is the first step and path. Please deny this application and by doing so voice your care for the integrity of the ordinance and the Historic East End Neighborhood. Thank you.

Sherri Battazzo (North End Neighborhood Association / NENA): Along with Mark Baltes. All we wanted to do is align the North End Neighborhood Association with the East End Neighborhood Association in opposition to the demolition of contributing structures in both of our neighborhoods. While we always empathize with the needs of the homeowner, the builder and the architect for their reasons for why it makes the most sense to tear down as oppose to preserve one of the values of the NENA is preserving the historic structure and incorporating that which is there with whatever is rebuilt. We stand with EENA in everything that they said, could not say it better and that is all for us.

Derek Hurd (112 E. 33rd Street / Garden City): From 1900 to today which is 120 years...easy math because it is even decades, this home has survived earthquakes, windstorms, floods, hail, rain, snow, and even snowmageddon a few years ago. So, what we have is perfectly functioning
house. How many families have lived in there? Who knows? Dozens of families over the course of a century and now the damage that has been done to this house that is making it structurally unsound has been done by the homeowners. Not by the ravages of time. I think what we need to do is start asking engineers how can, we save this home. How can we make this building stand up for another 120 years? Not ask engineers how can we tear this down?

As, Barbara Dawson pointed out, costs are not a part of your decision in your decision making. Your decision is to determine whether this home should be torn down or not. It is a contributing home. To most everybody that means it should not be torn down. We’re losing our historic stock one contributing home at a time for one excuse after another. Just because we haven’t seen a construction method doesn’t mean this home can’t continue to live and shelter families for the years to come.

Another concern that’s happening throughout the North End, East End and all of our historic districts is we’re tearing moderately sized homes and replacing them with huge homes. This was double the size...the new home proposal is double the size of what was there. So, we’re taking housing stock that’s appropriate for a couple or a small family and it’s all of a sudden five years from now it’s unattainable for first-time homebuyers, single people, etc. We need to...we’re hearing a lot of words like impossible, insurmountable, expensive, unprecedented, and we’ve never seen it before. We need to start thinking in terms of this is going to be a challenge. How can we do it? This is going to be hard, let’s put our brains together and make it happen. Let’s be creative. We have to do better as a neighborhood, as a city, as builders, caretakers, and architects of the homes and housing stock that we have. We have to...I’ll step up and make this better. Thank you.

Kristin Fiorentino (1019 E. Bannock / Boise, ID): We live next door to the property of discussion, and we’ve followed this project from its inception. All through the process we very much appreciated the Archibald’s design and (inaudible) in respect to the historic regulations. In fact, they’ve followed every rule and request laid out for them in the process.

We also know that they moved to the neighborhood for its charm and for its historic character. The Archibald’s have gone to every effort to preserve the building and that was their intent. They unfortunately, as we have heard, found out that lack of structure made their plans unfeasible. They have diligently designed this next plan that honors the ambiance of our neighborhood and they have gone to considerable and much unexpected expense to do this.

We are concerned that lack of approval would ultimately result in a dilapidated home that will not be restored. We do not want to live next to a deteriorating structure. The proposed structure will ultimately add to the charm of our neighborhood and we welcome it. The story and a half fits in with all the other two to three story homes on our block of Bannock as well as all but one of our alley make homes. Going up in height is
consistent with our neighborhood clearly. They have respected the footprint regulations as well that are laid out by the City and the Historic Commission. They are asking for no variance or exception in that.

Multiple neighbors have written in support of this demolition and the approval of the Archibald’s very respectful plans. Furthermore, there has been written testimony of the homeowners of 1007 E. Bannock dating back to the 1930’s and the home stayed mostly in the same family. They’re also in support of demolition and rebuild and state that this should have been done years ago. As next-door neighbors we fully support the demolition of the existing structure and approval of their beautiful period appropriate design for a new home. Thank you for your attention to this and the long consideration that you are giving it.

Kerry Davis (1007 E. Jefferson Street): I bring to the table a Master of Science in Historic Preservation and over 20 years of experience in the field of historic preservation consulting across 20 states nationwide including the documentation, assessment, and National Register listing of thousands of buildings and structures. My background includes preservation law, assessment in conservation of historic building materials, preservation planning and certifiable rehabilitation of dozens of historic buildings. I mention these specifics only so as to make clear that my testimony is rooted in extensive experience with just this kind of project. I’m professionally obliged to call attention to a few items.

First, I’d like to address...and I appreciation Amy’s identification of the challenges that this home presents. However, the assumption there insurmountable is truly just erroneous. I have consulted with two licensed architects here in the Treasure Valley that have decades of experience in historic buildings and they have concurred the dwelling...they have reviewed the engineering assessments and have concurred the dwelling is most certainly restorable as they have both encountered such buildings and have been able to do so.

I would also address the fact that yes, I included in my written testimony or academic report regarding this type of building technique. It was not meant to be seen in such a narrow view. In fact, I would argue that Idaho was settled by folks from back East and it is not uncommon to see construction techniques migrate with people as they moved across country.

Another point I would like to make...she made some really good points about the differing sizes of the numbers of the buildings...of the planks. That’s actually absolutely to be expected because these were built by folks with little construction skills and with available materials. So, inconsistency in the techniques and sizes and so forth are not uncommon so they should not be misconstrued as again, an insurmountable scenario or set of circumstances.

One other point I would make is per the National Register alterations gain significance over time. So, whether or not secondary siding is on or a
porch was enclosed, if that’s more than 50 years of age the guidelines actually mandate...the Secretary of Interior Standards mandate that those are taken into account as potentially significant in their own right. Again, I would urge the Commission to not be swayed by those suggestions that it might not be eligible.

It *(inaudible)* would be much easier and convenient when faced with a challenge. The solution should not be to scrape the site and build a much larger house...*(inaudible)* creative.

**Paula Benson (Preservation Idaho):** First I’d like to say that I’d like to almost give these folks a gold star for following the rules and stopping work when they realized that they needed to exceed their Certificate of Appropriateness. I appreciate Amy’s thoughtful overview of what they found.

To echo some of the comments made earlier however, one challenge that we have is that we go from a standing 100-year old house to a total demolition as the result of an attempt to update the house. While houses need to be updated and made relevant, once we get into them and we find things that were unexpected it is difficult for organizations like Preservation Idaho and for neighborhood associations to have to stand on the sidewalk and watch what is being done and decisions being made and structural engineers doing their work. But not being permitted for justifiable reasons perhaps to be able to go and see for ourselves or to have somebody like the Idaho Heritage Trust...a true third party come in and look at these sites that have decades of experience to really be able to say can you save it or can you not save it. Because if they say no then we would step down. But our challenge is that we’re left to take the words of people that are hired for specific reasons to do their jobs and we do not impugn integrity however, we are concerned that they go in with a very narrow and a much more modern focus than is necessary.

The other concern is when demolition becomes a pathway to a larger footprint which seems to be occurring here. As noted by one of the Commissioners earlier, we have to ask the question why we’re going to take a 100-year old home that has withstood everything Boise has ever thrown at it and we’re going to let it end up in the landfill which is certainly not part of sustainability and not certainly part of Blueprint Boise or the Secretary of the Interior Standards. So, if something has to happen here, we’d like to know without a doubt that there’s truly no way to save this. In addition, we’d like to see that homes that are built on these properties if in fact that’s the direction that the Commission decides to go are made the relative size of what they were going to do in the first place and this does not become a pathway to larger homes because that just makes us concerned about the process itself and the incentives that are put out there for homeowners intentionally or unintentionally. Thank you very much for your time.

**David Thomas (917 E. Washington Street):** My wife and I reside in the East End where we have lived for about 24 years including when the residents
of this neighborhood voted to subject ourselves to the benefits and burdens of becoming a historic district. I’m a licensed architect and I am a former member of the Commission from 2004-2007.

I feel compelled tonight about this proposal to demolish 1007 E. Bannock Street. This home is obviously a few blocks away from my own residence. I was prepared to testify regarding structural deficiencies but given the testimony of the architect and owner tonight, as well as Kerry Davis, I’m going to pass on that portion. I believe that Kerry was much more elegant that I might be regarding that.

I wanted to go on to say that every loss of a contributing structure pains me and affects the neighborhood in a negative way. For that reason, a replacement structure should be highly scrutinized. I also challenge whether or not the applicant has met the finding regarding having a positive effect on the district. That’s in relation to the proposed structure. If this home has been burned to the ground and the applicant was looking to replace it, I would seriously question the size of the proposed house both in terms of being 3,800 square feet, which I think is likely unprecedented in the historic inventory of the district and its site coverage which is proposed to go from 21 to 34-percent.

I would also ask you to consider that neither the Secretary of the Interior Guidelines or your own that condone construction of new structures that mimic historic structures. If you do find your way to approve the demolition of this home, I would urge you to seriously consider the appropriateness of the proposed design.

I can understand how neighbors surrounding this project would support any movement of the project. That aside, continually allowing applicants to demolish contributing structures you’re allowing the destruction of the very fabric that makes this neighborhood so special. Building new structures that are incongruous with the neighborhood fabric are in fact damaging to the integrity of the neighborhood. How it is that this project has progressed from a modest remodel to a 3,800 square foot new structure is not understood. The owner and architect seem to be very aware and sympathetic to the requirements of the historic district. With all due respect for the parties involved the proposed home does not appear to be congruous with the district in multiple respects. Thank you for your time and service.

Name Inaudible (921 E. Bannock Street): I am about three houses away and I am one who lives in a 1915 contributing house that I happen to love. This house and also the contributing houses in my neighborhood...there is one thing I haven’t heard anyone mention. Is that contributing? Yes. It is 100-years old. Aesthetically it is a little box. Beauty is in the eye of the beholder. As someone who has looked this property since I’ve been here, it consists of three small buildings. It is nothing architecturally that I find so appealing as I pass it every day. I would be in support of building something else. Now, I have not seen the plans and I do not know anything about what the owners plan to build. What I do know is that yes,
it is 100-years old, but it is to me not a contributing building that is so appealing that it can’t go. Something could be replaced that architecturally, historically, Ted and everybody gets involved with what is appropriate. But if these owners want to demolish it, for me it would be okay. There are other homes in this area where I would stand out in front if the bulldozers came. This one, not so much. That’s all I have to say.

Name Inaudible (No address given): I want to (inaudible) because a couple of people have said this, they have not seen the plans. Is it possible to show the plans again of the home they are hoping to build because it kind of flashed by so fast? 3,800 square feet is kind of overwhelming and I’d like to see what this is supposed to look like. Is that possible to see that again?

Commissioner Rupp: Yes, we can pull that photo back up. While staff is pulling that up, I will ask my Commissioners if they have any questions for the applicant or for staff based on testimony.

Commissioner Richter: I’ll have questions for the applicant.

Commissioner Rupp: We’ll keep that up and I’ll turn it over the Commissioner Richter for questions. I want to make sure the applicant is unmuted. I’m going to ask them for seconds. They have five minutes to do a rebuttal based on public comment.

Applicant Rebuttal

Amy Allgeyer: I would like to do a rebuttal. It’s a lot to rebut in five minutes, but I’ll do my best.

With regard EENA’s comments, we’re not arguing that the home isn’t contributing. We’re just saying that the house that is there is structurally unsound. The engineers and even the building inspector see no path forward without mere total demolition of the walls. Total demolition of the walls is not allowed if we’re going to put back the house that was there which creates a false sense of history.

I do want to address the issue with the difference in the lot size. When I did the initial application, I based the lot size on the .22 acres that the County Tax Assessor has listed for the size. Since that time Burk and Lisa have had the property surveyed by Fox Land Surveys. It is on file with the City and that is where we got the 9,900 square feet. That is the actual size according to the surveyors of this lot. That is the discrepancy there. We are not trying to mislead anybody, we just had better information the second time around.

There was a question about why we did not find the plank framing earlier. For example, when I measured the house. The reason is that with the plank frame and the original siding…the additional siding, the furring strips in the lath and plaster, those exterior walls were still 4½ to 5-inches thick.
So, they looked exactly like stud walls. There was no way for us to know what was under there until we actually started demolition.

NENA aligned itself with EENA against the demolition. I just want to say that the engineers and the inspectors have said that these walls need to come down. We looked at trying to find a way to use them and there is no way to use them. The best we can do is build new walls around and then they don’t exist anymore. They are not functioning anymore. That’s not preservation, it’s Disneyland. We’re not preserving anything. We’re creating a false sense of history.

There was a question about the house standing for 120 years and now that we’re gone forward with some demo it is now listing. That demo was approved by the City. Again, we had no idea the situation was under the walls. The inspector looked at this and agreed with the engineers. They could see no way forward without replacing the walls. Again, this is not saving the walls. This is just building stuff around it that nobody can see and isn’t functioning anymore. It’s sad, but sometimes we come across a home that for whatever reason just cannot be saved. As I said, this is only the second time in 15 years that I’ve requested this. We’ve explored many possibilities and the options are difficult and they’re expensive. Again, at what point how much do we pay to preserve some historic material within walls that nobody is ever going to see? They don’t function structurally; they don’t function aesthetically. They’re not walls anymore.

Kerry Davis asked if these problems were insurmountable and it’s the same answer, is that really the question? This plank frame construction died out because the intro of the circular saw stopped production of really wide boards. We don’t have really wide boards here because of that reason. This whole type of construction was inappropriate for construction in Boise because we can’t get the wide boards that are necessary for that to be stable.

The Boise Historic Guidelines have always followed the rule of anything outside the period of significance is not considered historic. It is unfair that that be changed without some sort of formal letter of alert to all the design professionals that are working in this area.

Again, we’re talking about 28 linear feet of wall that has to be enclosed inside some other structure. This is not preservation; this is a museum exhibit.

Lastly, I would just like to cover that all of the adjacent neighbors are in favor of this. With regard to the new home we meet the lot coverage. We meet the lot coverage with two other existing structures on that lot. Now, if we just had one garage and a house, that house could be even bigger. But we’re under the lot coverage which is the limit. We exceed all the setbacks. There are two-story homes on either side of this house. Homes on either side of this house are over 3,000 square feet as well. This is
not an incongruous house in this neighborhood. Especially with regard to the homes that are on either side of it.

I think that’s all the notes I have.

**Burk Archibald:** If we have time, I have one additional comment. It was brought up on numerous occasions that the community members who are not in support of this project did not have the opportunity to see this project or be involved in this project. I would like to reiterate that we contacted EENA on numerous occasions to come and view our property to be a part of the planning phase to see where we were with our plans. We only had one person show up from EENA and that person had to recuse herself tonight. So, we have gone through the process of alerting and involving our neighbors every step of the way in this process and we have been very transparent moving forward. In the future, I would encourage all parties to get together to discuss in a more formal manner rather than what we felt was an adequate attempt to involve community members to come and be a part of this with us.

**Commissioner Richter:** Ms. Allgeyer, before there was ever discussion about demolition of the home after the discovery of the plank wall construction and how the existing home was built, was there any conversation specific…direct conversation with structural engineers as to processes or techniques that could be used to save the home without the option of demolition?

**Amy Allgeyer:** Yes, we did have those conversations with the engineers, and I had that conversation with the builder as well because they both bring different skill sets to the table. The issue with the engineers was disengaging those planks from the rim joists is going to destroy the lateral connection they currently have and then jacking it up we have to encase that in some kind of frame to jack it up. Then the issue with putting it back down is we’re got these planks; we’ve got two layers of siding and we’re trying to keep the exterior of siding. How do we put up a structural wall adjacent to these planks that has sheathing on the outside to meet shear? There are all these little moving parts that were not wanting to go together, and it was a very difficult process. At the point we started realizing these planks aren’t going to be doing anything anymore. They are not functioning. They’re not visible. We can sandwich these planks into a wall, but how much are we paying to jack these planks up and hold them in place and put them back down so they can be encased in a wall and never seen and not do any work when we’re talking about a cost that is 850-percent more than just being able to take these walls off and put up new stud walls.

I understand the historic material is there, but let’s keep in mind it is 28 linear feet. There’s no roof anymore. There’s no foundation, there’s no floor and the whole back of the house is gone. How many hoops do we have to jump through to preserve this little bit of structural material when these owners have done everything right from the very beginning? Right
now, their sitting here wondering if they’re going to be able to move into a house at all.

**Commissioner Richter:** I understand that. I’m just trying to wrap my head around why you would have to disengage the planking from the sill plate and from the rim board. You could frame it into your wall with lateral blocking and mechanically attach the siding to the lateral blocking. Thus, actually creating a shear wall with only a 2x4 wall in the interior pretty much saving all the historical structure within itself. Was that ever discussed? Was there ever any discussion as far as thinking outside the box and trying to think of different ways to do it because in reading the application and in reading...that is just one suggestion that I could have possibly made to a structural engineer to see if that would fly which seems like it would. Interior frame, 2x4 wall, lateral blocking...all of the vertical plank then mechanically fastened to the horizontal blocking henceforth giving it your shear value. Were any of those options...

**Amy Allgeyer:** This shear is supposed to be provided by what? I didn’t get that.

**Commissioner Richter:** Not only the siding, but also the vertical plank framing to the interior. To the newly framed interior 2x4 wall.

**Amy Allgeyer:** We typically don’t get shear resistance from individual horizontal or individual vertical boards. We need a panel...

**Commissioner Richter:** Once lateral blocking is installed then you would actually achieve shear.

**Amy Allgeyer:** I don’t know that there’s anyway code wise to make the building inspections look at that. We were talking about shear specifically but trying to get either double layers of sheet rock or the plywood panels installed to make that meet the building code.

**Commissioner Richter:** What I’m saying is you have to think of the materials that are being used on hand. You don’t need plywood to get shear. You can use *(inaudible)* materials and framing techniques with vertical plank framing and mechanically fastened through the horizontal siding and that would give you more than enough shear. It would be stronger than what is there now.

**Amy Allgeyer:** I can’t speak to that. I’m not an engineer so I don’t know. I’ve never seen horizontal boards or vertical boards fastened in anyway that meets the shear requirements of the building code. But I can tell you when the engineers and the builders were out there, they spoke only of plywood panels and how to try to get this house to stand up with the new roof loads that we were potentially putting on those walls.

**Commissioner Richter:** Right. So, just to be clear there was no conversation had with any of the engineers or any of the inspectors from
the City of Boise about using existing materials being attached to possibly a new framed interior 2x4 wall. Is that correct?

**Amy Allgeyer:** I did not hear any conversations as such. I was not there when the building inspector was there so I can't speak to that.

**Commissioner Richter:** That's the only questions I have.

**Commissioner Koski:** I do have a question for Amy. I'll try to phrase it better. I asked this earlier and I'm hopefully going to be a little more specific this time. Just now in your discussion with Commissioner Richter you were talking about all the work that was going to be necessary for you to lift the house to put the basement underneath it and to get it back down on there. When you came across some of these issues was discussion ever had about changing course and not lifting the house? Preserving the house on the foundation it is now and proceeding with additions or options for additions off the rest of the house or the rest of the property without lifting this house? Was that discussion ever had?

**Amy Allgeyer:** No, it wasn’t because we managed to get the size of house that the owners needed by doing a full basement. So, if we weren’t going to lift the house, we don’t have enough lot coverage on the lot to work with to get the size that the owners would like.

**Commissioner Koski:** So, would you say then, if you were not going to lift the house... did you have any discussions with the engineers to renovate the house on its... the ability to renovate it on its existing structure to keep it? Was that conversation had?

**Amy Allgeyer:** I don’t think I understand the question. We were planning to keep the existing structure. Part of it by jacking it up and then putting it back down. By not jacking it up again, we don’t... just doing additions on the main level and leaving the existing structure intact we don’t get enough square footage.

**Commissioner Koski:** Okay. Thank you.

**Commissioner Richter:** Ms. Allgey, are you familiar with the process of installing a foundation under a house without jacking it up?

**Amy Allgeyer:** Yes. That’s a possibility. I’ve done several houses like that. They are more expensive, they’re messy and we often batter walls in place, and it has to be done in lifts, and it takes much longer. It’s not an ideal process and for these walls even to stay in place when we take the foundation out, I don’t know if that would be possible. The existing walls are pretty fragile.

**Commissioner Richter:** It could be an option though possibly?

**Amy Allgeyer:** Potentially, at much greater expense to the homeowners.
Commissioner Richter: Right, thanks. I appreciate it.

Public Portion Closed

COMMISSIONER RICHTER MOVED TO DENY DRH20-00388 BASED ON THE INFORMATION THAT HAS BEEN SET FORTH TODAY BY NOT ONLY PUBLIC TESTIMONY, BUT ALSO BY LOCAL PROFESSIONALS AND ALSO EVIDENCE THAT WAS FOUND IN THE APPLICATION ITSELF.

COMMISSIONER KOSKI SECONDED.

Commissioner Richter: We all know that tearing down contributing structures within the historic districts is the last thing anybody wants. I’m sure it’s the last thing the applicant wants. I know that the applicant has a nice new set of plans for a new home to be built on the site, but I think there are some steps that could have been taken early on to prevent us even having this conversation of demolition being a possibility. I think the applicants have a true opportunity to go back and look at other options and see if there is a different way that they can make this project successful because I know there can be. I know this project can be successful. With knowing that there’s other options for them to take, other avenues, other ideas to look at I think that’s where they should start and go from there.

Commissioner Koski: I’m actually excited and enthused, and grateful for all of the testimony and all of the work that has been put in by staff, and professionals, and by the neighborhood associations. I have a little bit of goosebumps up here just knowing that this is part of what makes the City so great is everyone’s involvement and their passion for what they stand for and their comments. So, I’m very grateful for that and very excited for that.

The fact that we have a structure that while at this point is not maybe proceeding where the homeowners would have liked it doesn’t mean it should be demolished. We have a building that not only is contributing in its state, but I actually think now it’s a little bit of a gem. We’ve got something that is historic in its way of construction, its method of construction and our guidelines are set up and the Secretary of Interior Standards are set up to protect these exact kinds of structures. I believe there is a way to keep the structure and rehabilitate it while maybe not what was initially planned, I think it can be done. I think professionals can be found that can renovate, remodel, prepare, preserve versus replace, replicate, remove. This is the Historic Preservation Commission not the Historic Replacement Commission. I’m definitely in support of Commissioner Richter’s motion.

Commissioner Brown: I echo my other two Commissioners and their thoughts on the demolition of this structure. As we all know every time you take away one of these contributing structures, your non-contributors grow and that actually is adversely affecting the historic districts. You can actually lose your historic district. You can have enough non-contributors
to tip you over to not having a historic district and I think that is something Boise faces as it is growing with these projects that are just kind of chipping away at our historic neighborhoods. Not only is this demolition something that we don’t want to see I also think the proposed plans do not meet the Secretary of Interior Standards for new construction. The size, massing, scale, and setbacks are all off. In addition, it is a faux Craftsman. When you construct new houses in a historic district you shouldn’t be mimicking what is there. It should be of its time and of its place. The standards for rehabilitation state that in #3. I would like to see more thoughtful design by architects, not copycats of other buildings in the neighborhood. Thanks. Those are my comments.

Commissioner Rupp: With this, again, Commissioner Koski I totally echo what you have to say with regards to we have a very passionate community and as we tell it is 8:00 p.m. already and for that, it what’s make Boise wonderful and fantastic. So, when going through this application and ready all the testimony you can see the heart of our community and the neighbors that live next to these applicants.

I’m torn by this only because not necessarily having the content knowledge and expertise that comes with historic preservation but knowing that the City of Boise inspector comments in recognizing it was non-stable and it needed to be demolished. As the City, approving that and using the following protocols and approving that and that it didn’t uphold the structural integrity. It’s just conflicting to me because I’m torn between the testimonies we’ve heard and the information that has been presented to us. I can clearly see to what the applicants identified that by putting new walls around it you’re masking it and you’re no longer able to see that historic component, but in recognizing where it stands now it is not inhabitable and it does need to come down. But to Commissioner Richter’s point I’m not comfortable yet feeling someone who is not a content expert is 100-percent and in my profession not in this every day. As a Commissioner I don’t feel I’ve been presented the information that gives me enough okay information to know that you’ve looked at all the options and all of the choices that could be presented to make this contributing home stay a contributing home. With that I will look for a vote.

Commissioner Koski: I think it is important to note that in the Secretary of Interior Standards for Rehabilitation items 2, 4, 5, 6, and 9 are all in question here. I don’t believe they’ve met that as well as the fact they failed to meet three of the five conditions for demolition, so I think those are very important to note.
RESULT: DENIED [UNANIMOUS]
MOVER: Noah Richter, Commissioner
SECONDER: Devin Koski, Commissioner
AYES: Rupp, Koski, Richter, Brown, Pape
ABSENT: Cindy Montoto, Jillian Moroney, Danielle Weaver

4. DRH20-00398 / Ken Litzinger
Location: 1521 N. 5th Street
Certificate of Appropriateness request to construct a partial two-story single-family structure in an R-1CH (Single-family Residential with Historic overlay) zone.

Ted Vanegas (City of Boise): This is the site plan. You’ll recall that… I’ll go through the history on the next slide, but this is the property… you saw this about a month ago for new construction as well on the corner of 5th & Sherman.

The history or background behind that, in 2017, the Commission approved an extensive remodel of the contributing house which included a basement and other additions.

In March of 2020 the staff was called to report that the house had been demolished. Then on May 8th the applicant submitted plans for reconstruction of the house which were generally the same plans as the remodel plans that they had originally submitted.

At the July 29th Commission hearing the Commission found that the application should be denied due to those plans too closely resembling the original structure. It was determined to be inappropriate for them to use the same remodel plans for new construction.

For the new houses being proposed now, this is the new site plan. I’ll say it is in generally in the same footprint as the original plan. These are the elevations. I’ll just slip to the elevations that were originally brought forward and denied. So, the main on the front is the change of the roof type from a hipped roof to a gabled roof. Then a change from the porch, a shed style porch cover to a gable porch cover. Those are the main visible features on the house. Then here is the street elevation along here which is also down here. So, the applicant has made some design changes including a change to the style of the roof and entry to the building. Those are the main alterations. The overall size of the house stays relatively the same. As you’ll recall that is the original house.

Staff does recommend approval of these plans with the recommended conditions of approval in the project report.

Applicant Testimony
Steve Vaught (Applicant): I come before you for the third time after incorporating your feedback from the last meeting to ask that the stop-work order be removed from this project so that we can once again commence with construction to finish this said home.

At the last meeting in July, Commissioners Koski and Richter lead the conversation and motion to deny the approval due to the fact that the plans at hand were for renovating a contributing historical home when the contributing status had been revoked by the City and the plans at hand were for a replica which was prohibited.

The home has now been modified to reflect a new construction project on a non-contributing lot with different plans to comply with why the project was turned down at the last meeting. To refresh your memory like Ted was stating and to expand on it, the garage has 90-percent of its construction completed under a separate building permit. We’re trying to match with the new construction home, the rooflines with the garage so that the structure will be cohesive and complement each other.

In addition, the basement plumbing rough-ins are installed on this project to date whereby restricting us to working under the confines of the existing footprint in the ground already. Most of the home’s square footage in the previous plans are for the proposed addition that never existed and were not part of the original contributing historical structure that the City deemed demolished. I say this to remain focused on the original contributing structure which is what needed changed as to not be a replica despite us modifying all rooflines on the home and the addition to be able now and to remove all hip from the previous plans to further differentiate it.

The old historical home that was demolished had hip and gable rooflines. The new construction home’s like Ted stated, on the façade has two gabled roofs to differentiate it from the previous home making it look completely different. We have attempted to match the gable roof pitch on the proposed home to the garage in addition to all the proposed new construction rooflines having changed from the new gable to hip.

The old historical home had only lap siding. We have now changed the siding materials to include board and batten with lap siding to create a different visual appeal in addition to have it match the existing garage structure.

Also, we have changed the existing front porch and entry to accommodate visual changes from the old historical home by adding a door with transom windows, changing the comb styles, adding cedar siding where batten and board was previously used creating visual changes.

I’ve spoken with some of the immediate neighbors garnering their feedback and have their support as they are anxious to see this project
get off dead center and be finished since this has been at a standstill for almost seven months now.

I do not believe the proposed home closely mimics the old home as it has a totally different street appeal. The addition section of the old home is offset from the old structure because the basement foundation was constructed before the stop-work order was issued. We have tried to be mindful by changing window designs and use of materials and gables and differentiated from the previously approved historical plans.

I ask and come before you tonight to approve this project so we can once again commence with construction to finish the said home. I’ll open it up for any of your questions or other public testimony. Thank you.

**Commissioner Koski:** I have a question for the applicant. Since the contributing home was illegally demolished back in March have you been penalized at all by the City as far as...or contacted to be penalized by the City with any fines or levies or any kind of penalty because of the illegal activity?

**Steve Vaught:** I have reached out to Ted Vanegas and asked him that question after the last meeting and at the present time no fines or levies have been levied against me or discussions regarding that.

**Commissioner Richter:** Mr. Vaught, has your builder been asked to go through any sort of certification program to educate himself of the historic guidelines that are set forth by the City of Boise to educate him to know what to expect?

**Mr. Vaught:** I can’t answer that question. You would have to ask Ted Vanegas that question if he has reached out to him asking him of that. To my knowledge I would probably say no. Unfortunately, the builder is not here tonight because his mother had an issue and he had to go to the hospital. It was an emergency.

**Neighborhood Association Testimony**

**Sherri Battazzo (North End Neighborhood Association / NENA):** I’m here with the President of NENA, Mark Baltes to testify.

We’re left unresolved about the occurrence of what was the illegal demolition of the original structure. So, while we appreciate that the applicant has brought forth new plans to present to the Commission, we’re left with what is the impact, so to speak, of what took place of the lack of competency that was shown inside of preservation? I’m making finger quotes because you can’t see me, of the prior structure that was there. Now I saw the prior structure and it’s not necessary to really rely on the structure that was there prior and this structure that’s being presented. But I think as a factor...has a whole for the community for both the East End, what you saw before this presentation and then this one and the one after this, the impact of demolition of contributing structures would it
make sense for the neighborhood to have happen. So, as NENA we’re left unresolved about the demolition of the prior structure. I think we leave it at that, and we’re opposed to the presentation of the existing plans on that basis. I yield the rest of our time.

Sheila Grisham (East End Neighborhood Association / EENA): We are in favor of what NENA just said because in my testimony for the next one we have very similar comments. That’s all I have to say.

Public Testimony

Kerry Davis (1007 E. Jefferson Street): I only found out about this by reviewing the agenda materials and was quite alarmed. I read the transcript from the last hearing on this property and understand the Commission has some very serious concerns wondering how to prevent this from happening in the future. This is a very disturbing trend that must and can stop. To that end, I would like to call attention to a few items that warrant consideration. Not specific to this project per say, but how do we stop this from continuing because there is a clear pattern that is happening citywide with these “accidental tear downs”.

First, a thorough analysis of Certificate of Appropriateness violations in the last five years is recommended to gather data as to this dangerous trend. This is the third example of an accidental demolition permit violation in the last six-month that I personally know of. I can only imagine there are more. Currently there is zero incentives to follow the law because there is no penalty. The rules are apparently only for those who have the honor to follow them.

Second, these types of permit violations are misdemeanors and the code allow for penalties and fines. At a minimum they should be enforced.

Third, preliminary analysis of previous reports indicates that the “repair rather than replace” portion of the Secretary of the Interior Standards is often not taken into account in project approval. As long as something is promised by the applicant to be “replaced in kind” it can be approved at the staff level. This is a very slippery slope that encourages a lot of contract or on-site, off-the-cuff decisions and that results in the asking of forgiveness instead of a permission scenario we have ourselves in.

Four, the replacement house in a scenario such as this should not be allowed to be so much larger than that that was illegally removed. It would be a one-story, 1,000 square foot house was illegally demolished then there should not be the reward of being allowed to have a much larger house on the same site.

Fifth, it is not false historicism to rebuild a house of similar size, scale, materials and design as well as what was illegally removed. The Secretary of Interior Standards allow for this and even have guidelines on how to subtly differentiate to avoid false historicism. Faux Craftsman design is actually a form of false historicism and is what we see here.
Lastly, I would recommend a work session with the State Historic Preservation Office or other preservation professional to hammer out design solutions within National Park Service Guidelines for this kind of scenario because I can assure this will not be the last one to come across your agenda as the City has established a clear pattern of not monitoring Certificates of Appropriateness nor enforcing penalties when they are violated. Thank you.

Paula Benson (Preservation Idaho): This is also something that I found out about recently and read the text from the last hearing. I’d hate to repeat myself, but there are certainly some overlapping things that we’re seeing tonight.

In this case a contributing home was demolished without any permit or any approval being submitted to the City...at all. In the text from the last hearing the contractor and the owner seemed to be saying that they didn’t know what they were doing was wrong and that even if they knew it was wrong they couldn’t help it because the house was so far gone. So, if I understand it correctly, they insinuate it’s the house’s own fault that it’s been demolished so they might as well just build a new version on the lot. This logic is disturbing to say the least and certainly brings up the two points that the Commissioners have already brought up as though they were reading some of our minds regarding is any fine going to be levied and is any certification being considered by the City so this doesn’t happen in the future.

Who would recently expect a 100-year old home to be built like a home in 2020 or be in the same condition? If contractors aren’t sure how to manage what they are likely to find in historic (inaudible) homes, they really shouldn’t pretend to remodel them. It’s not the house that is unsound in this scenario. It is the approach to the remodel of the house that is unsound. The fate of this house sounds like demolition by neglect because it stood empty and was not maintained for so many years. However, the excuse that a new house is better than none and the practice of spreading fear about unsafe conditions at historic properties is the same story we hear from any applicants and it really needs to be put to rest.

With all respect to Ted and the wonderful work he and his staff do, we are concerned about the recommendation for approval. They say it is not a statement of support or condoning of what’s occurred however, by reviewing this application on its own merits and recommending approval they are in fact sweeping away what was done and allowing a new much larger house to take its place. We’re not clear why we’re talking about new plans rather than a fine. I hope the Commission can see the clear precedent that this sets for an open pass to demolition of historic buildings. Lack of understanding of the speed limit does not get you out of a ticket. Lack of understanding about paying your taxes doesn’t forgive the debt to the government. Lack of understanding about published rules for work being done on a contributing building in a
protected local historic district should not resolve in approval for a new building with no penalty attached. Talking about the house mimicking the original does not really seem to be the issue to us here. Isn’t that the kind of reward that says do it again? Financial penalties should be imposed here as allowed by current law. How will you incentivize the next owner or contractor from ignoring permit and process when the protocol for demolition works so well and there is no financial impact to the project? How does the City send a message that it will enforce its own laws? We hope that that starts tonight. I hear the questions being asked and the comments being made that seems to be leading us towards that.

Brittney Scigliano (403 N. Mobley Drive): I am talking as myself and representing myself and no one else this evening. I have to be honest this is the first time I’m seeing these plans and hearing of it. It kind of fired me up just enough that I rose my virtual hand.

Unlike the Archibald (inaudible) application that we saw before who have followed the process to a T, paused worked, asked for the appropriate permits, asking for the appropriate demolition, and rebuild and while I may not necessarily support, I don’t like the demolition, the replacement was probably the larger issue.

This is a scenario that both Koski and Richter brought up that’s a much larger issue and something I hope we can see ratified. I don’t believe that this is a project that should be rewarded with approval for not following the process and not following the guidelines. If we are keeping precedent the Archibald (?) application that was just before this was denied because they followed the process and because it does not meet the certain criteria. Allowing this project to move forward as is, is rewarding one and denying the other and sets a very different standard that I don’t think the City is looking at following.

I would like to see, as Commissioner Koski mentioned, why are we not fining these “accidentally demolitions” and then to a greater extent as Commissioner Richter mentioned I think now is the time and more important than ever that we are looking at certifications for our historic districts to go towards builders, contractors, architects, designers, and anyone else that is doing work within the districts to make sure that they have a clear understanding so we don’t have this scenario again.

I would ask that this is not approved. I don’t think that we should reward poor behavior.

Derek Hurd (112 E. 33rd Street, Garden City): Commissioners, staff, you spend a lot of time and energy on these and it shows. We appreciate your efforts in this regard to protect our historic districts. Especially on nights like tonight when it’s 8:30 and we’re only halfway through.

Some of the previous testimony that just came up summed what I wanted to say quite eloquently. So, I want to reiterate where is the accountability for the builders, the designers, the architects, the homeowners that are
doing these illegal demolitions. It is apparent that integrity alone and paying attention to the rules alone and doing due diligence alone is not working. So, we need to ask what the City is going to do to help save and preserve our neighborhoods. Is it fines, is it certifications, is it delays, is it stop-work orders that never end? I don’t know the answer to that, but those questions need to be asked.

Also, something that came up on a previous application and has come up on this one again, is the guidelines talk about not mimicking history. The National Standards talk not about mimicking history. The last one was a brand-new house that was a faux Craftsman. This is a brand-new house now that might be a faux, but really is just a faux what it used to be. So, I want the Commissioners to look at that in this application and in applications to come. What is the architecture of our time? Craftsman architecture was of a time and now we’re just making more of it with modern materials and it rarely looks as good, it rarely is proportioned as well, so what is the architecture of our time. We don’t need to be always mimicking something that we look at with charm and admiration. Let’s make something new that we look at with charm and admiration and 50 years from now we look back and say that is architecture of its time. Thanks.

Applicant Rebuttal

Steve Vaught (Applicant): I’ve heard a lot of comments and the anger in people’s voices in talking. Trust me, this has been uneasy with me and the time delay financially causes harm and everything to everybody else. I’m the homeowner as the victim of what the builder did or in trusting his professionalism to make good solid decisions. Unfortunately, it did not work out. I’ve been penalized by time and everything else. I’ve followed the protocol from Ted Vanegas and the Historical Commission in making changes in moving forward all in good faith to get going again so that I can get this home completed and move into it.

Regarding people talking about a lot of things unresolved, I feel a lot of things have been resolved. We brought out a lot of points at the last meeting where this bifurcated process between the City and the historical district needs a lot of revisions to the present language and everything else and protocols that need to be followed in the future so that these things don’t happen again and there’s not victims out there such as myself going through what I am going through.

I need you to keep in mind and people to understand the basement and rough-ins are done. They’re installed. I’m dealing with an existing footprint. To rip all that out and to redo it all would be a huge financial expense. I’m in this well over six figures in just the improvements of where I am now having gone through the lift, lowering the home, the home floor joists breaking and breaching and to be at the point that I am now. So, trust me I have been very conscientious of what’s going on.
NENA and the EENA’s complaints, once again, those are issues they have with the historical district and the City. I have been following your guidance and Ted’s guidance to be where I am today to get this approved and move forward. That’s all that I’m simply trying to do. I have talked to Ted about fines and stuff and we’ve brought to their attention where there has been contradictions and maybe a kneejerk reaction that the City imposed a demolition to quick when they should have evaluated what needed to be preserved as opposing to tell us to clean the site up and get everything taken off. Unfortunately, we can’t go back in time and recreate all this. So maybe fines haven’t been imposed upon me because of some of the issues and how things were handled which maybe needs a rewrite of the historical districts and the City’s processes going forward.

I look forward to getting this home built. It fits within the neighborhood and the immediate neighbors are tired. They want to get it done and they support this project so I hope that you can approve this tonight. Thank you.

**Ted Vanegas:** I would like a point of order. First of all, the home was illegally demolished. There was no confusion over that. There’s nothing left of the home when we went and took pictures. There’s photographic evidence of that. There’s no confusion over what demolition is or what happened to that house.

As far as the penalty goes and as far as penalizing applicants, that’s not the planning staff’s responsibility. It is not my job to fine the applicant. It is my job to review the applications that are before me. To clarify that, that’s what this application is about. This application isn’t about the demolition…it kind of is, but my review of it is following the findings of new construction. The demolition has occurred so we can’t stop the demolition of the structure. It’s happened and the lot is vacant so now what? The applicant has brought forward several applications for approval by the Commission and it is understood that as far as the City’s response to a penalty I don’t know what is going to happen on that. It’s not my area. That’s in the Legal Department, Building Department and Code Enforcement, and all of that.

What we have before us is an application for new construction. That’s what I evaluated. That’s what is before us and what I wanted to clarify.

**Commissioner Rupp (Acting Chair):** I appreciate your feedback and your comments as well.

**Public Portion Closed**

**Commissioner Koski:** We have a real unfortunate situation here. As a Commission and a Commissioner and we have a few Commissioners here, it is not our job to penalize, fine or take any of those kind of actions on an illegal activity. We have a contributing house that was demolished illegally and if we approve of this application to build a new house, we
are doing exactly what we’re not supposed to do and that is we are okaying construction of new home which is making a decision on penalty or lack thereof a penalty.

Also, we are brought on here as Commissioners for historic preservation to preserve our contributing houses. I would note, that if approve this application I don’t think we’ve done our job. I think we need the Mayor’s and City Council’s help. I’m actually disappointed to see this in front of the Commission again and I would like to see it in front of City Council, and I’d like to see it in front of the Mayor. I would like the applicant to be able to get in front of the City and talk to them about illegal demolition and have to face that meeting. It isn’t our job. We need City Council’s help...we need the Mayor’s help. For that reason, I’m going to move.

COMMISSIONER KOSKI MOVED TO DENY DRH20-00398.

COMMISSIONER BROWN SECONDED.

Ted Vanegas: I just want to point out that we need clarification to make findings for the denial based on the application. Otherwise, it will go to City Council and what the City Council has to determine is did the Commission err in its decision. If there aren’t strong findings taken to the City Council on the Commission’s decision, the City Council can simply find that the Commission erred in its decision. In your motion please clarify what the issues are and if there is anything the applicant can do, and maybe there isn’t, to rectify the situation.

Commissioner Koski: I guess then the question would be how can we elicit the City Council’s help on this one? I would like to get it in front of them and if denial is the way to do it, I think that’s the way we have to do it. If there’s any other way to get this in front of City Council I’m all ears.

Ted Vanegas: If you deny the application and the applicant choses to move forward to City Council then that is a way to get it in front of City Council. I’m just recommending that you make clear what that decision is. I’m not telling you obviously what those findings need to be, I’m just asking for you to make clear findings on your decision because we have to write up a report to the City Council explaining the reason why this was denied.

If the denial is due to what you’ve been discussing, then the denial is due to what you’ve been discussing. I’m just saying that it just makes it...it will still go in front of City Council if just makes it a little bit different for City Council when they have to find, did the Commission err in their determination or not? That’s what the applicant is going to ask for and that is what they are going to claim when they go to City Council. That the Commission...our points of appeal are this, this and this and that the Commission did not review our application on its merit and that kind of thing.
That’s my point, we’re reviewing an application here, but the discussion has all been around the demolition rather than the application. I’ll just leave it at that, and you obviously make your decision and again, try to be clear on your findings.

**Commissioner Rupp (Acting Chair):** We have a motion and a second, but I think what Ted is asking for some more clarification on the motion, but if you’d like to reclarify your motion you may or if we’d like to have a little discussion about that we can.

**Commissioner Richter:** Commissioner Koski, you can deny it based on the fact that the existing house that was there was a single-story house and the new house that’s going in is a partial two-story and is replacing the house that was illegally demolished. The scale, size and the massing of the house that is being proposed is much larger than the home that was there before. That could be part of your motion.

**Commissioner Brown:** You could also use Standard 9. It’s maybe a stretch... “New additions, exterior alterations related to new construction shall not destroy historic materials that characterize the property” throughout the entire house. That’s the historic materials.

**Commissioner Koski:** I want to be able to give a clear direction to the applicant and by pulling up some of these other items that the other Commissioners have mentioned, yes. I’d like the process to move along. It’s frustrating and frustrating for the applicant. It’s frustrating to not be able to get to a conclusion. The problem I have is we have illegal activity, there is a stop-work order on it and I can’t approve something that will take this off of the stop-work order and continue new construction when illegal activity was done without any kind of penalty. I really do believe we need City Council’s help on this one and I want to get it in front of them. Unless you can read my motion back to me for clarification…I don’t know if that’s possible…I don’t need to add anything more to it.

**Commissioner Rupp:** I respect where you’re coming from with regards to it is at a stop and you don’t feel it’s right to give a go-ahead to move forward. I can see so many parallels of the last case that we just heard who’s done all the right things and we still don’t feel like we have all the necessary information to make an appropriate decision.

But, to staff’s point today what is being presented in front of us from this applicant and what is the application that is being requested, yes, the action that initiated this whole conversation was inappropriate and not to what we’d expect for a contributing home, but that’s not what’s right in front of me. I can’t take that back. So, based on what I reviewed and the staff’s analysis in the findings I would be approving this application if it was such that it was an approval. If we go forward with the motion of a deny I will not be in favor of that. Just wanting to let you all know where I stand. I 100-percent agree with regard of the action was not appropriate, but that’s not the decision right in front of me.
Commissioner Brown: I think we could also deny it for Standard 3, what it was denied for before because of historicism. It creates basically a fake historic property and it should be of its time and of its place and it is not of its time and of its place.

Commissioner Rupp: The motion that we have on hand does not have those things reference in it. The motion at hand was a denial with a request for going in front of City Council. I think we might, based on staff’s recommendation, just want to clarify just a couple of additional things if that’s what you’re wanting to present so that City Council appropriately can know exactly why we were denying and they will make a choice if we did that right or wrongly.

Commissioner Koski: I will restate my motion. I don’t want to change it so hopefully I restate the same way. If once that vote has taken place and there’s other motions that want to come forward and it doesn’t pass, then so be it.

COMMISSIONER KOSKI MOVED TO DENY BASED ON THE COMMISSION BEING FACED WITH A PROJECT THAT HAS A STOP-WORK ORDER ON IT FOR ILLEGAL DEMOLITION AND DOES NOT BELIEVE AS A COMMISSION THEY CAN APPROVE THE APPLICATION TO TAKE IT OFF OF A STOP-WORK ORDER AND WOULD LIKE THIS TO GO IN FRONT OF CITY COUNCIL FOR THEIR HELP. COMMISSION BROWN SECONDED.

MOTION CARRIES 3:2 WITH COMMISSIONERS RICHTER AND RUPP OPPOSED.

RESULT: DENIED [3 TO 2]
MOVER: Devin Koski, Commissioner
SECONDER: Ashley L. Brown, Commissioner
AYES: Devin Koski, Ashley L. Brown, Megan Pape
NAYS: Ericka Rupp, Noah Richter
ABSENT: Cindy Montoto, Jillian Moroney, Danielle Weaver

5. **DRH20-00402 / Catherine Scott**
   Location: 1005 E. Jefferson Street
   Certificate of Appropriateness request to demolish a contributing single-family structure and to construct a 1½-story single-family structure and detached garage in a R-2H (Medium Density Residential with Historic overlay) zone.

Ted Vanegas (City of Boise): This is the aerial view of the property.

The history on this one. In June, an administrative approval was provided for an addition to the existing structure and a new garage. In August of 2020, the applicant for the project contacted staff and reported that the contractor had removed almost all of the roof on the contributing house. So, staff contacted the contractor and told him to stop work on the
property until the project could be reviewed by the Commission, which essentially takes us to where we’re at now.

This is a photo of the front of the house. As you can see through the windows most of the roof has been removed.

Structural reports indicate roof, walls and floor have significant structural deficiencies. Almost every stud would need to be replaced or modified. The home is not connected to the foundation. The bottom plates and lower portions of the studs are degraded beyond functional use. Based on photos the roof framing did not meet code for deflection or stress and the reports indicate restoration is not feasible. Again, the City Building Inspector visited the site and determined that the building needed to be demolished. I did ask our Building Inspection Manager specifically if he thought the work being done on the property caused it to become structurally unsound and he said he did not think that and that it was a structurally deficient building prior to that as well.

Here are some photos provided. As you can see on this one most of the roof had been removed.

I’ll say it was the architect for the property that contacted me when she had found out that the contractor had done this.

Here are the findings. Again, similar to the previous application we heard on Bannock. Overall, staff finds that the three out of five is not met. However, with the determination by the City Building Inspection Manager, staff recommends approval of the demolition. If the demolition is approved by the Commission the new plans are as follows:

This is the site plan. Relatively modest with larger setbacks. This is the front of the home on the right and the rear and then the sides. So, it is just a one-story with some attic space. Sorry, those garage pictures didn’t come out on the slide, but that is the one and a half story garage with the storage space above.

Public comment has been received in support and opposition. Comments in support generally agree with the structural assessment and a test to the character and skills of the applicant (architect). Comments in opposition claim the house is not structurally unsound and that it does not need to be demolished and can be rehabilitated and continue to contribute in the district. Some of these comments further claim that the applicant’s structural assessment lacks understanding of historic buildings and historic rehabilitation processes. Those are the public comments. Quite a few as you’ve seen in the packet.
Due to the City Building Inspection Manager’s determination, again, staff does recommend demolition of the building and approval of the new plans.

**Commissioner Richter:** Ted, one quick question for you. How tall is the garage versus how tall is the house? The garage pictures came out fuzzy.

**Ted Vanegas:** They are both 19 feet, 8-inches to peak.

**Commissioner Brown:** Did the City official who inspected the house have any other comments on the overall structural integrity?

**Ted Vanegas:** No. Typically, this isn’t something the City requires...these inspections. A lot of times we’ll get an applicant requesting the Building Inspector to come out and request inspection on a house. A lot of times it is to try to see if they can get the house determined to be structurally unsound and I would say it is rare. I mean we have two instances here tonight unfortunately, but it is rare for the Building Inspector to go into a house and say it needs to be demoed. It is very rare. Usually he’ll come to me or he’ll shoot me an e-mail and he’ll say, “Yeah, I inspected it and it is in rough shape, but it does not need to be demoed. It’s in rough shape, it just needs some fixing up”. That’s usually what he says. As a matter of fact, we had in January, a request to demo a contributing house and they had the inspector come out and look at it. It was a rough building, but he went through it and said, “Yeah, it’s rough, but it doesn’t need to be demolished”. The Commission actually approved that one to be demolished anyway. So, because these are just invites from the applicants there is no report written or anything. Usually they come to me...they send me an e-mail saying, “Yes, we inspected this, and we agree with the applicant’s assessment or we don’t agree with the applicant’s assessment”. In the two cases we have today he happened to agree on both of them with the applicant’s engineering assessment.

**Applicant Testimony**

**Jeff Bower (Attorney / Givens Pursley):** We do have video available here. I’m not seeing that you guys can see us, but that’s an option if everyone wants.

I’m here tonight on behalf of the property owner in this case, Utae Nakanishi. With me tonight is Ms. Catherine Scott, the residential designer for the project. Utae and Larry Christensen with Christensen Brother’s Construction are here as well. He (Larry Christensen) is the builder that’s been working on the property since we received our initial approvals late spring/early summer.

There are two issues before the Commission tonight. First demolition of the current structure at 1005 E. Jefferson and second, the approval of a new
single-family residence and attached garage on the property. I’ll be addressing demolition and Ms. Scott will discuss the new home and its compliance with the Historic Design Guidelines. Before I begin my discussion, I want to thank City staff for their time and effort on this project.

We have reviewed the project report in detail. We agree with all the conditions of approval recommended by Mr. Vanegas.

Demolition in this case is allowed for two reasons. These are legal reasons and two distinct provisions of Idaho Law provide that demolition can and should proceed.

Idaho Law and the Boise City Code. These legal provisions both recognize that historic preservation does not outweigh public safety. Both of these bodies of law provide that historic preservation regulations do not prevent and cannot prevent demolition where the City’s Building Inspector determines that demolition is appropriate. These two provisions are Idaho Code 67-4611 and Boise City Code 11-05-09.11. As Mr. Vanegas mentioned, in this case the Building Inspection Manager has determined that demolition is necessary for life and safety reasons. The City Inspector’s Office arrived at this conclusion by inspecting the structure and by reviewing an engineering report prepared by John Mortin, a professional engineer with Briggs Engineering. Based on the City inspector’s conclusion, demolition of the structure can go forward under Idaho Law and the City Code. This is a public policy decision implemented by the Idaho Legislator. In this respect we agree with the project report and staff that there is no alternative here, but to move forward with demolition. We are participating in the Certificate of Appropriateness process as to the demolition at City staff’s request and direction.

Like staff, we want to make sure we are providing a public forum to engage with Utie’s future neighbors and the community. We also voluntarily held a neighborhood meeting to provide another forum to connect with Utie’s East End neighbors and take feedback.

Although demolition is allowed under Idaho Law and the City Code the facts in this case also show that the project should be awarded a Certificate of Appropriateness for demolition because four of the five demolition criteria in the City Code are satisfied. Before I discuss these criteria briefly, I will note from an earlier application there was a discussion surrounding what do these criteria mean. I’ll tell you what they don’t mean. It can’t be the case that a finding that a home is contributing checks three of these boxes. That would conflate three of the standards such that any contributing home could never be demolished. Each of these criteria have to have distinct findings. The fact that the home is contributing cannot again, be a reason to deny three of these five findings.
First, we agree that the home is marked as contributing in the district on the survey. We don’t meet that standard.

We do meet the second standard. The site survey marks the home as not individually contributing.

Third, we’ve shown that demolition of the structure will not adversely affect the district. Structures deemed unsafe by the City Building Inspector do not add historic value or character.

Fourth, we agree with the City staff that in this case rehabilitation is not economically practical, realistic or viable. We’ve shown this to a reasonable degree which is all the City Code requires. Our engineering, along with the City Inspector, have all determined that rehabilitation is not viable. Mr. Kolby Orcher, a licensed professional engineer concluded that the building materials and structure are degraded beyond functional use. When all the necessary improvements and replacements are made to the structure almost no original materials will remain.

Lastly, we’ve shown, and we agree with staff, the plans that we provided to replace this structure will have a positive effect on the district and the neighboring properties.

Ms. Scott will go into detail on this front momentarily, but in summary the new single-family home and detached garage check all of the boxes for proper historic design. For these reasons, even if demolition was not allowed by Idaho Law it would be appropriate to issue a Certificate of Appropriateness in this case.

I want to address a few concerns we’ve seen in the written comments as well as concerns that were raised at our neighborhood meeting.

- Precedent
  You’ll hear arguments that approval of our project sets a bad precedent because the scope of our initial Certificate of Appropriateness was exceeded. As you know, the Certificate of Appropriateness process is quasi-judicial. Each application stands on its own merits and facts. This Commission does not look at prior approvals or denials as precedent. Instead, you look at the applicable code, the specific facts before you and you render a decision on a case-by-case basis. This application has no more precedential value than the demolition that was denied earlier this evening.

  You will hear arguments that an approval in the case will encourage permit violations by rewarding such behavior. That’s also not the case. We are not asking for any windfalls in this application that result from
prior certificate violations. Our position is that the Commission should look at the structure as though it had been demoed to the point originally allowed by our June 2020 Certificate of Appropriateness. This is the proper framework to analyze this type of application to avoid rewarding permit violations and will address valued concerns by public comments.

We do acknowledge that demolition of the existing structure exceeded the scope originally allowed by our staff level Certificate of Appropriateness. Removal of portions of the structure's roof without approval is unfortunate and a decision that the building team sincerely apologizes for. However, prior violations are not material to this application. Furthermore, exceeding the scope of the prior certificate does not change the result in this case. This is because the inspector specifically noted that removal of the roof did not affect his decision. Demolition would be proper whether the roof was still on or in the current condition. Exceeding the scope of the prior certificate does not provide the grounds for demolition in this case. The approval of our project will not reward any violation or encourage future violations. I do want to reiterate that Utæ’s intention is that the structure would be remodeled from the get-go. This was the case even after the roof was removed, but as the project team and engineers continued to evaluate the structure it became clear that renovations were not viable. We would be seeking this demolition even if the roof were still on and in conformance with the prior certificate.

Another fact that shows we’re not trying to capitalize on the prior non-compliance is the fact we’re proposing virtually the same house with respect to the interior layout, massing, height and setbacks. The only material difference is the addition of a porch encouraged by the Design Guidelines and a new historically accurate roofline to make the home distinct from the old structure, also encouraged by the Design Guidelines.

Lastly, you’ll hear comments that our engineers in this case are not qualified. First, this point is irrelevant because the City Inspector has independently determined that demolition should proceed.

Second, this argument lacks merit. Both reports regarding structural soundness provided by the applicant were prepared by licensed professional engineers in the State of Idaho. Mr. Mortin has worked on several historic renovations with Ms. Scott and was the project engineer for the remodel. Mr. Orcher, our independent engineer also has significant experience in this field and provided the structural soundness report in DRH20-00388 that was heard just moments ago.
In summary, demolition of the existing structure can and should proceed under applicable law. As noted earlier we acknowledge and apologize for exceeding the scope of our June 2020 certificate. Removal of the roof however was not done intentionally or to frustrate or circumvent the important procedures of this Commission. Importantly, we immediately self-reported this unauthorized work to City staff and complied with City staff’s subsequent requests. The project team in this case has more than 80 years accumulative experience designing and renovating historic structures. Ms. Scott and Mr. Christensen were awarded an Orchid from Preservation Idaho this year for excellence in historic preservation for a North End renovation.

Again, I want to thank the Commission for your time and attention on this application. We look forward to your approval and I’m going to turn the rest of my time over to Ms. Scott and will stand for questions at the conclusion of our time.

Catherine Scott (Applicant’s Architect): Good evening Madame Chair and Members of the Commission. Thank you for your time tonight and thank you Mr. Vanegas for your assistance throughout this process.

As Jeff mentioned, I’m going be talking about the new home and its compliance with the City’s Design Guidelines and City Code.

Before I discuss the details of the home, I want to give the Commission some additional information on the project and the homeowner. Utae has lived in Boise for about 20 years. For the past 15 years we were neighbors in the East End at the townhouses at Bruce and Bannock Streets. Early this spring at an open house I saw Utae and she recognized me from all those years ago. We talked about her search for a new home for herself and her son and she asked if I’d be willing to look at any potential house she might consider prior to purchase. Utae called me when her realtor found the property at 1005 E. Jefferson. She was excited about the cottage location and the neighborhood. I cautioned her that any exterior renovations would need to be approved by this Commission. Utae’s desire was to remodel the structure, add enough space to accommodate a master bedroom and bath on the main floor and to reconfigure the floor plan to suit today’s more casual lifestyle. Her request was very reasonable. She had only a few hours to submit her bid for the house and I told her that we should be able to achieve her desired home based on my experience with this Commission and renovations of other historic homes. Utae’s offer was accepted. She asked me to design her remodel plan and I submitted the appropriate application. A Certificate of Appropriateness was issued on June 12th having been approved at the staff level. This application was straight forward because of Utae’s preferred design met all applicable height, setbacks, and lot coverage standards. No exceptions or variances were requested. Shortly after our Certificate of Appropriateness was approved, we applied for and were
issued a building permit which was reviewed and approved by historic staff. The building permit allowed for all the siding to be replaced and for the chimney to be replaced. Due to the structural issues outlined in the engineering reports and acknowledged by the City Inspector we are before the Commission tonight to ask for your approval on a new home for 1005 E. Jefferson.

Chapter 5 of the Design Guidelines for Residential Historic Districts and the Boise City Code describe the design criteria for new homes in a historic district. I reviewed and followed these guidelines and standards in designing the new house we are proposing this evening.

The home is nearly identical in scale and massing to the original structure and incorporates a front facing hip roof. The overall width is about the same and the overall height is 17-inches higher due to using an 8/12 pitch versus the original 6/12. The shape and form are also very similar to the other houses on the block. It is rectangular with the short side facing the street. We have proposed a porch to complement and enhance the district's pedestrian friendly character. The covered front porch and forward-facing entry maintain congruency with the neighborhood and lot coverage is just under 35-percent including the detached alley-loaded garage that will provide two off-street parking spaces. The façade is designed to create shadow relief. The new windows will be historically accurate wood frame double hung windows. The siding and trim work will be painted natural wood and the eaves will have exposed rafter tails. Siding materials will be historical accurate, and we will use a combination of shingle and wood siding. Since the new house will be placed on the site close to where the existing house is located there will be no change in the alignment, rhythm or spacing within the block and no change in impact to adjacent properties.

I have been involved in many historic remodels over the course of my career. The contractor's removal of the roof was unfortunate and regrettable, but it did not change the fact that this structure is unstable and unsafe. Demolition of this structure would have ultimately been sought either way. Trying to make the existing structure for Utae and her family would not be a restoration. It would be building a replica creating a false sense of history which is not allowed by the Design Guidelines and it's not what the City wants us to do.

In sum, I ask that you approve our request for a Certificate of Appropriateness to construct this new single-family residence with detached two-car garage. Thank you for your consideration for our application. To wrap up Utae would like to say a few words.

Utae Nakanishi (Owner): I am the owner of 1005 E. Jefferson Street. What I would like to request is that you approve the demolition and for me to be able to have a structurally sound house that can be part of this
neighborhood for many more years to come. I intentionally asked Catherine and Larry to design and build this house for me and my son based upon the fact of their reputation in the community and actual work they’ve done in both the North End and the East End neighborhoods. I sincerely appreciate your time and consideration and hope that you approve our request. Thank you.

**Jeff Bower:** We will cede the remainder of our time. Thank you.

**Neighborhood Association Testimony**

**Sheila Grisham (East End Neighborhood Association / EENA):** Tonight, I am speaking on behalf of the East End Neighborhood Association in opposition to the demolition at 1005 E. Jefferson. Anytime that EENA has an application for a contributing house to be demolished we are disheartened. We have a historic district that many people worked hard to create. There have been neighborhood meetings with residents, surveys, voting by the residents, and then a vote by City Council. It doesn’t matter which board created the historic district or who was on City Council at the time the historic district was passed. It is here now, and it is our job to continue to take care of them and protect them.

EENA submitted a letter of opposition for the demolition along with a few pictures and a small piece of the timeline that had occurred for your packets. I don’t want to take up your time reiterating what was already there, but I do want to take a few minutes to go over the key points.

When EENA received notice of the original application to remove the sunroom and add a master suite we didn’t oppose that application. We understand that sometimes these houses are small and quirky and need to be undated. That is all understandable.

The reason EENA is opposing the demolition is because this is a contributing house and while it may have needed work, it did not need to be demolished. When the builder came across issues with the roof of the house, he should have stopped work, he should have contacted Ted and Ms. Scott and figured out how to work things out together and how they could resolve these issues together. This is all part of the process with working in historic districts. These homes are old and sometimes there are issues that need to be resolved. That shouldn’t automatically mean demolition. Some may say that these guidelines are a pain to work with, but it is basically the same as CC&R’s for any suburb. They are created to protect the neighborhood. You are given guidelines to follow and those guidelines should be adhered to. In this case, they were not followed. The roof was almost completely taken off and the debris taken away before anyone could take a look at it to see if there really was a structural issue or not. In this case they went above and beyond the scope of work.
that had been permitted. Whether this was an accident or not, it shouldn’t be acceptable behavior.

The East End is a small historic district with approximately 455 homes half of which are contributing. This may be just one home to many, but we could stand to lose four contributing homes in the next few months. And four contributing homes in our small district is a little less than 1-percent. If the demolitions continue at this rate, we will not have a historic district to protect.

The City is starting a process of revamping the Zoning and Ordinances to line up with Blueprint Boise. To me this is the perfect time for architects, contractors, Preservation Idaho, community leaders within historic districts, and the City to work together to improve the Historic Guidelines and application process so that they all line up together. The City could implement the certification process for architects and builders that want to work within the historic districts to ensure they understand the process when working in a historic district. It could also implement a no-working on Saturday and Sunday unless the builder is there working alongside them to make sure that something like this doesn’t happen again.

In this case, EENA opposes the application to demolish 1005 E. Jefferson due to the lack of concern for the process shown by the builder and we request that they repair the house and follow their original application plan. The guidelines are in place to preserve these historic districts. They should, however, not be ignored for the convenience of contractors because it is easier for them and to simply start over.

I have two comments about what was being said by the lawyer, Mr. Bower. I disagree with his comment about it not setting a precedence because if architects and contractors and homeowners see that we are allowing this to happen without any repercussions it does set a precedent. It allows them to think that they can do the same thing.

In your report packet you do have pictures, statements, inspection reports, and receipts from the previous owner that state that the house was structurally sound at that time. It was done in 2016 and I highly doubt that in four years the house would have dilapidated that much. Thank you.

Sherri Battazzo (North End Neighborhood Association / NENA): With the President of the North End Neighborhood Association, Mark Baltes.

Certainly, we align ourselves with all of the objectives of the East End Neighborhood Association. In watching the presentation of Catherine Scott and the proposed new residence, we look at this and say, “Gosh, we would have no problem approving this residence as a fresh new perspective in our neighborhood and their neighborhood”, and at the
same time we just so struggle with the demolition of contributing structures. As you’ve seen on the two prior proposed applications from this evening we cannot reconcile. It is unresolved for us what’s happened on 5th Street, what’s happening on Jefferson Street, what’s happening on Bannock Street as far as demolition of contributing structures.

At the same time, we look at this and see this design makes sense. Catherine was recently awarded the Orchid Award in our North End Newsletter. She’s done just incredible work in the neighborhood. Amy Allgeyer as well. So, it is hard to reconcile what we see from these architects who have done so much work in the historic districts and at the same time the effort that is put forth to demolish the contributing structures that really make a difference for the historic neighborhoods.

So, I think where we leave it is, we’re aligned with the East End Neighborhood Association where they don’t want to see the demolished contributing structures. At this time and as it is the same thing we’re facing in our neighborhood. I think we leave it there.

Public Testimony

Rob Tiedemann (217 N. Walnut / Boise): I’ve previously provided to you my history with the East End Neighborhood Association. I’ll just remind you I am a 40-year resident and I’ve seen the neighborhood go from one of decay to one of the most desirable neighborhoods in the entire city. There was a time when we were dominated by rentals and absentee landlords. Today, that’s not the case anymore. There was a time when we scraped for money to repair sidewalks and applied for Community Development block grants. Over 40 years of time I’ve seen myself and my neighbors put a lot of sweat equity into their homes and we’re very proud of what we’ve accomplished.

I’ve previously provided to you in written testimony some of my concerns for this project. I will just highlight on one of those three that I mentioned in my written testimony. My neighbors and I have voted to self-regulate ourselves by supporting adoption of City Code Title 11-05-09 as Ordinance. In part because doing so protects the investment in our homes that is dependent on the charm and historic character of the neighborhood. Although an added burden I appreciate the required review and approval of simple modifications to my home. To approve this residential Certificate of Appropriateness to demolish a home would disregard our faithful compliance with a law and make exceptions for others. It would disrespect the labors of the East End Neighborhood Association and people like past President, Steve Lord who worked, authored and rallied others to support adoption of the Historic Preservation District. It will be judged by some as neglect of our reasonable expectation that the ordinance would be enforced by the City of Boise. While demolition of this home is no small matter, I believe
the precedent set by approval of this request is of greater importance than the simple decision to approve or deny the certificate. My work as an advocate for our neighborhood in Boise and with other local governments suggests to me it would provide cover for scofflaws and passably encourage the intentional gaming of the system.

I ask this question. If you approve this residential Certificate of Appropriateness, what protections are you prepared to author and what are you prepared to do to rally the Boise City Council to adopt enforceable measures to prevent the future degradation of our historic neighborhood. I urge you to work with the Mayor and City Council to provide the resources to City staff to fully deploy and enforce the Historic Preservation District Ordinance and to support their work with your decision making. Thank you for the work you do as dedicated professionals in the public interest and offering your knowledge, skills and abilities to make Boise the most livable city in the United States. Thank you.

Anne Orzepowski (217 N. Walnut Street, Boise): Thank you for the opportunity to comment on the request for approval to demolish an historic East End home. Your decision is most important because it deals with the possibility of your setting precedent within our city historic planning to ignore the Historic Preservation Ordinance already in place.

I have lived in the East End Neighborhood for over 40 years and I watched and participated in its growth from an area of neglected older homes owned by absentee landlords to a desirable livable community. The establishment of the East End Historic District was an extremely important contributing factor to making our neighborhood what it is today.

I ask you to deny the application to demolish the historic home at 1005 E. Jefferson. This home, which had been determined to be a contributing structure to our historic district. According to e-mails on record with the City the demolition by the homeowner’s contractor of the front two-thirds of the roof of the home was unapproved. The home would have been savable if not for the contractor’s unapproved work. I ask, by making the decision to approve the demolition of the home, does the City intend to neglect to enforce the Historic Preservation Ordinance and ignore this and any future unapproved work on the neighborhood’s preservable historic homes which are supposedly protected by City Code Title, 11-05-09?

Our neighborhood supported the adoption of the Historic Preservation District. Many of us, who are owners of contributing homes, had to go through what seems to others to be a burdensome review and approval process for simple changes or improvements to our homes. We willingly do this because we feel it is in the best interest of our neighborhood.
I ask that you and the Mayor and the City Council consider the more
diligent oversight that’s needed to enforce the HPO in the future. Please
deny this application and maintain the integrity of the Historic Preservation
Ordinance. Thank you for the work you do and the opportunity for
comment.

**David Thomas (917 E. Washington):** My wife and I reside in Boise’s East End
and have for about 24 years. Again, for the purposes of the record I am
licensed architect and former Historic Preservation Commissioner.

Much of the commentary in the packet seems to bolster Ms. Catherine
Scott’s efforts and her commitment to well-designed projects. I have a lot
of respect for Ms. Scott and I do not feel that her honesty or integrity are
at all at issue here. But the project needs your attention now because of
the contractor’s cavalier approach to remodeling in our beautiful historic
district. The dismissive approach to preserving what remains of that home
right now today is disappointing. What’s the point of having a historic
district if the lesson learned here is that you can go ahead and demolish if
you’re able to wreak havoc before anyone notices?

Please do review the photos for the hinge point mentioned in the letter
from Briggs Engineering. It is noted, “I only noted it on the front wall, no
others”. So, my point is that other portions of the façade could be saved,
and I think that it could be overcome on the front façade. My home had
similar issues when I remodeled it last and they were not all that significant
to deal with.

With all due respect to the City Inspector, I’m not aware that the City
Inspector has any background in historic preservation nor am I aware that
he is an engineer.

Whether or not allowing a demolition and a full new build here would be
a reward for ignoring the ordinance in place that protect our beautiful
historic buildings may be debatable. What is not debatable is that
unauthorized demolition has become quite an unfortunate trend and one
that seems to be calculated more often than not. The statement by Jeff
Bower that removal of the roof was not done intentionally is laughable. It
certainly wasn’t done on accident. The fact that there’s little or no
consequence for demolishing a structure without approval is what occurs
here. I wish I was wrong about this, but time and time again, I see homes
that are demolished by contractors or owners who should absolutely know
better. The fact is that they do know that there are no consequences.

Our East End homes are charming, well-built examples of historical design
that deserve preservation. I’m saddened the contractor removed
everything, but the front façade. Thankfully the front façade, arguably
the most important part, remains and the applicant should be required to
rebuild what is left of her home as it was originally approved. Thanks for your time.

**Derek Hurd (112 E. 33rd Street / Garden City):** Ted, can you go to Page 351 in the packet and share your screen.

It was mentioned by some previous testimony, I think it was EENA, talking about the demolitions that are continuing to happen and the excess demolitions that are happening. Then we have continued excuses and apologies from builders, homeowners and designers.

I just feel that one at a time our neighborhood is going down the drain. As you can see Ted is going to bring up in the packet, Page 351, a picture of this home and the lovely inspector pointing at a drain. I don’t know why we have a home inspection to show us that the disposal is frozen, rusted and inoperable, but we soon may have plumbing inspectors visiting homes and saying it’s okay to demolish a home because the garage disposal is inoperable. So, where are we going and why are we here? You’re here as a Commission to protect our historic districts, our historic homes and we’re losing them one at a time. There’s always excuses, there’s always apologies, people always feel bad, and people always say it’s going to be more expensive. They bought a home in a historic district and it’s more expensive. Every part of it is more expensive. The windows, the siding, the roof…it’s all more expensive. It’s more expensive to design. It’s more expensive to engineer. So, where are we going and why are we here? You guys are here to protect this district and uphold the guidelines. This is an illegal demolition and it should have never happened. What’s there should be preserved, and every effort and every cost should be borne by the homeowner and the contractor to put that home back like it was. That front façade is historic, it’s contributing to the district and we need to preserve that.

**Commissioner Rupp (Acting Chair):** Thank you very much for your comments.

**Derek Hurd:** Ted’s bringing that up. Our historic homes are going down the drain.

**Commissioner Rupp:** Was that Page 362, you said?

**Derek Hurd:** 351. He’s getting there. Then to quote a previous Commission Chair, “Once it’s gone, it’s gone”. And to quote a Commissioner Chair well before her, “If you don’t like it, go to Meridian”. Thank you.

**Commissioner Rupp:** I appreciate your historical context.
Ted Vanegas: I’m sorry I can’t see the page numbers on here. Am I getting close?

Commissioner Rupp: No, I think you’ve passed it. It’s a gentleman pointing his figure at a drain. I think he’s referencing historic preservation going down the drain. I have it on my screen. Do you all have it on yours? Okay. Thank you.

Derek Hurd: For the record, two pages beyond that is of interest as well. East End Boise gem...here we have however many years ago, Steven Phipps listed this home for $375,000, “You will fall in love with this East Boise charmer. This cottage looks as if it was straight out fairytale with a happy ending”. Let this home have a happy ending and preserve that historic front façade.

Paula Benson (Preservation Idaho): Hello again. So, the big one of the evening really and the one I’ve kind of been working on for over a month as you can tell by the length of the letter that we sent to the Historic Preservation Commission. I’ll try not to repeat too much, but there are some things worth noting especially in light of Jeff Bower’s comments.

The project team violated the Certificate of Appropriateness on several fronts. The most egregious resulting in the removal of the roof joists and rafters on a Saturday. After the stop work order was issued by the City however, Ms. Scott noted via e-mail that is not for the stop work order they could have put the roof back on and been well on their way to finishing this home for Ms. Nakanishi. So, rather than update the C of A, they’ve chosen instead to apply for a demolition permit that will complete the demolition that they started.

Now we’re told that the house is unsound. This is regarding the safety comments. Unsafe is the ultimate cohort it seems these days to overcome legitimate alternatives. Safety is somewhat subjective and that’s why you can get so many structural engineers to say different things. Isn’t it interesting that all three houses tonight said the owners were in danger if these houses were permitted to stand?

We also dispute that this violation of permit was self-reported. Neighbors had been calling Ted for over a week about what was going on. So, I’m not sure the self-reporting is completely accurate. As you can see in the information in our comment letter there is specific construction that exist to make the home completely safe and seismically sound for Ms. Nakanishi. The bid for this contractor for this option is less than $20,000 which is a fairly small amount compared to the cost the owner will incur to demolish and then build a completely new residence and garage with ADU. Especially when you consider the money that she has already spent on the property.
As Derek referred to, as you know, the most important part of a historic building is generally the front facing walls. Fortunately, in this case that’s exactly what is left standing and it remains standing in spite of being left unattended through wind and rain storms with only a few 2x4’s for support on the sidewalls. If this house is structurally unsound someone forgot to tell the house.

Regarding precedence. As with other projects that come before the Historic Preservation Commission precedent is of great concern and the rewarding of permit violations regardless of the reasoning and regardless of apologies cannot help but to serve to encourage others to do the same.

With regard with this Orchid that has been tossed about, Preservation Idaho takes great pride in Orchids and Catherine’s project did receive an Orchid. But I would like to note that Orchid went to the owner and it was because of her insistence throughout the entire project that historic fabric and historic elements be retained. This was not as much of a reflection of anything else and this new one could be an onion. Please deny it. Thank you.

Kerry Davis (1007 E. Jefferson Street): As stated earlier, I have extensive experience in precisely this kind of project. I won’t reiterate that here. But I do have professional and ethical responsibility to set a few things straight for the record.

I’ve elaborated on a number of these in my written testimony. I hope you’ve had a chance to review them. I will just briefly highlight a few here.

First, I would like to make sure it’s clear that a permit violation actually occurred prior to August 1st well before the roof was removed, when the chimney was removed. This is illustrated in my written testimony where the original plans clearly indicate the chimney was to remain while the interior fireplace was to be removed, the exterior chimney was to remain. There are actually two violations here, both misdemeanor violations that should be made clear in the record.

Second, the house absolutely can be made whole again to meet code. Not only have the (inaudible) personally witnessed tornado damage, fire ravaged buildings of comparable size and level of historic material loss be restored back to code, but I have consulted with two licensed architects with decades of experience in historic buildings and they have both concurred the dwelling is most certainly restorable. Even the project team has said so. As Paula referenced, Catherine Scott in her e-mail from August 17th stated to the City and EENA, “Our intention was to immediately repair the roof and get back to building per the approved plans. Instead because of the neighbor’s reaction to our unfortunate
mistake we all face months of unnecessary delay”. She made no mention of structural inability to make the house whole. The plan was to reconstruct the roof if they had not received the stop work order. Her statement admits that the house as it stood on August 10th and as it stands today was and is still repairable. Furthermore, note that all inspector and engineering assessments took place after the project teams change of course, not because any newly revealed structural issues or change in the buildings condition.

Third, this house can remain contributing. Catastrophes happen regularly enough nationwide that the National Park Service Technical Preservation Services Division even has a fragile building category to guide such building situations. There is an existing framework or guidance within which the building can remain a contributing building and this guidance should be heeded.

I urge this Commission to follow the City’s own guiding documents as well as the published guidance from the National Park Service and to not only deny this application, but to compel those who violated their permits more than once to restore this contributing resource. Should they appeal this decision and its restoration be delayed they should be required to protect what remains from pending weather so as to avoid any further deterioration and demolition by neglect. Thank you.

Sherri Battazzo (1110 W. Eastman Street): Typically I speak on behalf of the North End Neighborhood Association as a liaison to the Historic Preservation Commission, but in this particular case and the two cases heard before this one, one of the things for the Commission to consider is the de facto punishment that is levied upon everyone else who participates in historic preservation. So, when you see a house that is torn down to its studs and then restored and then rebuilt in essence if they’re not allowed to demolish the structure and rebuild in its particular location or with a new plan, they in essence suffer de facto punishment which is what NENA has presented to this Commission in the past.

For example, the 5th Street circumstance. When you have this constraint levied upon the rest of the homeowners inside the historic district it really does occur like de facto punishment for those who decide to participate inside of what it takes to preserve history. Inside of what it takes to preserve a historic structure. There is an economic impact. There is a physical impact.

So, I request that the Commission take into consideration what it takes for those who actually participate in that structure inside of that which we support as preservation as opposed to, when we allow for demolition inside the historic district what the impact is on those who actually do what is required to keep those structures in place to preserve history. It’s merely a request that you consider that inside of all of this. That’s all.
Brittney Scigliano (East End Neighborhood Association /EENA): Good evening again. Mr. Bower suggested earlier in his testimony that as a quasi-judicial body you cannot look to precedent when making a decision for this application, but only to the application itself. I believe this is a simple matter without precedent.

The scope of the project was exceeded. It’s as simple as that. The roof was removed without an application. Some may say this was going to happen anyway. We have a process that must be adhered to by all, not just the weekday workers. The demolition is the decision of this quasi-judicial body on the Historic Preservation Commission. Not the weekend workers who deem it necessary.

Again, this evening, an application brings a greater conversation that needs to happen surrounding demolition fines brought up by Commissioner Koski and Historic District certifications brought up by Commissioner Richter. I leave you with that. Thank you.

Eric DeBord (1102 N. 24th Street): I’m speaking tonight to speak in favor of the application for demolition of the project. I would say that I also support what the person speaking on behalf of EENA said, that these demolitions should not be automatic. Obviously, by the size of the packet and the process that has been gone through at this point and time this is certainly not automatic.

You have heard testimony from people who probably are not engineers, are not builders, are not architects who are telling you that this home can be saved and this home is safe and yet the City Building Inspector and two professional engineers have put their professional recommendations out there that it is not safe. That the structure has problems and needs to be demoed.

I do not think the Commission needs to take the emotional aspects of many neighbors into consideration when what we’re really talking about is the structure itself and the process for the Commission to follow.

With regard to precedent, I would support what Mr. Bower said earlier. The Commission can and often does follow the merits of each application and makes a decision on each application individually. If the general society feels something different that’s their own taking away from the process. That’s not what the Commission is doing, and precedence is not being set.

Additionally, I would also point out that the inspection that was included in the application that Mr. Hurd pointed out as far as going down the drain was a general home inspection from 2016. Many of us, if we own homes, we know home inspectors can’t always look into walls and can’t
always see where joints meet or don’t meet. Where trusses are appropriately attached or not appropriately attached. Where foundations are crumbling but hiding. That kind of inspection cannot always show us the things that are structural concerns. Often times those of us who live in historic homes find out afterwards that there are issues. That’s the case here and I think that needs to be noted by the Commission as well. That these things aren’t planned, and Ms. Nakanishi obviously didn’t plan on this to happen even though some neighbors will tell you that they think that’s the case and they’re worried that’s the case. But, it’s not. You can see through her application and her processes that that was not her intention.

My last comment was with regards to several people who have noted...the façade is not original. So those who want to save the façade are missing part of the point. The gable roof is not original. The home originally had a hip roof and if you look at the pictures, you’ll see that the siding might have been lap siding originally and not shingle. Thank you.

Debbie Hansen (1208 E. State Street): I have lived here for over 25 years and my husband and I are the people that sold the house recently to Utae. We want to thank the Commission for holding this hearing on the Jefferson house. First of all, I wanted to ask if anybody has questions on the packet that was quite extensive that I submitted.

Commissioner Rupp: No questions thus far.

Debbie Hansen: Okay. I strongly disagree that this home was structurally unsound and in need of demolition. The home had many unique features and one of the things I would think a home...I'm not an architect or anything, but the home had no cracks in the walls, no cracks in the ceiling. Everything was fine inside that house. The floors, once we put the main joists back underneath the house for support, you could roll a marble on the floors and it would not roll across the house. I lived in a 100-year old house also and my house has cracks in the walls sometimes and you can have floors that are somewhat uneven, but this house from a layperson eyes looked very stable. It contributed to the charm of the neighborhood and I really feel like this house needs to be preserved and not demolished. Thank you so much.

No Name/Address Given: I come today to oppose the Certificate of Appropriateness to demolish 1005 E. Jefferson Street. As stated by the persons in this room and the virtual voices that we have heard. I do the right thing for my contributing home every single time. New windows, I called. New roof, I have to call. Fence, I have to call. I do the right thing. Utae, Catherine and Jeff Bower, do the right thing. Thank you.

Bonnie Krupp (130 N. Haines): I'm about two blocks away. I was astounded to walk by...I walk my dogs in the neighborhood and see
suddenly most of the house gone. So, I went back and looked at some of this. My feeling with Jeff Bower was we’re supposed to be intimidated with some of this, but when my engineer looked at the foundation there were problems with it, but if you really want an old house in the neighborhood you face the fact that you may foundation issues and that you may have to jack it up and have a new foundation put in. That’s not unusual here. Sure, does it really matter to rip down the place?

The other thing is we talk about the City inspector. I would take this more seriously if there was a written report. As it was stated, “Oh yeah, it’s needs to be torn down”. Well the state it is maybe it does, but I’m really dismayed by some of this because I’ve been watching it go on here for 12-13 years and it shocks me what people do, and it wasn’t accidental. I’m sorry. Jeff Bowers and Catherine…we know somebody paid to have that work done...to have the tear down done.

I will say that the new home looks halfway decent. However, I noticed a discrepancy. My point is, it says it’s a single-story, but then when I look at that sheet for appropriateness it says, one and half. What I’m really concerned about is now that we know this contractor is not...shall we say kosher, will this turn into two stories? That has happened in this neighborhood. Two and a half stories. I am really concerned about some of this and my suggestion is a penalty. Maybe if you do decide to do this maybe the owner should donate to the Preservation Society five to ten grand. That would be appropriate for all the angst that she put the neighbors through. She might think about it. I’m dismayed that some of the reports...we know who they’re from...really are they from civil engineers...whatever. That’s my comment and I appreciate you listening. Thank you very much.

Dan Givens (1220 E. Bannock Street): I’m about two and a half blocks from this site. I’ve submitted written comments and don’t have much to add beyond that, but I would agree that the gentleman who previously said, “Once it’s gone, it’s gone” and I could not agree more in this context.

I speak before you to approve this application without delay. I think it is really clear that the existing structure is entirely unsafe and needs to be demolished. I speak from my personal experience having remodeled a number of homes and in fact three of them on E. Bannock Street.

I just want to say I support our City Inspectors and their hard-working effort and their backgrounds and their professionalism and their integrity. I’ve personally interacted with them on a number of occasions and I find that their ethics are beyond reproach. So, for them I find it saddening to hear these disparaging comments leveled towards our City employees.
I also find it saddening that my neighbors have such an accusatory tone. Some of which, however, don’t even live in the district or own property in the district. I find Catherine Scott’s, Utae’s and Jeff’s arguments without fail. Catherine is perhaps the most experienced, polite and professional architect working on historic projects in my 26 years as a real estate broker and that I’ve had the experience to work with. So, for those who think the “accidental tear downs” and “not by accident” accusations, I find that insulting on behalf of my friends, Catherine, Utae, and the inspectors. I just want to put that out there. If the process needs to be changed it needs to be changed with the negativity I’ve been hearing.

I support this application without delay and that’s all I have to say.

**Applicant Rebuttal**

**Jeff Bower:** I’m going to do my best to address many minutes of comments in five.

First, I’ll address Ms. Grisham’s comments. Again, the removal of the roof is (inaudible), but it did not affect the structural status of the building. If the roof were still on, the building inspector’s conclusion would still be the same, recommend demolition.

We support the certification requirements and work timing standards offered by EENA. EENA has not raised any issues with the home that we are proposing tonight. We believe it is a great design and it appears that the neighborhood does too.

Repercussions and penalties are not in the purview of this Commission. Idaho Law requires that this Commission apply the applicable guidelines. If the City Attorney wants to impose penalties and decides the facts warrant such a charging decision, that is the City Attorney’s prerogative.

To address Ms. Battazzo’s comments with NENA, we appreciate those comments. Again, we agree the design of the home is great and meets the historical standards.

As to Mr. Tiedemann’s comments, we are not asking for any exceptions or favors. Again, please view this application as if the demo on the project had ceased at the point of the original Certificate of Appropriateness. As Mr. Vanegas stated, demo recommendations from the City Inspector or rare, but those are the facts we have in this case and they’re important facts.

As to Ms. Orzepowski comments, again, this will not set any precedent. It is a quasi-judicial decision and we meet all of the City’s standards for demolition and Idaho Law standards for demolition. We ask that you apply the applicable code fairly to all applicants.
To Mr. Thomas' comments, to reiterate, the City Inspector specifically stated that unauthorized demolition in this case did not impact his decision to conclude this structure should be demolished. I believe I stated that we were not intentionally gaming the system or trying to avoid any requirements of this Commission. Certainly, we all agree the decision was intentionally made to remove the rafters of the roof outside the scope of the permit.

As to Mr. Hurd’s comment, why are we here? We are here for a specific reason. To follow Idaho Law and honor private property rights. Idaho Law encourages preservation, but not at all costs and not where safety concerns are found by the City's building inspector. Mr. Hurd was obviously dissatisfied with the structure on his own property, but instead of moving to Meridian he chose to demolish a contributing structure on Warm Springs in DRH20-00137.

As to Ms. Benson’s comments, as discussed, our intent was always to preserve and remodel and not demolish the existing structure, but demolition revealed structural unsoundness that warrants demolition. There is a great deal of support on this home keeping it standing at this time. The sides are braced with multiple exterior supports and the framing is also braced on the inside with 4x4’s.

To address Ms. Davis’ comments, this has been an issue that has come up repeatedly regarding multiple violations. In this case, the chimney was allowed to be removed based on the City building plans approved by PDS. You can see those on the screen. This is screenshot of the approved plans with City stamp. When zoomed in you can see that the plans allow the chimney structure to be replaced with frame structure and brick veneer.

Moving to Ms. Scigliano, we appreciate her comments and she was a pleasure to deal with at our neighborhood meeting. We agree this is quasi-judicial as she stated, but we disagree that demolition is within the purview of this Commission at this time due to the City inspector’s determination that the structure should be demolished.

Mr. DeBord’s comments. They were great and I can’t really add much more that he didn’t already say. We do agree that demolition should not be taken lightly, but where the applicable standards are met, demolition is proper.

Lastly, to address Ms. Krupp’s comments. The garage in the plans is one and a half stories with a studio above the two-car garage. The single-family residence is a single-story structure and that’s been the plan all along.
With that we’ll rest and answer any questions.

**Commissioner Richter:** Mr. Bower and Ms. Scott, during the conversations had with any of the structural engineers was there ever a pointed conversation with any of the engineers of what it would take to build the house and make it structurally sound from where it stands now without demolishing it?

**Jeff Bower:** I’m going to defer to Catherine on that one.

**Catherine Scott:** Can you repeat that, so I understand what you’re asking me?

**Commissioner Richter:** Was there a specific conversation had with any of the structural engineers of the opportunity to rebuild the house and make it structurally sound to move forward with the construction as designed in the original application? Or did just the engineers come in and say the house is structurally deficient and needs to be torn down?

**Catherine Scott:** We met with each engineer for quite a while on site while they examined different components. Of course, we talked about lots of different ideas. But I think as you go through item by item what is actually remaining of the structure there really is nothing that could be structurally used. You could keep some of the old studs, but each one would need to be sistered on to be supporting and with the siding which hadn’t been approved to remove, the siding and new siding applied, the only thing left of the original structure would be the kind of broken up studs that are reinforced and then covered up with new siding. Like the house on Bannock, you could encapsulate those studs within the new materials, but there’s nothing really left.

**Commissioner Richter:** It shows here that Mr. Christensen actually put together a proposal of salvaging the existing home to current state. So, it sounds like you guys have had that conversation. It sounded like that was actually an option if he took the time, energy and effort to put together a proposal for that. What changed? I’m just trying to wrap my mind around why, from the start of the construction of the project as the original application construction started to where we are today, you guys are asking for a demolition permit for a contributing home. There’s a lot of energy and effort to go through and say, well, this is how much it is going to cost to salvage the existing home back to its current state. It was an option, there’s budget breakdowns for it. If there were conversations had with structural engineers that said that there was a way to do that....that there was a way to bring the home up to structural standards to current building codes, why are we having this conversation.

**Jeff Bower:** We did provide those cost estimates as part of the City Code requirements. That doesn’t mean our team necessarily thinks they are
reasonable, viable or safe and that is the standard that’s to be applied. I
don’t think it is proper in this case to second guess the City Inspector’s
decision that the structure should be removed and demolished. But we
did provide those cost estimates based on the City Code requirements for
demolition so that the Certificate of Appropriateness could be
considered. We have doubts that the structure...

Commissioner Richter: I’m not questioning the City Inspector’s opinion
here, but that’s exactly what it is. It is the City Inspector’s opinion. The City
Inspector’s job in his job description is to make sure that houses are built to
current Building Code and they are built to, unfortunately, code
minimums. That’s his baseline. This does not mean that he is a structural
engineer so what he is looking at, he is looking built product to make sure
that it is built to current Building Code. It is not any Building Inspector’s
purview to say whether or not a house is structurally deficient or bound.
That’s not his role.

Jeff Bower: I’m sorry to interrupt, but I point you to Idaho Code 67-46-11.
This is Idaho Law which governs this Commission as well as all Historic
Commissions throughout the State. It does provide that historic
preservation Commissions including the Certificate of Appropriateness
process shall not be used to prevent demolition where the Building
Inspector or similar official recommends that a structure should be
demolished due to public safety because of unsafe or dangerous
conditions. That’s exactly the circumstances we have in this case. We
would submit that it is in the Building Inspector’s purview in this case and
we agree with Mr. Vanegas that there is no alternative here, but to move
forward with demolition.

Commissioner Richter: But there is an alternative. You guys have actually
given an alternative inside your current application with a budget line-
iteming out what it would take to salvage the existing home to current
state. I can almost promise you that if you were to employ a structural
engineer to give you the answers that you needed to make that
successful, he would be able to come up with those calculations.

Jeff Bower: I’ve heard engineers say this before, no problem can’t be
solved with unlimited resources. Certainly, there’s some circumstance
where this structure could be refurbished or replicated so that it would
look similar to what it does today, but that’s not the standard. We don’t
have to show all resources have been exhausted. We just have to show
that it’s unreasonable or not viable which is what we have shown.

Commissioner Richter: That’s a moot point. I will ask that question. The
salvaging of the existing home to its current state seems like a viable
option in my opinion.

Public Portion Closed
COMMISSIONER RICHTER MOVED TO DENY DRH20-00402 UNDER THE FACT THAT THEY HAVE NOT MET THREE OF THE FIVE STANDARDS OF DEMOLITION AND DUE TO NEGATIVE PUBLIC COMMENTS.

COMMISSIONER KOSKI SECONDED.

Commissioner Brown: The standards say that you need to repair if you can repair something. They say you can replace something so, “If an important feature is missing either due to deterioration or damage the preferred option is to design a replacement based on the existing information”. Which in this case, through the package, it could be done.

I would also like to comment saying that it does not matter if you live in the historic district. The history of Boise and people outside of Boise...you have a right to care about our historic districts. As Idahoans, you can appreciate the history and that’s how you identify your place so without that, a lot of us would be lost.

Commissioner Rupp: Before we make a vote, I do have a comment. I would just like to say thank you to all of the written comment as well as those that took the time to come here virtually or those that were here with us in the room. As volunteers contributing to the betterment of our City, we appreciate your willingness to come and sit with us and to share in this journey with us.

To that point, I too do not think they have met that criteria and I will be supporting the motion this evening.

Thank you again for the passion and commitment to our community and to everyone’s comments.

RESULT: DENIED [UNANIMOUS]
MOVER: Noah Richter, Commissioner
SECONDER: Devin Koski, Commissioner
AYES: Rupp, Koski, Richter, Brown, Pape
ABSENT: Cindy Montoto, Jillian Moroney, Danielle Weaver

6. DRH20-00404 / Scott Yribar
Location: 1103 N. 5th Street
Certificate of Appropriateness request to construct a 1½-story single-family structure and detached garage in an R-1CH (Single-family Residential with Historic overlay) zone.
RESULT: APPROVED [4 TO 1]
MOVER: Noah Richter, Commissioner
SECONDER: Ericka Rupp, Commissioner
AYES: Ericka Rupp, Noah Richter, Ashley L. Brown, Megan Pape
NAYS: Devin Koski
ABSENT: Cindy Montoto, Jillian Moroney, Danielle Weaver

7. **DRH20-00374 / Doug Cobb**
Location: 1603 N. 24th Street
Certificate of Appropriateness request to construct a two-story single-family structure and two-story detached garage with attached multi-purpose building in an R-1CH (Single-family Residential with Historic overlay) zone.

RESULT: APPROVED [UNANIMOUS]
MOVER: Noah Richter, Commissioner
SECONDER: Devin Koski, Commissioner
AYES: Rupp, Koski, Richter, Brown, Pape
ABSENT: Cindy Montoto, Jillian Moroney, Danielle Weaver

V. **ADJOURNMENT**