

## Members

Mark McIntire, *Chair*  
Bret Maddox, S.E., *Vice Chair*  
Katie Chase  
Edward Echte  
Ken House  
Jonah Jensen  
Megan Luce  
Daniel Rahe  
Duke York

Ross Buffington, *Wedge Neighborhood Ex-Officio*  
Marshall McClintock, *North Slope Ex-Officio*

## Staff

Reuben McKnight, *Historic Preservation Officer*  
Tonie Cook, *Landmarks Coordinator*



# MINUTES

## Landmarks Preservation Commission Community and Economic Development Department

Date: October 10, 2012

LPC 86/12

Location: 747 Market Street, Tacoma Municipal Building, Room 248

### Commission Members in Attendance:

Mark McIntire, *Chair*  
Ross Buffington  
Katie Chase  
Edward Echte  
Ken House  
Megan Luce  
Marshall McClintock  
Daniel Rahe  
Duke York

### *Staff Present:*

Reuben McKnight  
Tonie Cook  
Lisa Wojtanowicz

### *Others Present:*

Kevin Lukinbill, Annette Lukinbill, Michael Sullivan,  
Thomas McCarthy, Dan Swanberg, Carol Magelssen

### Commission Members Absent:

Commissioners Jonah Jensen and Vice Chair Bret Maddox

Chair Mark McIntire called the meeting to order at 5:00 p.m.

## 1. CONSENT AGENDA

### A. Excusal of Absences

Commissioners Jonah Jensen and Bret Maddox were excused.

### B. Summary of Administrative Reviews

The Administrative Review Summary listing projects approved was accepted.

## 2. DESIGN REVIEW

### OLD BUSINESS

### A. 901 North K Street (North Slope)

Mr. Reuben McKnight read the staff report as follows. This is a retroactive application for:

- 1) Removal of one rear non historic slider-type window and replace with one double hung wood clad Marvin window in the existing opening; the removal and replacement of one non historic window and replace it in a traditional style is appropriate and exempt from review.
- 2) Removal of one rear side and one rear double hung windows and replace with two double hung wood clad Marvin windows in the existing openings.

3) Removal of one second level rear nonhistoric door and replace with metal 9-lite exterior Jeldwen door. The existing door opening was covered until a second story deck and stairway was installed, after design review and approval by the Commission in 2008.

At the Commission discussion on 9/26/12, it was determined that the original sashes may still be on site. The Commission deferred the decision on the application and instructed staff to visit the property and assess the condition of the original sashes.

Following the meeting, the property owner informed staff that the window sashes were no longer on his property (apparently were stolen from beside the garage where they had been left since removal).

*Standards to be considered.*

#### North Slope Special Review District Guidelines

#6, Exterior Materials. Goals: Use compatible materials that respect the visual appearance of the surrounding buildings. Buildings in the North Slope Neighborhood were sided with shingles, or with lapped, horizontal wood siding of various widths. Subsequently, a few compatible brick or stucco-covered structures were constructed, although many later uses of these two materials do not fit the character of the neighborhood. Additions to existing buildings should be sided with a material to match, or be compatible with, the original or existing materials. New structures should utilize exterior materials similar to those typically found in the neighborhood.

#7. Rhythm of Openings. Goals: Respect the patterns and orientations of door and window openings as represented in the neighboring buildings. Typically, older buildings have doors and transoms that matched the head height of the adjacent windows. Doors also tend to be paneled or contain glazed openings. Windows are vertically oriented. Large horizontal expanses of glass are created by ganging two or more windows into a series. Most windows are either single or double hung, with a few casement windows being incorporated into the designs. Many of the buildings had the upper sash articulated into smaller panels, either with muntin bars, leaded glazing, or arches. Most older windows were also surrounded with substantial trim pieces or window head trim.

*Analysis to be considered.*

1. The home on the property is historically significant as a contributing structure in the North Slope Historic District; it was constructed in 1892. As part of the North Slope it is listed on the Tacoma, Washington and National Registers of Historic Places.
2. The Landmarks Preservation Commission has jurisdiction to review and approve, or not approve, changes to this building including new construction per TMC 13.05.047, prior to those changes being made, by virtue of its status as a City Landmark.
3. The removal and replacement of one slider style window with a traditional style window and the one non historic door replacement are exempt per the Administrative Review Bylaws.
4. The removal and replacement of two original double hung windows was completed without review by the Landmarks Preservation Commission as required by TMC 13.05.047. Since the installation, the owner has applied for the building permit and the current design review.
5. A retroactive proposal to remove existing wood windows and install wood clad windows does not appear to meet North Slope Special Review District Guideline #6 Exterior Materials, specifically, "*Use compatible materials that respect the visual appearance of the surrounding buildings...*"
6. The installation of a traditional style of double hung windows in the existing original openings does appear to meet NSHD Guideline #7. Rhythm of Openings, specifically, "*Respect the patterns and orientations of door and window openings as represented in the neighboring buildings...windows are vertically oriented...most windows are either single or double hung...*"

7. The two windows are located on the side rear and rear elevations which may appear to reduce the visibility of the windows from the right of way, however the home is located on a corner, therefore, the side and rear elevations are more visible to the street.

8. The Commission has approved fiberglass wood clad windows on rear elevations.

9. At the Commission discussion on 9/26/12, it was determined that the original sashes may still be on site. The Commission deferred the decision on the application and instructed staff to visit the property and assess the condition of the original sashes.

10. However, following the meeting, the property owner informed staff that the window sashes were no longer on his property (apparently were stolen from beside the garage where they had been left since removal).

Staff recommended approval of the analysis as findings and recommended approval of the retroactive application by the Commission.

There was a motion:

*"I move that we, the Landmarks Preservation Commission, accept the analysis as findings and approval of the retroactive application for installation of the fiberglass wood clad windows on the property at 901 North K St"*

MOTION: Chase

SECOND: Echte

MOTION: Carried

Mr. McKnight stated the written decision will be issued and the owners can apply for permits.

## **B. Elks-McMenamins Project Revisions**

This is an update and follow up on the Elks-McMenamins project revisions.

Mr. Rebuen McKnight read the staff report as follows. On October 5, 2010, the Landmarks Preservation Commission issued an approval for exterior renovations related to the proposed Elks-McMenamins project, including repair, refabrication or replacement of certain elements, canopies, ADA access, signs and related elements. A related approval by the Commission allowed for the demolition of the annex, which is a 1937 addition to the main temple that housed, among other things, a handball court. This approval was issued separately, because the two structures sit on different parcels that were under different ownership. The annex was to be removed as a part of the Elks On Broadway mixed use development, which would have bordered the Elks Temple and included structured parking and hotel rooms.

The Elks-McMenamins project is currently in the permitting process. Since the 2010 approval by the Landmarks Preservation Commission, several things have changed. The Elks On Broadway project is no longer proposed, and the 1937 annex will not be removed. Instead, hotel rooms will be included within the Elks Temple, necessitating several interior changes to the structure, which will affect the exterior appearance.

On September 26, staff sought guidance for several of these alterations, as follows:

- Addition of a shed-roofed skylight in the center of the roof to allow for daylight into the upper floors of the temple
- Addition of windows to the north wall of the annex

The Commission provided the following guidance to staff:

- The skylight should be lowered to parapet level or be redesigned to be bilaterally symmetrical, to complement the symmetry of the building.
- There were no concerns with the proposed windows, except for a single window on the 4<sup>th</sup> floor of the annex, which appeared to be out of alignment with the other windows in its column.

The Commission indicated that if these items were addressed, the changes would be suitable for administrative review.

Since the previous meeting staff has discussed the changes with the design team, and updated drawings are included in the Commission packet.

Skylight: the overall height of the skylight has been lowered substantially, and is now symmetrical with a ridged roof, per the Commission's feedback.

Window: the window that is out of "alignment" is an existing window, as are the other fourth floor windows. The windows on the lower floors are in a different alignment due to a code required egress stair at the end of the corridor onto which the hotel rooms open. The location of the stair well was dictated by the 1) the need to access the Commerce level lobby, 2) a desire to avoid interrupting the window patterning on the front elevation of the annex. It is possible to relocate the existing window to be in alignment with the new windows, if it is an issue.

This information is provided as an update as well as to provide a clarification on some of the issues discussed on 9/26/12. If there are no additional concerns, no action is required.

Commissioner Megan Luce stated that she appreciated the redesign of the skylight.

Commissioner Edward Echtle stated that the window configuration is a reasonable accommodation to make the building code compliant and does not significantly impact the appearance on that elevation.

### 3. BOARD BRIEFINGS

#### A. Minimum Buildings and Structures Code

Ms. Lisa Wojtanowicz, Division Manager of Community Based Services/Code Enforcement, provided an overview on the update of TMC 2.02, Minimum Buildings and Structures Code, specifically, highlighting efforts to improve the code's compatibility with historic structures and the Landmarks Preservation Commission's design review process. This includes changes to definitions, procedural requirements, and code-mandated repair requirements for substandard structures that are historically designated properties.

A working draft of the code was included in the Commission's meeting packet.

Ms. Lisa Wojtanowicz reported that since the 1999 adoption of the Minimum Buildings and Structures Code, this is the first major update other than a few small changes. She showed a graphic identifying 10% of the code enforcement activity equals to about 500 annual cases of substandard, derelict, and dangerous buildings.

She stated that she is working closely with historic preservation services, including amending the language to use common definitions and terms and provisions to allow the Building Official flexibility to protect the character and integrity of historic properties.

She cited code language changes such as the provision of evidence submittal at hearings to retain historic features and cost recovery, changes to timeframes to allow repair to assets, and cited ideas for being more proactive.

Commissioners talked about the idea of using previous situations from the local community as a learning / tabletop exercise tool to become more proactive rather than by responding to enforcement [i.e. reaction to a problem]. She talked about the interest in piloting an area to see what proactive enforcement would look like. She also highlighted the need for resources.

Michael Sullivan, Artifacts Consulting, asked about using the IEBC (International Existing Building Code), which is cited in the code update; he suggested ideas about the use of power during construction versus occupancy and, supporting sustainability goals by retaining usable materials as an approach through deconstruction or zero waste.

She also talked about ideas for changing code enforcement in future amendment cycles; sustainability,

Commissioner Marshall McClintock supported the language whereby complaints can be reported anonymously to the city.

The following items were also discussed.

1. *Repair standards, specifically, window glazing and energy codes.* Ms. Lisa Wojtanowicz highlighted TMC 2.01.040, Exceptions, D. Glass Replacement. She noted the citation, specifically, "*Historic structures may require an exception*" has yet to be refined to provide for consistency and alignment with the landmarks regulations.
2. TMC 2.01.060, Administration and Process 8 Hearing Procedures, 11.  
There was discussion on the percentage of the assessed value of the building used by the Hearing Officer to determine a recommendation that the building be demolished. Ms. Lisa Wojtanowicz talked about refining this to include language that considers historic properties and retaining historic character features.

## **B. 1239 East 54<sup>th</sup> Street – J.M. Hendrickson Homestead**

Chair Mark McIntire recused himself from this agenda item.

Commissioner Ken House chaired the 1239 East 54<sup>th</sup> Street agenda item; he requested Mr. Reuben McKnight to deliver the Staff Report which follows.

This is a follow up discussion from the Architectural Review Committee's site visit on 10/3/12 to the property, regarding the proposal to short plat a portion of the agricultural space.

Key questions for discussion include:

1. Could some portion of the existing property be removed and developed, while retaining the historic character and integrity of the original farmstead?
2. If so, of the proposals shown by the applicant, is there a preferred proposal?
3. Are there other mitigation options that the Commission would request (for example, monuments marking the original boundaries of the homestead)? He added the current homestead size is not the original size of land.

The desired outcome of this discussion is guidance and direction for the property owner regarding the feasibility of proceeding with the efforts to short plat the property.

Commissioner Ken House asked for comments by Commissioners who attended the site visit.

Commissioner Duke York commented on the site visit and learned that previous to the landmark designation, subplotting is part of the history of this specific land, which is a precedent; he further commented on consideration of the proposed Option 1 (by the owner) which retains the historic structures on the main parcel, monument marking these main corners of this parcel, and subplotting the remainder of the property.

Commissioner Ken House stated that he attended the site visit and commented on the substantial piece of property where the house, garage, and barn are sited; he further stated that he could support the change to the boundaries, noting that the ideal is to retain the entire property as a designated homestead landmark. He asked about finding a clear mechanism to make this change.

Commissioner Katie Chase also posed the issue of design review process since there is no development proposed at this point (i.e. to conduct design review).

Mr. Reuben McKnight highlighted several issues, including release of all interest as a landmark, the difficulty of reviewing a cultural landscape and masterplan development; creating a process for the Commission to support short platting, a review process for a certain amount of design and setting conditions, what outcomes the Commission would place on residential proposals.

Mr. Dan Swanberg, Home Team Northwest, who is working with the property owner, offered there is no proposed design plan because of the uncertainty of the landmark designation.

Commissioner Ken House noted the area of the property selected for de-listing is up to the owner to propose.

Mr. Reuben McKnight discussed approaches, including 1) filing an amended resolution with a new property and legal description, and conducting a public hearing, or, 2) requesting a full rescission, noting there may be a need for some guidance to the owner from the Commission prior to action; he stated that he has not heard in these discussions by the Commission support for removal of the entire listing.

Commissioner Edward Echtle posed that this process could become a model for future cases where the landscape context is part of the significance of the site with interpretive signage and marking the corners, in cases where additional land is needed for other purposes than its landmark status.

Commissioner Ken House stated that he was supportive of changing the boundaries and retaining some of the property on the Tacoma Register of Historic Places.

Mr. Reuben McKnight stated that he will work with the property owner to amend the boundaries, (i.e. the portion of the parcel with structures), de-marking the landmark boundaries, and return to the Commission with a proposal including a recommendation for a public hearing date.

Commissioner Ross Buffington asked if there had been any discussion with the city attorney; he talked about using economic hardship outlined in the rescission code as the approach to de-list this property; he expressed concern on how to go about a partial boundary amendment.

Mr. Reuben McKnight talked about rescission as a procedure closest to a process for this type of request; he discussed rescission in cases of economic hardship, in which a request for a certificate of approval application must be denied and then an economic hardship request can be submitted; he added, in this case, there is no application proposal before the Commission.

Commissioner Ross Buffington talked about the situation of the owner who wants to sell the property and the development proposal would be submitted on a date after the sale, therefore, in this situation, a request for a certificate of approval on a proposal cannot be denied for this property owner.

Mr. Reuben McKnight described the intent of the code for the rescission process, and the fact that this type of request was not anticipated when the code (on rescission) was written; and, in consideration of that history, the approach is to develop what would be the best workable procedure for use by the Commission.

Commissioner Marshall McClintock talked about an economic hardship request made without a denial of a proposal (i.e. for a certificate of approval) and to find a way to re-draw, amend the boundaries, through an economic hardship request for the section of land not in use and the case include such documentation as, lack of maintenance of the land and fines. Further, develop an economic hardship case based on those fines being accumulated and the lack of funds to provide support over long-term to maintain the property and redraw the lines on that part of the property. He stated that this may be a way for the Commission to hear the request as an economic hardship request.

Mr. Reuben McKnight discussed rescission and cited TMC 13.07.055 Rescission of Landmarks Designation, Section C. *The Landmarks Preservation Commission may itself also request removal of a property from the Historic Register in instances where: 2. The Commission finds that retaining the property on the Historic Register does not further the goals and objectives of this Chapter and the Preservation Plan.*

Commissioner Marshall McClintock commented on rescission decision-making by the Commission, in which the Commission does not take action to redraw boundary lines arbitrarily, but with clear, strong reasons and with great deliberation; the amendment to a listed property is done with careful assessment and recommended that economic hardship provides a route.

Commissioner Megan Luce talked about this request as a very singular proposal in this specific case to defend the proposal, which needs to be constructed in such a way that cannot be replicated.

Commissioner Duke York summarized the discussion, stating that the directive is clear which is to conduct more research, evaluation, set a public hearing date, and to return with a recommendation.

Mr. Reuben McKnight provided clarification on the consensus: The Commission has a desire to work with the property owner on this request, no one wants to set a random precedent, use the rescission process by approaching it as an economic argument; the Commission can base its decision on the determination of economic hardship and a determination of an amendment.

Commissioner Megan Luce preferred using the amendment route to approach the request.

Mr. Reuben McKnight provided additional clarity, in that the process should include the numbers, to understand whether the proposal is feasible to retain part of the land and release part of it; he added that this is the owner's preference also.

Mr. Dan Swanberg asked the Commission for specific conditions and how they could be met through an amendment process that is being discussed.

Mr. Reuben McKnight talked about documentation of such items as current property value, anticipated value if subdivided, accumulated fines, maintenance costs required, liens to keep it cleaned up, expected revenue, qualitative and/or quantitative personal financial information that is pertinent, to present to the Commission.

Commissioner Megan Luce agreed on the list outlined, noting that because the property owner is the same person who listed it on the register, therefore, the statement can include a description about the change in finances during that timeperiod [ i.e. from initial nomination to the current proposal date ]. Commissioner Marshall McClintock asked about documentation regarding some consideration of the maintenance on the house, outbuildings, and barn; the costs to maintain those buildings, including anticipated ongoing costs and deferred maintenance.

Commissioner Ken House stated that the information can include documentation on the changes the owner did not anticipate when the property was nominated.

Mr. Reuben McKnight summarized the next steps including consultation on an appropriate procedure to move forward with an amendment to the boundary with a preferred alternative, and return to the Commission with a staff report and request for a hearing date.

4. BOARD BUSINESS

**A. Commission Reappointments/Vacancies for 2013**

Mr. Reuben McKnight reported on the reappointments and vacancies, as follows.

The following are the expiring terms/vacancies on the Commission. These positions will be openly recruited per City Council policy, with a cutoff deadline of November 9, 2012.

Commissioner	Expiration date	Position
Mark McIntire	12/31/12	Architect #3
Bret Maddox	12/31/12	At Large #3
Ken House	12/31/12	Professional #4
Katie Chase	12/12/12	Professional #3
Edward Echte	12/31/12	At Large #2
Vacant	12/31/14	Architect #1

**B. Other**

Mr. Reuben McKnight encouraged attendance at an upcoming training opportunity for Commissioners sponsored by Pierce County. The National Alliance for Preservation Commissions (NAPC) will conduct the CAMP on November 17, 2012.

The meeting was adjourned at 6:39 p.m.

Submitted as True and Correct:

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Reuben McKnight  
Historic Preservation Officer